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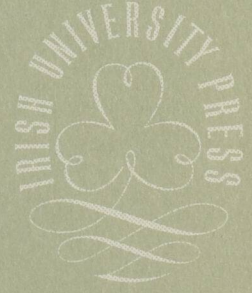
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Colonies

Canada 20

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1852-54

Colonies

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CANADA GUARANTEED LOAN.

AN ACCOUNT of all SUMS issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by virtue of the Act 5 & 6 Victoria, cap. 118, towards making good the Deficiency in the Payment, on the part of the Province of *Canada*, of INTEREST accruing due upon the LOAN to the said Province, of £. 1,500,000.

Whitehall, Treasury Chambers,
14 February 1852.

G. CORNEWALL LEWIS.

(*Presented pursuant to Act 5 & 6 Vict. c. 118, s. 4.*)

CANADA GUARANTEED LOAN, per Act 5 & 6 Vict. cap. 118.

Dr.	£.	s.	d.	*Cr.*	£.	s.	d.
Amount issued on 31 March 1851, out of the growing produce of the Consolidated Fund, to the Governor and Company of the Bank of England, to enable them to pay Interest due on 1 April on Debentures of Loan - - - - -	10,050	–	–	Amount repaid to the Account of the Exchequer at the Bank of England on 26 May 1851, being the proceeds of a Bill drawn by the Government of Canada on Messrs. Glyn & Co. - - -	10,050	–	–
Interest at the rate of 5 *l.* per cent. due on the above issue from 1 April to 26 May 1851, both inclusive - - - -	77	1	11	Amount placed to the Account of the Exchequer at the Bank of England on 29 September 1851, being proceeds of a Bill drawn by the Government of Canada on Messrs. Glyn & Co. - -	77	1	11
£.	10,127	1	11	£.	10,127	1	11

CERTIFICATE, pursuant to 3d Section of the Act 5 & 6 Vict. c. 118.

THESE are to certify, that the Lords Commissioners of Her Majesty's Treasury have, pursuant to the provisions of the Act 5 & 6 Vict. c. 118, directed the payment, from the Consolidated Fund of the United Kingdom, of the sum of Ten thousand and fifty pounds (10,050 *l.*), being the proportion due on the 1st day of April 1851, for interest on Debentures of the loan raised for the service of Canada; and that it has been certified to us by the Comptroller-General of Her Majesty's Exchequer, that the said sum of 10,050 *l.* was accordingly transferred on the 31st day of March 1851 to the credit of the Chief Cashier of the Bank of England, for the payment of the interest on such Debentures, guaranteed as provided for by the said Act. We do further certify, that interest after the yearly rate of 5 *l.* in the hundred, will be chargeable upon the Consolidated Revenue Fund of the province of Canada in respect of the said sum of 10,050 *l.*, to be computed from the said 31st day of March 1851.

Given under our hands at the Treasury Chambers, Whitehall, this 8th day of April 1851.

(signed) *W. Gibson Craig*,
R. M. Bellew,
Lords Commissioners of Her Majesty's Treasury.

CANADA GUARANTEED LOAN.

ACCOUNT of Sums Advanced out of Consolidated Fund to meet Deficiency of Interest on said Loan, and of Repayments by the Province of *Canada*.

(*Pursuant to Act* 5 *&* 6 *Vict. c.* 118, *s.* 4.)

Ordered, by The House of Commons, *to be Printed*,
17 *February* 1852.

77.

10

CANADA.

RETURN to an Address of the Honourable The House of Commons, dated 3 February 1852;—*for*,

A "COPY of ADDRESS of the Legislative Council of *Canada* respecting a ROYAL CHARTER for a COLLEGE in connection with the Church of *England* in *Canada*; and respecting a Free Convocation of the Bishops, Clergy, and Laity in Communion with the said Church, dated the 9th day of July 1851:"

"And, COPIES or EXTRACTS of any CORRESPONDENCE relating thereto."

Colonial Office, Downing-street, 20 February 1852.

FREDERICK PEEL.

(Mr. Gladstone.)

Ordered, by The House of Commons, *to be Printed* 20 *February* 1852.

SCHEDULE.

No. in Series.	From	Date and No.	SUBJECT.	Page.
1	Gov.-general the Earl of Elgin and Kincardine to Earl Grey.	11 July 1851 (No. 90)	Forwarding an Address of the Legislative Council of Canada in reference to the Correspondence which has passed on the Subject of a Royal Charter for a College, to be established in Upper Canada, in exclusive Connexion with the Church of England; together with a Protest against the Adoption of the Address -	3
2	Earl Grey to the Earl of Elgin and Kincardine.	31 July 1851 (No. 630)	Acknowledging the above Communication, and referring to a previous Despatch (No. 623, of the 15th July) on the Subject - - - - - -	5
3	Earl Grey to the Earl of Elgin and Kincardine.	15 July 1851 (No. 623)	Containing the Views of Her Majesty's Government on the Subject of the Proposal for a Charter to the University of Toronto - - - - -	5

COPY of ADDRESS of the Legislative Council of *Canada* respecting a ROYAL CHARTER for a COLLEGE in connection with the Church of *England* in *Canada*; and respecting a Free Convocation of the Bishops, Clergy, and Laity, in Communion with the said Church, dated the 9th day of July 1851; and COPIES or EXTRACTS of any CORRESPONDENCE relating thereto.

— No. 1. —

(No. 90.)

COPY of a DESPATCH from the Earl of *Elgin and Kincardine* to Earl *Grey*.

No. 1.
The Earl of Elgin to Earl Grey.
11 July 1851.

Government House, Toronto, 11 July 1851.
(Received 28 July 1851.)
(Answered 31 July 1851.—No. 630, P. 5.)

My Lord,

I HAVE the honour to transmit the copy of an Address to me by the Legislative Council of this province, in reference to the correspondence which has passed between your Lordship, the Bishop of Toronto, and the Provincial Government, on the subject of a Royal Charter for a college to be established in Upper Canada, in exclusive connexion with the Church of England. A protest against the adoption of this Address, signed by three members of the Council, the Honourable Messrs. Gordon, Boulton, and Macaulay, will be found in the minutes of the Legislative Council, which are sent to your Lordship by this mail.

I have, &c.
(signed) *Elgin and Kincardine.*

Enclosure 1, in No. 1.

Encl. 1, in No. 1.

To his Excellency the Right Honourable *James* Earl of *Elgin and Kincardine*, Knight of the most Ancient and most Noble Order of the Thistle, 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, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of the province of Canada in Parliament assembled, humbly beg leave to thank your Excellency for having communicated to this House the Charter applied for by the Right Reverend and Honourable the Bishop of Toronto to Her Majesty's Secretary of State for the Colonies, for the sole use of the Church of England in this province, together with the correspondence connected therewith, as also for the subsequent correspondence, and an amended Charter applied for by the Bishop of Toronto on withdrawing the original Charter.

And we beg leave to assure your Excellency that this House fully and entirely concurs in the comprehensive views so ably expressed by your Excellency in your letters to Earl Grey and the Bishop of Toronto upon the various and important matters connected therewith. And whilst this House expresses its readiness to co-operate in carrying out the views of your Excellency thus set forth, and the reasonable requirements of the Bishop of Toronto to obtain corporate powers for the intended College, so as to enable it to hold property and become in other respects effective, this House feels called upon at the same time to express its earnest hope that means may be devised to satisfy the just demands of the Church of England without sanctioning a principle which would enable each denomination of Christians in the province to obtain a Royal Charter for an exclusive University, having power to confer degrees in the arts and sciences.

And this House is further desirous of assuring your Excellency, that anxiously as it wishes to see every benefit and privilege enjoyed by other denominations fully extended to the members of the United Church of England and Ireland in this province, it is of opinion they would, so far as academic instruction is concerned, be best secured for this Church, as well as for all others, by their becoming affiliated with the Provincial University.

And this House desires to express its confident hope that if the luminous exposition of your Excellency upon this all-important subject was brought under the deliberate consi-

 deration

deration of a free convocation of the clergy and laity of the United Church of England and Ireland, as proposed to be assembled by the Bishop of Toronto, a speedy and satisfactory result would at once ensue in so far as the said Church is concerned.

(signed) *E. Caron*, Speaker.

Legislative Council,
Wednesday, 9 July 1851.

Enclosure 2, in No. 1.

PROTEST against the Adoption of the Address to his Excellency, of Wednesday, 9th July instant.

Dissentient,

Encl. 2, in No. 1.

1. Because we do not think that the views of the Government, as expressed in the printed correspondence referred to in the proposed Address, are such as can be expected to appear just and satisfactory to the members of the Church of England in this province, who are a numerous and respectable class of our fellow-subjects.

2. Because we cannot join in characterizing as comprehensive and able what we believe must be looked upon generally as illiberal, short-sighted and unjust.

3. Because we believe that when the British Government first sanctioned the making a large reservation of land in Upper Canada to form an endowment for a university, they contemplated no other description of university than one in which religious instruction should be given, and degrees in divinity conferred, in accordance with the doctrines of the National Church, there having been no university ever founded by the Crown up to that time on any other principle, and the university of King's College in New Brunswick having been just before founded by Royal Charter, and, as a matter of course, on the same principle; that when, after many years of agitation by the members of other religious communities combined, the Charter of King's College was destroyed, and its endowment taken from it, and applied to the foundation of another college, from which all instruction in the doctrines of the Church of England is excluded, it seems extremely oppressive and ungenerous to deny to the members of the Church of England the same right which the Crown and Colonial Government and Legislature freely conceded to other religious communities, of applying their own funds to the support of a college in which their youth may obtain degrees in the arts and sciences, and at the same time be instructed in the doctrines of their religion.

4. Because the members of the Church of England have never shown so illiberal a spirit towards other religious denominations, but have always cheerfully united in the Legislature in conferring such privileges upon them, and have offered no opposition in any other manner to so reasonable a wish.

5. Because, when the members of the Church of England see efforts made to induce their sovereign to place them on grounds more disadvantageous than that of other portions of the population, they will unavoidably be under the impression, that either from inattention to their claim to equal justice, or from some cause even more censurable, their Government is lending itself to a design to injure and oppress them, and that discontent may be thus engendered, which it should be the object of the Government to prevent or remove.

6. Because the Correspondence to which reference is made in the address, appears to us to be intended to elicit from Her Majesty a decision unfavourable to the Church of England on very unfair grounds, by insinuating that the Government of this province has the means of indirectly compelling the members of other religious communities to surrender their College Charters; because without public aid they are unable to maintain their colleges, and that if that is done the Government can then with less difficulty refuse to charter a Church of England college; but that if a charter be in the meantime granted to the members of the Church of England, then their negotiations with the other religious bodies may be defeated, and the monopoly of education which the Government desires to secure to a university in which the doctrines of no church whatever are inculcated, will be firmly established.

7. Because there is, in their opinion, no ground for the confident hope which this House has expressed, that if the matter in question "were brought under the consideration of a free convocation of the clergy and laity of the United Church of England and Ireland in this province, a decision hostile to the wishes and claims of the friends of the university connected with that Church would be the result." On the contrary, the only evidence which exists should make a directly opposite impression, for in regard to the first, *i. e.* the clergy, out of 150, it is known that 130 members of that body attended on the occasion of laying the foundation stone of Trinity College, thus giving to its inauguration their presence and approval; and in respect to the second, *i. e.* the laity, they have not only not petitioned this House against the institution which the Bishop of Toronto has sought to establish, but they have publicly declared in a free assembly that religion ought to be inseparable from secular education.

8. Because we believe that a policy founded on such principles can never be long upheld in a free country.

(signed) *G. S. Boulton.*
James Gordon.
John Macaulay.

— No. 2. —

(No. 630.)

No. 2.
Earl Grey to the Earl of Elgin.
31 July 1851.

COPY of a DESPATCH from Earl *Grey* to the Earl of *Elgin and Kincardine.*

My Lord, Downing-street, 31 July 1851.

I HAVE the honour to acknowledge the receipt of your despatch, No. 90,* of the 11th instant, enclosing the copy of an address from the Legislative Council, relative to the grant of a Royal Charter for a college to be established at Toronto, in exclusive connexion with the Church of England.

* Page 3.

Upon this subject it is only necessary that I should refer you to my despatch No. 623,† of the 15th instant, and to express the satisfaction it has afforded me to learn that the Legislative Council of Canada concur with your Lordship and with Her Majesty's Government in their views upon this question.

† Infra.

I have, &c.
(signed) *Grey.*

— No. 3. —

(No. 623.)

No. 3.
Earl Grey to the the Earl of Elgin.
15 July 1851.

COPY of a DESPATCH from Earl *Grey* to the Earl of *Elgin and Kincardine.*

My Lord, Downing-street, 15 July 1851.

I HAVE to acknowledge the receipt of your Lordship's despatch, No. 79, dated (but apparently by mistake in copying) on the 16th ultimo, enclosing the copy of a letter from the Lord Bishop of Toronto on the subject of the proposal to grant a Charter to the University of Toronto.

2. It has occasioned me much regret to observe the view taken of that subject by the Bishop, which I think an erroneous one. I am convinced that your Lordship is not less anxious than I am for the welfare and prosperity of the Church of England in Canada, and equally desirous with me of extending to it all the encouragement and assistance which it can receive from the local Government, consistently with that principle of equal favour and protection to all the religious bodies which it is bound to maintain.

3. I am persuaded that a strict adherence to that principle is not only necessary in the present state of public opinion, but is also calculated to promote the real interests of the Church of England. And I am unable to perceive any just ground for complaint on the part of the Bishop and members of that Church against the policy which the provincial Parliament and Government have adopted, of endeavouring to confine the privilege of giving degrees in arts to a single authority, by which these certificates of proficiency should be impartially conferred on persons instructed in the various educational institutions of the province, conducted as these are on different principles.

I have, &c.
(signed) *Grey.*

CANADA.

COPY of Address of the Legislative Council of *Canada* respecting a Royal Charter for a College in connection with the Church of *England* in *Canada*; and respecting a Free Convocation of the Bishops, Clergy, and Laity in Communion with the said Church; &c.

(*Mr. Gladstone.*)

Ordered, by The House of Commons, *to be Printed,*
20 *February* 1852.

90.

Under 1 *oz.*

CANADA.

COPY of an Act to provide for the Establishment of a Church Society of the United Church of *England* and *Ireland*, in each Diocese of that Church in *Lower Canada*, and for other Purposes connected with the recent Division of the Diocese of *Quebec*; together with the Resolutions of the Council and Assembly of *Canada* relative thereto.

PRESENTED TO PARLIAMENT PURSUANT TO ACT 3 & 4 VICT. c. 35.

Colonial Office, Downing-street,
19 February 1852.

FREDERICK PEEL.

Ordered, by The House of Commons, *to be Printed*, 20 *February* 1852.

AN ACT to provide for the Establishment of a Church Society of the United Church of *England* and *Ireland*, in each Diocese of that Church in *Lower Canada*, and for other Purposes connected with the recent Division of the Diocese of *Quebec*.

Whereas by an Act passed in the seventh year of Her Majesty's reign, and intituled, "An Act to incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto," a corporation was created for the objects in the said Act mentioned, in and for the diocese of Quebec, by the name of "The Church Society of the Diocese of Quebec," to consist of the Lord Bishop of the said diocese, and other the persons therein named, and their successors: and whereas Her Majesty, by Her Royal letters patent, bearing date at Westminster on the eighteenth day of July, in the fourteenth year of Her Majesty's reign, was pleased to divide the said diocese of Quebec into two dioceses, the one to be called "The Diocese of Quebec," and the other "The Diocese of Montreal," in the manner and with the limits and boundaries in the said letters patent mentioned, and by reason of such division it hath become expedient, and the said corporation hath prayed, that the members thereof and their successors may hereafter form two corporations, in the manner, with the corporate names and rights, and subject to the provisions hereinafter mentioned and made: Be it therefore enacted, by The Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, that from and after the passing of this Act, the corporation created by the Act first above cited, by the name of "The Church Society of the Diocese of Quebec," and hereinafter called and referred to as "the late Corporation," shall cease and determine; and there shall be, and is hereby constituted in and for the diocese of Quebec, as now constituted, a corporation, by the corporate name of "The Church Society of the Diocese of Quebec," and another corporation in and for the diocese of Montreal, as now constituted, by the corporate name of "The Church Society of the Diocese of Montreal," each of which said corporations shall have, and is hereby invested with the like corporate rights, powers, and privileges, as by the Act first above cited are conferred upon the said late corporation, and to each of the said corporations, and to the members thereof, the several clauses and provisions of the said Act shall apply as fully as they would have applied without this Act, and without the division of the former diocese of Quebec, to the said late corporation, and the members thereof, and as if each of the said corporations had been one of those constituted by the said Act, in so far as may not be inconsistent with this Act, and subject always to the provisions herein made.

2. And

2. And be it enacted, that the corporation of the Church Society of the diocese of Quebec hereby constituted, shall be composed and consist of the Lord Bishop of the diocese of Quebec (as now constituted) for the time being, and of those members of the said late corporation who shall at the time of the passing of this Act be resident within the said diocese of Quebec, unless and until it shall be otherwise provided by the bye-laws of the corporation, and of such other persons as shall from time to time hereafter be elected members of the said corporation, in the manner provided by the Act aforesaid.

3. And be it enacted, that the corporation of the Church Society of the diocese of Montreal hereby constituted, shall be composed and consist of the Lord Bishop of the diocese of Montreal for the time being, and of those members of the said late corporation, who shall at the time of the passing of this Act be resident within the diocese of Montreal, unless and until it shall be otherwise provided by the bye-laws of the corporation, and of such other persons as shall from time to time hereafter be elected members of the said corporation, in the manner provided by the Act aforesaid.

4. Provided always, and be it enacted, that any life member of the said late corporation resident in either of the said dioceses, shall have power to make his election of the diocese with which to be connected, and that if no such preference be expressed by him, in writing under his hand, to the bishop of such diocese, within two months after the passing of this Act, such life member shall be considered to be and shall be a life member of the corporation of the diocese within which he resided at the time when the said letters patent took effect; and provided further, that any person not resident in the province of Canada, who became and was such life member at the time when said letters patent took effect, shall be considered to be and shall be an honorary member of both corporations.

5. And be it enacted, that the real property of the said late corporation and its rights to or in any real property, whether held to or for its own use generally or in trust for any special purpose or purposes, shall be and are hereby vested in that one of the two corporations hereby constituted, which is constituted in and for the diocese in which such real property shall respectively lie; and that any real property of the said late corporation situate in Upper Canada shall be and is hereby vested in the said Church Society of the diocese of Montreal, and the personal property of the said late corporation (including all books, papers and documents thereunto relating, and its rights to or in any personal property), shall be and is hereby vested provisionally in the corporation of the Church Society of the diocese of Quebec hereby constituted: Provided always, that no trust upon which any such property, real or personal, is held, shall be distributed or affected, but shall be strictly observed and performed by that corporation in which such property or the right thereto will be vested: and provided also, that the corporation last mentioned shall within one year from the passing of this Act assign and convey to the Church Society of the diocese of Montreal such proportion as shall be agreed upon by the two corporations of the personal property held by the said late corporation, otherwise than upon trust for any special purpose or purposes; and that it shall be lawful for either of the corporations hereby constituted to assign and convey to the other any property, real or personal, of the said late corporation held upon any trust or trusts which it shall appear to the said corporation can be more conveniently performed by the corporation to which such assignment and conveyance shall be made, such assignment and conveyance being made upon the trusts to which the property is subject; and the liabilities of the said late corporation shall be discharged by that one of the corporations hereby constituted in whom the property shall be vested in respect of which such liability shall have been incurred, or if the same shall not have been incurred in respect of any property, then the same shall be discharged by the Church Society of the diocese of Quebec, unless it be otherwise agreed between the said two corporations.

6. And be it enacted, that the bye-laws of the said late corporation in force immediately before the passing of this Act, shall in so far as they may be capable of such application and consistent with the provisions of this Act, be the bye-laws of each of the corporations hereby constituted, until they shall be repealed or altered in the manner provided by the Act first aforesaid: Provided always, that

that the bishop of the diocese in and for which each of the said corporations is constituted shall be the president of such corporation, and shall have full power to sanction and confirm any constitution, bye-law, rule or regulation of such corporation, or any abrogation, repeal, change or alteration of the same, in the manner provided by the fifth section of the Act first aforesaid, anything in the said section to the contrary notwithstanding.

7. And be it enacted, that notwithstanding any omission in the letters patent erecting the present dioceses of Quebec and Montreal respectively, the district of Saint Francis shall be, and shall be held to have been, included within the present diocese of Quebec, to all intents and purposes, as if it had been made part of the said diocese by the said letters patent erecting the same.

8. And be it enacted, that any gift, legacy, devise or bequest of property, or any right, title, interest in or to any property, which before the time when the letters patent aforesaid took effect was made to or vested in the Bishop of Quebec, or in the Bishop of Montreal administering the diocese of Quebec, shall be, and shall be held to have been, from the time last aforesaid, made to or vested in the Bishop of Quebec as now constituted, who shall be held to be the successor of such first-mentioned bishop; and any Act, ordinance or law, deed, instrument or writing made before the said time, and any will, testament or codicil of any testator who died before the said time, in which the diocese of Quebec, or the Bishop of Montreal or bishop administering the diocese of Quebec, is mentioned or referred to, or intended, shall be construed and have effect from the said time as if the diocese or bishop therein intended, mentioned or referred to, were the diocese of Quebec as now constituted, or the bishop of Quebec as now constituted, except where such construction would be contrary to justice or to the provisions of this Act, or of any other Act passed or to be passed during the present Session of the provincial Parliament, or to the letters patent aforesaid: Provided that it shall always be lawful for the Bishop of the aforesaid diocese of Quebec to assign and convey to the Bishop of Montreal any property held by him in trust, if the said bishop shall be of opinion that such trust can be better or more conveniently performed by the Bishop of Montreal, anything in the will, testament, deed or instrument creating such trust to the contrary notwithstanding: Provided that all such deeds of real estate (except leases for a term not exceeding nine years) shall be duly registered according to law, within six calendar months after the making and execution thereof, otherwise the same shall be void and of none effect; and that such registration within the said term of six months, shall not give any greater effect in other respects to any such deed than is by law given to the registration of any other deed of real estate in Lower Canada.

9. And be it enacted, that the Bishop of Quebec and his successors, by the name of the Lord Bishop of Quebec, and the Bishop of Montreal and his successors, by the name of the Lord Bishop of Montreal, shall respectively be a corporation sole, and shall be deemed to have been so from the time when the letters patent aforesaid took effect, and shall respectively have and shall be held to have had from the said time, full power and authority to sue and be sued, and to take and hold (with or without licence or letters of mortmain) any real property within this province, and any personal property whatsoever, whether by devise, bequest, gift, grant, or other title or conveyance whatsoever, and the same or any part thereof to alienate, unless when held in trust for any special purpose, in the instrument creating which trust such alienation is forbidden, and other the powers vested by law in bodies corporate generally: And the Bishop of Quebec, or the Bishop of Montreal, or Bishop administering the diocese of Quebec before the time when the said letters patent took effect, shall be held to have had full power and authority to sue and be sued, and to take and hold (with or without licence or letters of mortmain) any real property within this province, and any personal property whatsoever, whether by devise, bequest, gift, grant, or other title or conveyance whatsoever, and the same or any part thereof to alienate, unless when held in trust for any special purpose, in the instrument creating which trust such alienation is forbidden, and other the powers vested by law in bodies corporate generally; and the Bishop of Quebec, or the Bishop of Montreal, or bishop administering the diocese of Quebec, before the time when the said letters patent took effect, shall be held to have had full power and authority to sue and be sued, and to take and hold, with or without licence or letters of mortmain, any real property within this province, and any personal

property whatsoever, whether by devise, bequest, gift, grant, or other title or conveyance whatsoever, and the same or any part thereof to alienate, unless when held in trust for any special purpose, in the instrument creating which trust such alienation is forbidden; provided that the said Bishop of Montreal shall not have, hold, possess, or enjoy lands and tenements or real estate in virtue of this Act, for the uses and purposes of his said See, exceeding five thousand pounds in annual value at any time, and shall at all times when called upon so to do by the Governor of this province, render an account in writing of such property held by him under this Act, and of the income derived therefrom, and the means by which the same has been acquired.

10. And be it enacted, that nothing in this Act shall be construed to confer any spiritual or ecclesiastical rights or jurisdiction upon either of the said bishops, or upon their successors, or other ecclesiastical person of the said Church.

11. And be it enacted, that except in so far as it may be otherwise ordered by any Act passed in the present Session, the Act passed in the sixth year of Her Majesty's reign, and intituled, " An Act to make Provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Quebec, in this province, and for other purposes therein mentioned, " and all the provisions and enactments thereof, shall apply and shall be held to have applied, from the time when the letters patent aforesaid took effect, to each of the dioceses of Quebec and Montreal, respectively, and to the bishop of each of the said dioceses, as fully and effectually as before the said time they applied to the diocese of Quebec, as then constituted, and to the bishop thereof, anything in the nineteenth section, or in any other part of the said Act, to the contrary notwithstanding; and the words " The Bishop," or " The Bishop of the Diocese," in the said Act, shall be construed as meaning the Bishop of Quebec, or the Bishop of Montreal, as the case may be.

12. And be it enacted, that whenever in this Act the bishop of any diocese is mentioned, the successors of such bishop and the bishop administering such diocese shall be held to be also intended and included.

13. And be it enacted, that nothing herein contained shall be construed to affect in any manner or way the rights of Her Majesty, Her heirs or successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned and provided for.

14. And be it enacted, that this Act shall be a Public Act.

I CERTIFY the above to be a true copy of a Bill passed by the Legislative Council and Legislative Assembly of the Province of Canada, in the fourth Session of the third Provincial Parliament, and reserved by his Excellency the Governor-general for the signification of Her Majesty's pleasure thereon, on the thirtieth day of August, one thousand eight hundred and fifty-one.

Attest,

(signed) *J. F. Taylor*,
Clk. Leg. Council.

Legislative Council, Friday, 15 August 1851.

Ordered, That an humble address be presented to his Excellency the Governor-general, under the provisions of the forty-second section of the Imperial Act, to reunite the provinces of Upper and Lower Canada, specifying that a certain Bill has been passed by this House during the present Session, intituled, " An Act to provide for the establishment of a Church Society of the United Church of England and Ireland in each Diocese of that Church in Lower Canada, and for other purposes connected with the recent division of the Diocese of Quebec," containing provisions respecting some of the purposes in the said section specially

cially described, and praying his Excellency will cause the said Bill to be transmitted to England without delay, for the purpose of being laid before Parliament previously to the signification of Her Majesty's assent thereto.

Ordered, That the said address be presented by such members of the Executive Council as are members of this House.

Attest,
(signed) *Robert Le Moine*,
D^{y} and Ass^{t} Clk.
Leg. Council.

Legislative Assembly, Tuesday, 19 August 1851.

Resolved, That an humble address be presented to his Excellency the Governor-general, under the provisions of the forty-second section of the Imperial Act, to reunite the provinces of Upper and Lower Canada, specifying that a certain Bill has been passed by this House during the present Session, intituled, "An Act to provide for the Establishment of a Church Society of the United Church of England and Ireland in each Diocese of the Church in Lower Canada, and for other purposes connected with the recent division of the Diocese of Quebec," containing provisions respecting some of the purposes in the said section specially described, and praying his Excellency will cause the said Bill to be transmitted to England without delay, for the purpose of being laid before Parliament previously to the signification of Her Majesty's assent thereto.

Ordered, That the said address be presented to his Excellency the Governor-general, by such members of this House as are of the Honourable the Executive Council of this province.

Attest,
(signed) *W. B. Lindsay*,
Clk. Ass^{g}.

CANADA.

COPY of An Act to provide for the Establishment of a Church Society of the United Church of *England* and *Ireland*, in each Diocese of that Church in *Lower Canada*, and for other Purposes connected with the recent Division of the Diocese of *Quebec*, together with the Resolutions of the Council and Assembly of *Canada* relative thereto.

(*Presented pursuant to Act* 3 & 4 *Vict. c.* 35)

Ordered, by The House of Commons, *to be Printed,*
20 *February* 1852.

91.

Under 1 *oz.*

CUSTOM HOUSES (CANADA, &c.).

RETURN to an Address of the Honourable The House of Commons, dated 29 April 1852;—*for*,

"RETURNS of the IMPERIAL CUSTOM HOUSES in *Canada*, on the 1st day of January 1852, stating the Name of the Place, Number of Officers in each Custom House, the Salaries and Allowances to the said Officers, and Expenses of Establishment of each Custom House, and by whom Paid, and the Aggregate Expenditure out of the Public Taxes of 1850-52:"

"Of the Amount of REVENUE collected at each of the Imperial Custom Houses:"

"And, similar RETURN for *Nova Scotia*, *New Brunswick*, *Prince Edward's Island*, and *Newfoundland*."

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed*, 27 *May* 1852.

RETURN of the Imperial Officers of Customs at the Ports in *Canada*, *Nova Scotia*, *New Brunswick*, *Prince Edward's Island*, and *Newfoundland*, on the 1st January 1852; stating the Name of the Place, the Number of Officers at each Port, the Salaries and Allowances of the said Officers, the Incidental Expenses of such Establishments at each Place, and the Aggregate Expenditure paid for the same out of the Revenues of the United Kingdom, in the Years 1850 and 1851.

NAME OF THE PLACE.	Number of Officers.	Salaries and Allowances on the 1st January 1852.	Incidental Expenses of Establishment in the Year 1851.	By whom Paid.	Aggregate Expenditure paid out of Revenues of the United Kingdom, in Years	
					1850.	1851.
		£. s. d.	£. s. d.		£. s. d.	£. s. d.
CANADA:				Paid by the Crown, out of the revenues of the United Kingdom -		
Quebec - - - - -	4 Imp[l] officers	770 - -	157 4 -		- - -	832 10 8
Montreal - - - - -	3 ditto -	650 - -	25 8 8		- - -	536 8 3
Totals for Canada - -	7 Imp[l] officers	1,420 - -	182 12 8	- - -	- - -	1,368 18 11
NOVA SCOTIA:						
Halifax - - - - -	4 Imp[l] officers	1,200 - -	172 4 5			
Pictou - - - - -	2 ditto -	400 - -	- - -			
Liverpool - - - - -	2 ditto -	450 - -	- - -			
Yarmouth - - - - -	2 ditto -	250 - -	- - -			
Lunenburgh - - - -	1 ditto -	150 - -	- - -	Paid by the Crown, out of the revenues of the United Kingdom -		
Windsor - - - - -	1 ditto -	120 - -	- - -		4,770 11 3	3,789 4 1
Digby - - - - -	1 ditto -	120 - -	- - -			
Parsborough - - -	1 ditto -	120 - -	- - -			
Guysborough - - -	1 ditto -	120 - -	- - -			
Sydney—Cape Breton - -	2 ditto -	500 - -	20 - -			
Arichat - - - - -	1 ditto -	120 - -	- - -			
Totals for Nova Scotia -	18 Imp[l] officers	3,550 - -	192 4 5	- - -	4,770 11 3	3,789 4 1
NEW BRUNSWICK:						
St. John - - - - -	3 Imp[l] officers	850 - -	92 9 9	Paid by the Crown, out of the revenues of the United Kingdom -		
St. Andrew - - - -	2 ditto -	400 - -	23 6 4		2,661 15 10	1,580 16 1
Miramichi - - - -	1 ditto -	200 - -	15 - -			
Totals for New Brunswick	6 Imp[l] officers	1,450 - -	130 16 1	- - -	2,661 15 10	1,580 16 1
PRINCE EDWARD'S ISLAND:						
Charlotte Town - - -	2 Imp[l] officers	550 - -	24 4 9	Paid by the Crown, out of the revenues of the United Kingdom -	575 16 10	574 4 9
NEWFOUNDLAND:						
St. John - - - - -	3 Imp[l] officers	700 - -	30 9 9	Paid by the Crown, out of the revenues of the United Kingdom -		
Harbour Grace - - -	1 ditto -	150 - -	- - -		858 - 9	880 9 9
Totals for Newfoundland	4 Imp[l] officers	850 - -	30 9 9	- - -	858 - 9	880 9 9

A STATEMENT showing the Nature of the Duties executed by the Imperial Officers specified in the foregoing Return.

IN consequence of the repeal of the Imperial duties of customs in the North American colonies, under the operation of the Act of the 9 & 10 Vict. c. 94, the Imperial officers have ceased to be receivers of customs' duties, which are now levied and collected by officers specially appointed for that purpose by the respective Colonial Governments of Canada, Nova Scotia, New Brunswick, Prince Edward's Island, and Newfoundland. Hence, there being no longer any Imperial custom-houses for the collection of revenue in those colonies, the Return has been framed and prepared to meet the existing state of things.

It is to be observed, in explanation, that the Lords of the Treasury, with the view of providing for certain duties connected with Imperial interests, have deemed it expedient that certain officers should be stationed at the principal ports of those colonies, who are called Comptrollers of Customs and Navigation Laws, with assistants acting under them, whose salaries are entirely defrayed out of the revenue of the United Kingdom.

Their duties are, to enforce the provisions of the Act of the 12 & 13 Vict. c. 29, entitled, "An Act to Amend the Laws in force for the Encouragement of British Shipping and Navigation;" also the provisions of the Imperial Act of 8 & 9 Vict. c. 89, entitled, "An Act for the Registering of British Vessels," and to take care that the various prohibitions and restrictions prescribed by the British Possessions' Act of the 8 & 9 Vict. c. 93, are duly enforced; to verify the manifests of all British vessels clearing for the United Kingdom in the manner required by the Customs' Regulation Act of the 8 & 9 Vict. c. 86, ss. 3 & 4; and to grant certificates of clearance for all vessels clearing for the United Kingdom, as prescribed by the 36th section of the Act of the 8 & 9 Vict. c. 86, and the 22d and 23d sections of the British Possessions' Act of 8 & 9 Vict. c. 93, in order to entitle goods to be entered as being of and from any British possession (if any benefit attach to such distinction), and to enforce the provisions of the last recited Act, sections 24, 25, 26 & 27, which prohibit vessels laden with wood goods clearing from ports in the North American colonies, at certain times of the year, with any part of their cargo on deck. And it is also their duty to observe, so far as the same may relate to the British possessions abroad, the Passengers' Act of the 12 & 13 Vict. c. 33, and 14 Vict. c. 1; and the Merchant Seamen's Acts of 7 & 8 Vict. c. 112, and 13 & 14 Vict., c. 93.

It forms a material part of the duty of the Comptrollers of Customs and Navigation Laws to furnish the Inspector-general of Imports and Exports, and the Registrar-general of Shipping, in London, with the various Statistical Returns, which are necessary to enable those officers to prepare the various Accounts of Trade and Navigation, which are annually required to be laid before Parliament.

(signed) *E. Pemberton.*

Plantation Account Office, Custom House,
21 May 1852.

RETURN of the Imperial Officers of Customs at the Ports in *Canada*, *Nova Scotia*, *New Brunswick*, *Prince Edward's Island*, and *Newfoundland*, on the 1st January 1852.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed*,
27 *May* 1852.

411.

Under 1 *oz.*

CANADA.

COPY of an ACT to Repeal so much of the ACT of the PARLIAMENT of *Great Britain*, passed in the Thirty-first Year of the reign of King GEORGE the Third, and Chaptered Thirty-one, as relates to RECTORIES and the Presentation of INCUMBENTS to the same, and for other purposes connected with such RECTORIES; together with the RESOLUTIONS of the Council and Assembly of *Canada* relative thereto.

PRESENTED TO PARLIAMENT PURSUANT TO ACT 3 & 4 VICT. c. 35.

Colonial Office, Downing-street, 12 February 1852. } FREDERICK PEEL.

Ordered, by The House of Commons, *to be Printed,* 13 *February* 1852.

AN ACT to Repeal so much of the Act of the Parliament of *Great Britain*, passed in the Thirty-first year of the reign of King GEORGE the Third, and Chaptered Thirty-one, as relates to RECTORIES and the Presentation of INCUMBENTS to the same, and for other Purposes connected with such Rectories.

WHEREAS the recognition of legal equality among all religious denominations is an admitted principle of colonial legislation: And whereas in the state and condition of this province, to which such a principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct legislative authority, recognizing and declaring the same as a fundamental principle of our civil polity; Be it therefore declared and enacted, by The Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby declared and enacted, by the authority of the same, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, so as the same be not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the peace and safety of the province, is by the constitution and laws of this province, allowed to all Her Majesty's subjects within the same.

And whereas the provisions of the Act of the Imperial Parliament of Great Britain, passed in the Thirty-first year of the reign of His late Majesty King GEORGE the Third, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," whereby the erection of parsonages or rectories in this province according to the Establishment of the Church of England, the endowment of such parsonages or rectories out of the Clergy Reserves, and the presentation of incumbents or ministers to such parsonages or rectories, is vested in the Government of this province, have been found to give occasion to doubts and apprehensions which it is desirable should be removed by the repeal of the same, under the power for that purpose vested in the Provincial Parliament by the provisions of the said Imperial Act; Be it therefore enacted, that the thirty-eighth, thirty-ninth, and fortieth sections of the said Act shall be and the same are hereby repealed, and that from henceforth no letters patent shall be issued in this province by the Crown, for the erection of any such parsonages or rectories, or for the endowment thereof, out of the Clergy Reserves or

 the

the public domain, or for the presentation of any incumbent or minister to any such parsonage or rectory: Provided always, that neither such repeal nor anything herein contained, shall in anywise affect any proceedings heretofore had, whereby certain parsonages or rectories were erected and endowed, or supposed to be erected and endowed by the authority aforesaid, or whereby certain incumbents or ministers were presented or supposed to be presented under the same authority to such parsonages or rectories, or any of them, but the legality or illegality of all such proceedings shall be left open to be adjudicated upon and determined as if this Act had not been passed; and provided also, that nothing herein contained shall extend or be construed to extend to limit, or in any way affect or interfere with the provisions of the twenty-seventh section of the Act of the Parliament of this province passed in the session thereof held in the fourth and fifth years of Her Majesty's reign, intituled, " An Act for the disposal of Public Lands."

And be it enacted, that in the event of its being judicially decided that any of such parsonages or rectories were erected according to law, and until a judicial decision shall be obtained on such question, the right of presenting an incumbent or minister to such parsonage or rectory, shall vest in and be exercised by the Church Society of the Church of England Diocese within which the same shall be situated, or in such other person or persons, bodies politic or corporate, as such Church Society, by any bye-law or bye-laws to be by them from time to time passed for that purpose, shall or may think fit to direct or appoint in that behalf.

I CERTIFY the above to be a true copy of a Bill passed by the Legislative Council and Legislative Assembly of the province of Canada, in the fourth session of the third Provincial Parliament, and reserved by his Excellency the Governor-general for the signification of Her Majesty's pleasure thereon, on the 30th day of August 1851.

Attest,
(signed) *J. F. Taylor*,
Clerk, Leg. Council.

Legislative Council, Saturday, 30 August 1851.

Resolved, That an humble Address be presented to his Excellency the Governor-general, informing his Excellency that both Houses of the Provincial Parliament have, in this present session thereof, passed a Bill, intituled, " An Act to repeal so much of the Imperial Act, 31 Geo. 3, c. 31, as relates to Rrectories and the presentation of Incumbents to the same," which Bill repeals the several provisions contained in the Act of the Imperial Parliament of Great Britain passed in the thirty-first year of the reign of King GEORGE the Third, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," respecting the constituting, erecting and endowing of parsonages or rectories within this province, and respecting the presentation of incumbents or ministers of the same. And that this House prays, that in order to give effect to the said Bill, his Excellency will be pleased to cause the same to be transmitted to England without delay, for the purpose of its being laid before the Imperial Parliament previously to the signification of Her Majesty's Assent thereto, pursuant to the provisions of the 42d section of the Union Act.

Ordered, That such members of the Executive Council, who are members of this House, do present the said Address to his Excellency the Governor-general.

Attest,
(signed) *J. F. Taylor*,
Clerk, Leg. Council.

Legislative Assembly, Saturday, 30 August 1851.

Resolved, That an humble Address be presented to his Excellency the Governor-general, informing his Excellency that both Houses of the Provincial Parliament have in this present session thereof passed a Bill, intituled, " An Act to repeal so much of the Imperial Act, 31 Geo 3, c. 31, as relates to Rectories and the presentation of Incumbents to the same," which Bill repeals the several provisions contained in the Act of the Imperial Parliament of Great Britain passed in the thirty-first year of the reign of King GEORGE the Third, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, ' An Act for making more effectual Provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," respecting the constituting, erecting and endowing of parsonages or rectories within this province, and respecting the presentation of incumbents or ministers of the same; and that this House prays, that in order to give effect to the said Bill, his Excellency will be pleased to cause the same to be transmitted to England without delay, for the purpose of its being laid before the Imperial Parliament previously to the signification of Her Majesty's Assent thereto, pursuant to the provisions of the 42d section of the Union Act.

Ordered, That the said Address be presented to his Excellency the Governor-general, by such members of this House as are of the Honourable the Executive Council of this province.

Attest,
(signed) *Wm. B. Lindsay*,
Clk. Assy.

CANADA.

COPY of An Act to repeal so much of the Act of the Parliament of *Great Britain*, passed in the 31st Year of the Reign of King George 3, c. 31, as relates to Rectories and the Presentation of Incumbents to the same; together with the Resolutions of the Council and Assembly relative thereto.

(*Presented pursuant to Act*, 3 & 4 *Vict. c.* 35.)

Ordered, by The House of Commons, *to be Printed*,
13 *February* 1852.

62.

Under 1 *oz.*

CANADA.

COPY of an ACT to make Provision for the MANAGEMENT of the TEMPORALITIES of the UNITED CHURCH of *England* and *Ireland*, in the DIOCESE of *Montreal*, and for other Purposes therein mentioned; together with the RESOLUTIONS of the Council and Assembly of *Canada* relative thereto.

PRESENTED TO PARLIAMENT PURSUANT TO ACT 3 & 4 VICT. c. 35.

Colonial Office, Downing-street, 12 February 1852. FREDERICK PEEL.

Ordered, by The House of Commons, *to be Printed*, 13 *February* 1852.

AN ACT to make Provision for the Management of the TEMPORALITIES of the United Church of *England* and *Ireland*, in the Diocese of *Montreal*, and for other Purposes therein mentioned.

1. WHEREAS by an Act of Parliament of this province made and passed in the sixth year of Her Majesty's reign, intituled, "An Act to make provision for the Management of the Temporalities of the United Church of England and Ireland, in the Diocese of Quebec, in this Province, and for other purposes therein mentioned," provision was made by law for the internal management by the members of the said Church, in the said diocese of Quebec, of the temporalities thereof, and for allowing the endowment thereof: and whereas by letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 18th day of July 1850, so much of the said diocese of Quebec as constitutes the district of Montreal, in Lower Canada aforesaid, was and is erected into a separate see or diocese, under the name or style of the Bishoprick or Diocese of Montreal; and whereas it is in consequence desired, on behalf of the United Church of England and Ireland in the said diocese of Montreal, that separate provision should be made by law for the internal management by the members of the said Church, in the said diocese of Montreal, of the temporalities thereof, and also for allowing the endowment thereof, and it is just and expedient that such provision should be made; Be it therefore enacted, by The Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted, by the authority of the same, that from and after the passing of this Act the soil and freehold of all churches and chapels of the communion of the said United Church of England and Ireland, now erected or hereafter to be erected in the said diocese of Montreal, and of the churchyards and burying-grounds attached or belonging thereto respectively, shall be in the parson or other incumbent thereof for the time being, and the churchwardens to be appointed as hereinafter is mentioned, by whatever title the same may now be held, whether vested in trustees for the use of the said United Church, or whether the legal estate remains in the Crown by reason of no patent having been issued, though set apart for the purposes of such church or chapel, churchyard, or burying-ground: Provided always, that nothing in this section contained shall extend to affect the tenure of any parsonage or rectory now established by letters patent, or of any proprietary church or chapel.

2. And be it enacted, that all pew-holders in such churches or chapels, whether holding the same by purchase or lease, and all persons holding sittings therein by the same being let to them before the passing of this Act by the

churchwardens, or after the passing of this Act by the corporation of such church or chapel, and holding a certificate from such corporation of such sitting, shall form a vestry for the purposes in this Act mentioned and declared: Provided, that no such pew-holders or persons holding sittings shall be entitled to vote at any meeting of such vestry, unless all the rent due and payable in respect of such pews or sittings be paid in full.

3. And be it enacted, that a meeting of such vestry shall be holden on Monday in Easter week, in each and every year, after due notice thereof given during Divine service on the morning of Easter Sunday, for the purpose of appointing churchwardens for the ensuing year, and that at such meeting one churchwarden shall be nominated by the incumbent of the said church or chapel, and the other shall be elected by a majority of those present and entitled to vote at such vestry meeting as aforesaid: Provided nevertheless, that in case of such incumbent declining or neglecting to nominate a churchwarden, then both of the said churchwardens shall, for the current year, be elected in the manner aforesaid; and in case the members of such vestry shall neglect to elect a churchwarden, then both of such churchwardens shall, for the current year, be nominated by the incumbent: Provided always, that if from any cause a vestry meeting shall not take place at the time aforesaid, such appointment of churchwardens may take place at any subsequent vestry meeting to be called, in manner hereinafter provided; and in case of the death, resignation, refusal to act, or change of residence to ten miles or more from any such church or chapel of either of the said churchwardens, a vestry meeting shall be thereupon called for the election of a new churchwarden by the said vestry, or for the nomination of a new churchwarden by the incumbent, as the case may require.

4. And be it enacted, that no person shall be eligible to the office of churchwarden except members of the said United Church of the full age of 21 years, and who shall also be members of such vestry.

5. And be it enacted, that such churchwardens shall hold their office for one year from the time of their appointment, or until the election of their successors, except in case of an appointment or nomination to fill up any vacancy occasioned by death, resignation, refusal to act, or change of residence as aforesaid; and in such case the person so appointed or nominated shall hold the said office until the next annual election, or until the election of a successor.

6. And be it enacted, that such churchwardens so to be elected and appointed as aforesaid shall, during their term of office, together with the incumbent, be a corporation, under the name or style of "The Incumbent and the Churchwardens of Church (or Chapel, as the case may be), of the Parish of , or of (naming the place, as the case may be), in the Diocese of Montreal," to represent the interests of such church or chapel, and of the members thereof; and shall and may sue and be sued, answer and be answered unto, in all manner of suits and actions whatsoever; and more particularly shall and may sue for, recover, and receive all arrears of rent actually due and payable at the passing of this Act, as well as any rent becoming due hereafter, in respect of any pews or sittings in such church or chapel, and may prosecute indictments, presentments, and other criminal proceedings, for and in respect of such churches, chapels and churchyards, and all matters and things appertaining thereto; and shall and may make and execute faculties or conveyances, or other proper assurances in the law, to all pew-holders holding their pews by purchase, or lease to those holding the same by lease, and shall and may grant certificates to those who shall have rented sittings, such conveyances, leases, and certificates to be given within a reasonable time after demand made, and at the charges of the person applying for the same, and further, it shall be the duty of such corporation, from time to time, to sell, lease, and rent pews and sittings, upon such terms as may be settled and appointed at vestry meetings to be holden for that purpose as hereinafter provided: Provided always, that any such sale, lease or renting, shall be subject to such rentcharge, or other rent, as may from time to time be rated and assessed in respect thereof at such vestry meeting.

7. And be it enacted, that in case of the absolute purchase of any pew in any such church or chapel as aforesaid, the same shall be construed as a freehold of inheritance.

inheritance, not subject to forfeiture by change of residence, or by discontinuing to frequent the same, and the same may be bargained, sold and assigned to any purchaser thereof, being a member of the Church of England and Ireland, and such purchaser, provided the same be duly assigned and conveyed to him, shall hold the same with the same rights, and subject to the same duties and charges as the original purchaser thereof: Provided that, if by reason of such change of residence, or by discontinuing to frequent such church or chapel, any pew shall not be occupied by such pew-holder by himself or family, or by some other person under his authority, the corporation shall have the power to lease the said pew from year to year in such manner, and subject to such conditions for the immediate re-occupation of the same by the said pew-holder, or person acting under his authority, on request, as shall be provided by a bye-law of the corporation to be made for such cases, the said corporation accounting to the pew-holder for the rent of the said pew.

8. And be it enacted, that any pew-holder, whether by purchase or lease, and any person renting a pew or sitting, shall and may, during their rightful possession of such pew or sitting, have a right of action against any person injuring the same, or disturbing him or his family in the possession thereof.

9. And be it enacted, that such churchwardens so to be appointed as aforesaid, shall yearly and every year, within fourteen days after other churchwardens shall be nominated and appointed to succeed them, deliver in to such succeeding churchwardens, a just, true and perfect account in writing (fairly entered in a book or books to be kept for that purpose, and signed by the said churchwardens) of all sums of money by them received, and of all sums rated or assessed, or otherwise due and not received, and also of all goods, chattels, and other property of such church, chapel or parish, in their hands as such churchwardens, and of all monies paid by such churchwardens so accounting, and of all other things concerning their said office, and shall also pay and deliver over all sums of money, goods, chattels and other things which shall be in their hands unto such succeeding churchwardens, which said account shall be verified by oath before one or more of Her Majesty's justices of the peace, who are hereby authorized to administer the same, and the said book or books shall be carefully preserved by such churchwardens, and they shall and are hereby required to permit any member of such vestry as aforesaid to inspect the same at all reasonable times, and in case such churchwardens shall make default in yielding such account as aforesaid, or in delivering over such money, goods or other things as aforesaid, it shall be in the power of the succeeding churchwardens to proceed against them at law for such default, and in case of the re-appointment of the same churchwardens, then such account as aforesaid shall, in like manner as is aforesaid, be made and rendered before an adjourned meeting of such vestry, fourteen days after such re-appointment.

10. And be it enacted, that it shall be in the power of the incumbent of any such parsonage, parish, church, or chapel as aforesaid, or (in the absence of the incumbent) of the churchwardens thereof, to call a vestry meeting whenever he or they shall think proper so to do, giving at least eight days' notice thereof, by proclaiming it in the usual manner in the church or chapel, and by notice affixed to the outer door or doors of the said church or chapel, as the case may be, and it shall be his and their duty so to do upon application being made for that purpose in writing, by six at least of the members of such vestry as aforesaid; and in case upon such written application being made as aforesaid, such incumbent and churchwardens shall refuse to call such meeting, then, one week after such demand made, it shall be in the power of any six of such members of the vestry to call the same, by notice to be affixed to the outer door or doors (where more than one) of such church or chapel, at least one week previous to such intended meeting.

11. And be it enacted, that at all vestry meetings the incumbent of the church or chapel shall preside as chairman when present, and in his absence such one of the churchwardens as shall be present, and if both the churchwardens be present, then such one of them, or such person as the majority present at such meeting shall name; and the vestry clerk, when there is one, and present, or in case there be no vestry clerk, or he be absent, then such person as the chairman shall name, shall be the secretary of such vestry meeting;

ing; and the minutes of the proceedings of such vestry meetings shall be entered in a book to be kept for that purpose, and shall be signed by such incumbent, churchwarden, or other person presiding as chairman, and countersigned by such vestry clerk or secretary, and shall be preserved in the custody of the corporation of the said church or chapel, and such minutes so entered, signed and countersigned, or a copy thereof, duly certified by such incumbent and countersigned by such vestry clerk, shall be *primâ facie* evidence of the matters and things therein set forth, and that such meetings were regularly and legally held under the requirements of this Act, without proof of the signature of such incumbent and vestry clerk being required to be made.

12. And be it enacted, that the rentcharge to be paid upon pews holden in freehold, and the rent to be paid for the pews and sittings in pews, leased or rented, shall be regulated from time to time by the majority of those present at such vestry meetings as aforesaid: Provided nevertheless, that no alterations shall be made therein except at vestry meetings called for such special purpose, and so expressed in the notice calling the same; and further, that the charges to be made in respect of such conveyances, leases and certificates, shall, in like manner, be regulated at such vestry meetings as aforesaid.

13. And be it enacted, that the clerk of the church or chapel, the organist, the vestry clerk, the sexton, and other subordinate servants of the church or chapel, shall be nominated and appointed by the corporation of such church or chapel, and that their salary and wages shall be brought into the general account, to be rendered as aforesaid by such churchwardens.

14. And be it enacted, that the fees on marriages, registration of baptisms, and for other services of the Church of the like nature, and the charges payable on breaking the ground in the cemeteries or churchyards, and in the said churches or chapels for burying the dead, shall be regulated by the bishop of the diocese, or such person as he may appoint as ordinary.

15. And be it enacted, that at all meetings of the said corporation, any two members thereof shall be a quorum for the transaction of business, but no business shall be transacted except at a meeting duly convened by the incumbent or otherwise as hereinbefore provided.

16. And be it enacted, that it shall be in the power of the members of such vestries, by the majority of those present at any meetings as aforesaid, to make bye-laws for the regulation of their proceedings and the management of the temporalities of the church, chapel, or parish to which they belong, so as that the same be not repugnant to this Act, nor contrary to the canons of the said United Church of England and Ireland.

17. And be it enacted, that all duties, powers, and authority conferred upon the Bishop of Quebec for the time being, by an Act of the Parliament of Great Britain and Ireland, passed in the sixth year of the reign of His late Majesty GEORGE the Fourth, intituled "An Act to provide for the Extinction of Feudal and Seigniorial Rights and Burthens on Lands held *à titre de fief* and *à titre de cens* in the Province of Lower Canada, and for the Gradual Conversion of those Tenures into the Tenure of Free and Common Soccage, and for other purposes relating to the said Province," so far as the provisions of the same have reference to lands situated within the said diocese of Montreal, and all duties, powers, and authority relating to matters within the said diocese of Montreal conferred upon the Bishop of Quebec by any other Act or Acts or by any authority whatever, and all or any office or offices within the said diocese of Montreal conferred upon the Bishop of Quebec and his successors in office, in his and their official capacities, by any Act or Acts, charter or charters, or by any authority whatever, shall devolve upon and be exercised and held by the Bishop of Montreal and his successors in office, and all acts done and performed by the Bishop of Montreal, or his successors in office, in the performance of such duties, in the exercise of such power and authority, or in the performance of the duties of such office or offices, shall be valid and effectual in as full and ample a manner as if he were Bishop of Quebec aforesaid.

18. And be it enacted, that any deed or conveyance of land, or of personalty, that may be made to any bishop of the said church, in the said diocese of Montreal,

Montreal, and to his successors for the endowment of his see, or for the general uses of the said church as such bishop may appoint, or otherwise, or for the use of any particular church or chapel then erected, or thereafter to be erected, or for the endowment of a parsonage or living, or for other uses or purposes appurtenant to such united church in general, or to any particular church, chapel or parish to be named in such deed; and any such deed or conveyance to any parson or other incumbent and his successors for the endowment of such parsonage, rectory, or living, or for other uses or purposes appurtenant thereto, shall be valid and effectual to the uses and purposes in such deed or conveyance to be mentioned and set forth, the Acts of Parliament commonly called the Statutes of Mortmain, or other Acts, laws or usages to the contrary thereof notwithstanding: Provided that all such deeds of real estate (except leases for a term not exceeding nine years) shall be duly registered, according to law, within six calendar months after the making and execution thereof, otherwise the same shall be void and of none effect; and that such registration within the said term of six months shall not give any greater effect in other respects to any such deed than is by law given to the registration of any other deed of real estate in Lower Canada.

19. And be it enacted, that in the event of any person or persons, bodies politic or corporate, desiring to erect and found a church or churches, chapel or chapels, in the said diocese of Montreal, and to endow the same with a sufficiency for the maintenance of such church or chapel, and of Divine service therein according to the rites of the said Church of England and Ireland, it shall and may be lawful for him or them to do so, upon procuring the license of the bishop under his hand and seal for that purpose; and thereupon after the erection of a suitable church or chapel, and the appropriation by the founder thereof of such church or chapel so erected, and of lands and hereditaments or other property adequate to the maintenance thereof and of an incumbent, and adequate to the usual and ordinary charges attendant upon such church or chapel, such provision being made to the satisfaction of the bishop of the said diocese for the time being, such founder, his heirs and assigns, being members of the said united church, or such body politic or corporate, as the case may be, shall have the right of presentation to such church or chapel as an advowson in fee presentative, according to the rules and canons of the said united church.

20. And be it enacted, that all lands or personalty heretofore in any manner or way conveyed to any bishop of the said church for the use or benefit of any particular parish, church, or chapel then erected, or thereafter to be erected, within the said diocese of Montreal, or for the endowment of any parsonage or living within the said diocese of Montreal, or for other uses or purposes appurtenant to any church, chapel, or parish within the said diocese of Montreal, and all lands situated within the said diocese of Montreal heretofore in manner or way conveyed to any bishop of the said church for the general uses of the said church, or for uses or purposes appurtenant thereto in general, shall be and they are hereby vested in the said bishop of Montreal and his successors in office, for the uses and purposes mentioned and set forth in the several deeds or conveyances thereof respectively: Provided, that the said bishop shall not have, hold, possess, or enjoy lands and tenements, or real estate, in virtue of this Act, for the uses and purposes of his said see, exceeding 5,000 *l.* in annual value at any time, and shall at all times, when called upon so to do by the Governor of this province, render an account in writing of such property, held by him under this Act, and of the income derived therefrom, and the means by which the same has been acquired.

21. And be it enacted, that the bishop of the said church in the said diocese for the time being, shall have the administration of all lands and personalty vested in him or his predecessors in office, or conveyed to him or them for the endowment of his see, or for the general uses of the said church, or for the use of any particular church or chapel then erected, or thereafter to be erected, or for the endowment of any parsonage, church, chapel or living, or for other uses or purposes appurtenant to such united church in general, or to any particular church or parish, and shall have power to sell, alien and transfer any lands or personalty vested in or conveyed to him as aforesaid for the general uses or purposes of the said see, or of the said church, and shall

also have power, by and with the consent and participation of the incumbent and corporation of the parish wherein the same may be situate, to sell, alien, and transfer any land or personalty vested in or conveyed to him as aforesaid, for the endowment of any parsonage or living, or for uses or purposes appurtenant to any particular church, chapel, or parish; and the parson, or other incumbent of any parsonage, church, chapel, or living, to whom any lands or personalty shall have been or may be conveyed for the endowment of such parsonage, church, chapel, or living, or for other uses or purposes appurtenant thereto, shall have power to sell, alienate, or transfer the same by and with the consent and participation of the bishop of the said church in the said diocese for the time being: Provided always, that the price or consideration of such sale, alienation, or transfer be applied to the uses and purposes for which the land or personalty so sold, aliened, or transferred was conveyed; and provided also, that such sale, alienation, or transfer be not inconsistent with, or contrary to, the conditions of the deed of conveyance to the said united church, or to any bishop thereof, or to such parson or incumbent, as the case may be, of the land or personalty so to be sold, aliened, or transferred.

22. And be it enacted, that nothing in this Act contained shall extend, or be construed to extend, in any manner to confer any spiritual jurisdiction or ecclesiastical rights whatsoever upon any bishop or bishops, or other ecclesiastical person of the said church, in the said diocese of Montreal.

23. And whereas it is expedient to make provision for the election of churchwardens by congregations of churches or chapels newly erected, or in which the pews and sittings are neither sold nor leased; Be it therefore enacted, that whenever in any church or chapel of the said united church in any diocese in this province, churchwardens are required to be appointed for the first time, the vestry of such church or chapel shall, for all the purposes of of either of the said Acts, or of this Act, as the case may require, be held to be composed for that time only, and until the Monday in Easter week next after the appointment of such first churchwardens, of all such persons being members of the said united church as shall have contributed to the erection or endowment of such church or chapel; and that all persons, being members of the said united church, who have contributed, or shall hereafter contribute, in any manner or way to the erection or endowment of any church or chapel of the said united church in any diocese in this province in which the pews and sittings shall be free and neither sold nor leased, shall at all times form a vestry of such church or chapel for the purposes of this Act, or of the said first above-recited Acts, as the case may require: Provided always, that each and every contributor towards the payment of any debt incurred for the erection or completion of any such free church or chapel, shall be held to be a contibutor to the erection thereof.

24. And be it enacted, that, from and after the passing of this Act, the said Act so made and passed as aforesaid, in the sixth year of Her Majesty's reign, shall cease to have any force and effect whatever, in respect of the said diocese of Montreal, save and except as to all existing corporations, which shall continue as if this Act had not been passed, and as to acts heretofore lawfully done, and contracts heretofore lawfully entered into, under and in virtue of the said Act, which shall be and remain to all intents and purposes as good, valid, and effectual as if this Act had not been passed; and save and except as to all bye-laws heretofore lawfully made by the vestry of any such church or chapel as aforesaid in the said part of Lower Canada now constituting the said diocese of Montreal, which shall remain in force until repealed by competent authority, under the provisions of this Act; and save and except also as to all appointments of churchwardens or other servants of any such church or chapel there, who shall continue in office until the appointment of their respective successors, under the provisions of this Act; in the same way, and to the same effect, and with the same powers and duties as if they themselves had been appointed under this Act.

I CERTIFY the above to be a true copy of a Bill passed by the Legislative Council and Legislative Assembly of the province of Canada, in the fourth session

session of the third Provincial Parliament, and reserved by his Excellency the Governor-general, for the signification of Her Majesty's pleasure thereon, on the Thirtieth day of August One Thousand Eight Hundred and Fifty-one.

Attest,

(signed) *J. F. Taylor,*
Clerk, Legislative Council.

Legislative Council, Friday, 15 August 1851.

Ordered, That an humble Address be presented to His Excellency the Governor-general, under the provisions of the 42d section of the Imperial Act to reunite the provinces of Upper and Lower Canada, specifying that a certain Bill has been passed by this House during the present session, intituled, "An Act to make provision for the Management of the Temporalities of the United Church of England and Ireland, in the diocese of Montreal, and for other purposes therein mentioned," containing provisions respecting some of the purposes in the said section specially described, and praying his Excellency will cause the said Bill to be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of Her Majesty's Assent thereto.

Ordered, That the said Address be presented by such members of the Executive Council as are members of this House.

Attest,

(signed) *Robert Le Morne,*
D^{y} and Ass^{t} Clerk,
Leg. Council.

Legislative Assembly, Tuesday, 19 August 1851.

Resolved, That an humble Address be presented to his Excellency the Governor-General, under the provisions of the 42d section of the Imperial Act to re-unite the provinces of Upper and Lower Canada, specifying that a certain Bill has been passed by this House during the present session, intituled, "An Act to make provision for the Management of the Temporalities of the United Church of England and Ireland in the Diocese of Montreal, and for other purposes therein mentioned," containing provisions respecting some of the purposes in the said section specially described, and praying his Excellency will cause the said Bill to be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of Her Majesty's Assent thereto.

Ordered, That the said Address be presented to his Excellency the Governor-General, by such Members of this House as are of the Honourable the Executive Council of this province.

Attest,

(signed) *W. B. Lindsay,*
Clk. Ass^{s}.

CANADA.

COPY of An Act to make Provision for the Management of the Temporalities of the United Church of *England* and *Ireland*, in the Diocese of *Montreal*, and for other Purposes therein mentioned, &c.

(*Presented pursuant to Act* 3 & 4 *Vict. c.* 35.)

Ordered, by The House of Commons, *to be Printed,*
13 *February* 1852.

64.

Under 1 *oz.*

FURTHER PAPERS

RELATIVE TO

THE CLERGY RESERVES

IN

CANADA.

(*In continuation of Papers presented to Parliament by Her Majesty's Command, February* 1851.)

Presented to both Houses of Parliament by Command of Her Majesty.
February 23, 1852.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1852

SCHEDULE.

CANADA.

DESPATCHES FROM GOVERNOR-GENERAL THE RIGHT HON. THE EARL OF ELGIN AND KINCARDINE.

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4	May 23, 1851.	B. Hawes, Esq., to W. Morris, Esq.	In reply, acknowledging the receipt of the Petitions, and stating that they have been duly laid before Her Majesty - - -	29

FURTHER PAPERS

RELATIVE TO

THE CLERGY RESERVES IN CANADA.

(No. 21.) No. 1.

CANADA.
No. 1.

Copy of a DESPATCH from the Earl of Elgin and Kincardine to Earl Grey.

Government House, Toronto, February 4, 1851.

My Lord, (Received February 24, 1851.)

With reference to a communication which I lately received from your Lordship, intimating that you had been apprized that petitions to Her Majesty and the two Houses of the Imperial Parliament against any disturbance of the existing arrangement of the Canadian Clergy Reserves had been already sent to England from the diocese of Toronto, and desiring me to furnish any information on this subject which I might possess, I have the honour to state that I have no knowledge of the petitions in question. Soon after the adoption by the Legislative Assembly of the Address to Her Majesty transmitted in my Despatch, No. 198,* of the 19th July, 1850, a circular letter, of which I herewith enclose a printed copy, appeared in a provincial newspaper, addressed to the clergy of the diocese of Toronto, and signed by the archdeacons in the absence of the Lord Bishop, urging members of the Church of England to petition against the prayer of that address. I am not, however, cognizant of any proceedings which may have taken place in pursuance of that recommendation.

2. An application was indeed lately made to me, with the view of ascertaining whether it would be proper to transmit through me certain petitions to Her Majesty on the subject of the Clergy Reserves, which, it was alleged, were in course of preparation by congregations of the Presbyterian Church in Lower Canada in connexion with the Church of Scotland. This application was answered in the affirmative, but I have not received the petitions alluded to. I may observe, however, with reference to this point, that the present position of the Presbyterian Church in Canada greatly increases the difficulty of maintaining intact the settlement of the Clergy Reserve question, effected by the Imperial Act, 3 and 4 Vict. chap. 78. By that statute a certain proportion of the proceeds of the Clergy Reserves was set apart for this body, which was then united. Since the period of its enactment, however, the unhappy disruption of the Scotch Establishment has taken place, and a considerable section of the Presbyterian Church in Canada, by joining in the secession, has disqualified itself from sharing in this portion of the endowment. By this means the original intention of the Act has been to a certain extent frustrated.

3. Although, as the usual practice of transmitting such documents through the Governor-General has in this case been departed from, I am unable to give any information respecting the petitioners, I think it by no means improbable that petitions against the prayer of the address of the Legislative Assembly, signed to the extent which your Lordship describes, or even more numerously, may have been sent from this province. It is notorious that a large portion of the clergy of the Church of England and of the Presbyterian Church in connexion with the Church of Scotland are favourable to the maintenance of the existing settlement of the Clergy Reserve question. It would indeed

* See Papers relating to the Clergy Reserves in Canada, presented to both Houses of Parliament by Command, February 1851,

CANADA.

argue a state of things in the province much to be regretted, if so highly estimable a body of persons were unable to induce a considerable number of the laity to join them in a protest against a measure which they deem to be injurious. At the same time I think it would be rash to assume that a petition of this kind is a surer test of public opinion than the vote of the popular branch of the Provincial Legislature.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c.

Encl. in No. 1.

Enclosure in No. 1.

To the Reverend the Clergy of the Archdeaconries of Kingston and York.

REV. AND DEAR BRETHREN,—

YOUR attention will before this have been called to the fact that a series of resolutions, and an Address to the Queen framed upon these resolutions, has passed the Legislative Assembly of the province, praying that the Clergy Reserves, believed to have been definitively appropriated by the Act of 3 and 4 of Vict. chap. 78., should be alienated from the purposes stated in that enactment, and applied to educational and other secular objects.

That an effort of this nature, aiming at the total abolition of all grants and endowments for religious instruction, should have succeeded in a Legislature calling itself Christian, must far and near disappoint the expectations of all seriously-minded and pious persons. The discredit and peril to our country from such a decision it is most painful to contemplate; but the features of the case become much more lamentable and repulsive when it is reflected that the measure just passed designs, with that of other religious bodies, the direct spoliation of the Church of England of the residue of her property in this province, and a flagrant breach of the faith virtually pledged to her in 3 and 4 of Vict. already referred to.

Although the high sense of honour and unbending integrity which characterize the British nation,—but which are fast losing their weight amongst ourselves in public and high places,—cannot allow us to believe that a measure so flagrantly wicked and unjust as that contemplated in the resolutions and address just passed will meet with the slightest countenance from our Gracious Queen and the Imperial Parliament, it becomes us, as a duty to the truth and majesty of religion, not less than to the interests of our own branch of the Church Catholic, to record our vigorous and decided protest against this criminal act of intended spoliation. If the Parliament of this province will sanction the infidel opinion that religion is not to be cared for, and that every existing provision for its maintenance is to be swept away, the members of the Church of England,—amongst, we will believe, thousands of others,—will stand forth in honest and bold repudiation of the reproach and the sin thus incurred.

We recommend that meetings should immediately be held in your respective parishes, and at the out-stations where you may officiate, and that petitions should be adopted to the Queen, and the Houses of Lords and Commons, in firm though respectful protest against this fresh injustice to the Church of England. Every effort should be made to procure the signature of every male adult belonging to the Church, in every quarter which can by possibility be reached; and our impression is decided, that if, in this crisis, the members of the Church will be but true to themselves, and rise and speak in the might of their righteous cause, and of their own vast stake and influence in the province, their voice would not be disregarded, but would soon drown the cry of the evil-minded and ungodly faction which aims at her destruction. The three hundred thousand Churchmen in the United Provinces should testify, by the strongest steps which can be constitutionally exerted, that they will not be robbed of their property with impunity, but that they will withstand, with a determination and persevering opposition, those machinations of an infidel principle, combined with a Romish hostility, which aim at the subversion of the existence and influence of their Church in this land. Political intrigue, and the selfishness which prompts it, may have much to do with the present movement; but there is a deeper principle of evil at the root. This is our solemn duty, as Churchmen and as Christians, to resist, and that with earnestness and vigour, and without delay.

A form of petition is subjoined as a guidance, and it would be well that the signatures obtained should be transmitted to Mr. Champion, at the Church Society's House at Toronto, by the 1st of August next at latest, that they may be forwarded to the Lord Bishop of Toronto, and reach him before he leaves England.

We remain, &c.

GEO. O'KILL STUART, D.D. and LL.D., Archdeacon of Kingston.
A. N. BETHUNE, D.D., Archdeacon of York.

July 2, 1850.

FORM OF PETITION.

To the Queen's most Exellent Majesty.

MAY IT PLEASE YOUR MAJESTY,—

WE, Your Majesty's most dutiful and loyal subjects, the clergy and laity of the United Church of England and Ireland in the Diocese of Toronto and Province of Canada, most humbly represent:

That in the year 1791, His late Majesty King George the Third, of blessed memory, caused the appropriation to be made within the province aforesaid of the lands called the Clergy Reserves, for the support and maintenance of a Protestant Clergy:

That in the year 1823 the question was first raised whether these lands pertained exclusive to the Church of England, or whether other denominations termed Protestant were meant to be included in the provisions of the Act making that appropriation:

That the discussion of this question led to much agitation and strife in this province, but that it was at length finally settled by an Act passed the 3d and 4th years of Your Majesty's reign, whereby two-thirds of the proceeds of the lands then sold, and two-thirds of one-half of the lands still unsold, were allotted to the Church of England in this diocese.

That this enactment, made in the year 1840, was universally regarded throughout the province as a definitive arrangement of this long-agitated question, and that your petitioners, though believing those lands to have been intended exclusively for the Church of England, quietly acquiesced in that division.

That from the passing of that Act up to the close of the year 1849 no discontent with the arrangement thus settled was expressed in any quarter, and that up to the present moment there has been no agitation or feeling in the province on that account.

That your petitioners, with much surprise and indignation, have observed that, during the present session of the Provincial Parliament, a series of resolutions, and an Address to Your Majesty framed upon these resolutions, has been passed, to the effect that this property for the support of religion should be alienated from that holy object, and applied to educational or other secular purposes.

That your petitioners regard with horror a public enactment which aims at the abolition of all grants and endowments for religious instruction in the province, and by the contemplated spoliation of the Church of England of the residue of her property herein, the direct and reckless violation of the faith pledged to her in the Act of the 3d and 4th years of Your Majesty's reign.

That your petitioners would regard the success of such an attempt as a national sin of the deepest dye and a grievous moral degradation, as well as a heavy blow to the influence and spread of true religion in the province.

That where religion is made to be wholly dependent upon the voluntary contributions of the people it may be supported with tolerable respectability in towns and villages of any considerable size; but that in the rural districts, where the population is comparatively poor, the means of ensuring stated instruction in the truths of the Gospel will not, in many cases, exist. This is evident from what is presented in the neighbouring United States of America, where in large tracts of country there exists no provision for the maintenance of a clergy, and where, consequently, the ministrations of religion, if at all, are only occasionally afforded. The effect of this is, the growth and spread of an infinite variety of sects, and the influence of many which propagate tenets in direct contravention of the truth and purity of Christianity. In many instances, as the result of leaving religion to the partialities and caprices of an uninstructed people, we find in that country churches and chapels erected by Unitarians, and even Universalists, who deny the existence of future punishments, amongst the most costly and best supported of all the edifices dedicated to religious worship.

Your petitioners would further represent, that the sanction by Your Majesty of a measure of the godless character just passed by our Legislative Assembly would have the inevitable effect of speedily alienating from Your Majesty's throne and royal house the loyal attachment of a large number of Your Majesty's most faithful and devoted subjects; for experience has proved, and especially the history of the Rebellion in 1837-38, that the members of the Church of England, from the principles engrafted in her polity and ritual, and impressed from childhood upon her members, were ever foremost in defence of Your Majesty's throne.

Your petitioners would also represent, with much grief and regret, that the fact of several members of the Romish communion in the Legislative Assembly voting for the alienation of the property of the Church of England, should that alienation be determined upon, will have the effect of re-opening and exasperating religious division and animosity in this province, and of creating at no distant period a movement, which it will be impossible to restrain, for alienating the ecclesiastical property held by the Romish Church in Lower Canada. If the property of the Church of England and of Protestants generally in this province is to be confiscated for public and secular purposes, it will never be borne that the lands and endowments held by a Romish priesthood should be inviolate and untouched.

Your petitioners therefore humbly pray that Your Majesty will refuse Your sanction to any measure for alienating the property of the Church of England in this diocese and province from the sacred purposes for which it was set apart; viz., for the support and maintenance of public worship and the propagation of religious knowledge.

And Your Majesty's dutiful and loyal petitioners, as in duty bound, will ever pray.

CANADA.
No. 2.

(No. 38.) No. 2.

Copy of a DESPATCH from the Earl of Elgin and Kincardine to Earl Grey.

Government House, Toronto, March 15, 1851.
(Received April 7, 1851.)
(Answered June 13, 1851, No. 609, page 18.)

My Lord,

I have the honour to transmit Memorials addressed to Her Majesty the Queen and to the two Houses of the Imperial Parliament by the Presbytery of Kingston in connexion with the Church of Scotland, on the subject of the Canadian Clergy Reserves, with a memorandum on the statement contained in these Memorials furnished to me by the Honourable Mr. Price, one of the members of the Executive Council of this province.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

Unto the Queen's Most Excellent Majesty.

The Memorial of the Reverend the Presbytery of Kingston (Canada West), in connexion with the Church of Scotland.

Humbly Showeth,*

That by the piety and munificence of His late Majesty King George III. a grant of lands throughout this province, called the Clergy Reserves, was set apart for the support of a Protestant clergy.

That your Memorialists and the church to which they belong were for many years excluded from a participation in this grant, on the plea that these reserves were specially and solely intended for the support of the clergy in connexion with the Church of England. That a decision was pronounced by the twelve judges of England, by which the clergy of the Church of Scotland were declared to be entitled to a share of the reserves.

That in the year 1837 an Act was passed by the Imperial Parliament, and sanctioned by the Sovereign, providing for the final settlement of the question, according to the terms of the preamble of the said Act, wherein it is declared, that "it is expedient to provide for the final disposition of the lands called Clergy Reserves in Canada."

That the adjustment then effected has hitherto given general satisfaction to the loyal, well-disposed, and Protestant inhabitants of the province, and has been found to be productive of much good, in the support of religion in poor and thinly-settled localities, where, without such a provision, a regular supply of Divine Service and a settled ministry could not be maintained. That by these reserves a provision has been made for the support of religion neither infringing upon the rights nor affecting the interests of any portion of Your Majesty's subjects.

That your Memorialists have perceived, with deep regret, that an address to the Imperial Parliament has been lately adopted by the House of Assembly, having for its object the diversion of the Clergy Reserves from the support of religion altogether, to that of secular education, from which religion is industriously excluded.

That the said address in its leading principles was carried by a very slender majority in the House of Assembly, and of that majority the greater number are Roman Catholics, whose object is to subvert all Protestant religious institutions; and that it was never concurred in by nor submitted to the Legislative Council.

That the House of Assembly, which now seeks to alienate the reserves set apart for the support of a Protestant clergy, has lately granted Acts of incorporation to numerous bodies of Roman Catholics, conferring on them extensive privileges, and entitling them to hold fixed property to an enormous value.

That the object of the present attempt by the House of Assembly is to despoil the Church of Scotland and other Protestant religious bodies of any participation in the fund and lands specially devoted and appropriated "for the maintenance of religion and the advancement of knowledge within the province of Canada," and thereby to withdraw from religion that support which is so essential for its maintenance and extension in the present state of this country, and which your Memorialists regard it as the first duty of a Christian state at all times to afford.

That the present attempt is likely to inflict a serious injury on the peace of this province, by opening up such an important religious question for fresh discussion; that if successful it

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* Similar Memorials addressed to the Houses of Lords and Commons.

it will have the effect of leaving many of the poorer parts of this country miserably supplied with the means of grace, and in very few parts of it will the ministers of religion be able to obtain anything like a certain or adequate support; and that by repealing the Act of the Imperial Legislature, declared in the strongest manner to be a final settlement, all confidence will be destroyed in the stability and security of any Acts of the British Parliament in future.

Your memorialists do therefore earnestly beseech Your Majesty to refuse assent to the address of the House of Assembly, and to preserve in all its integrity the settlement already made of the Clergy Reserves for the support of that religion which exalteth a nation.

Signed in name and by appointment of the Presbytery,

J. Malcolm Smith, M.A.,
Moderator of Presbytery, *Pro. tem.*

Enclosure 2 in No. 2. Encl. 2 in No. 2.

Memorandum.

The Memorial of the Presbytery of Kingston having been forwarded to the Governor-General with a view to its being transmitted to Her Majesty's Principal Secretary of State for the Colonies for presentation, it is submitted that the following explanatory remarks should accompany the same.

There is a studious attempt throughout the Memorial to persuade the British public, who must necessarily be but little acquainted with the state of public opinion in Canada, that the dissatisfaction which has been felt with the Imperial Clergy Reserve Act has been on the part of that portion of the population professing the Roman Catholic faith. It is difficult to understand how any parties so well acquainted with facts as the Presbytery of Kingston could venture on such a statement. The Clergy Reserve question has never been agitated in that part of Lower Canada inhabitated by the French Canadians who constitute the great bulk of the Roman Catholic population.

It so happens that in Upper Canada, where, for the last twenty years, the Clergy Reserve question has been a fruitful subject of discord, as has been admitted by successive Governors, there is but one Roman Catholic member of the Provincial Parliament. It is, moreover, perfectly well known that the agitation against the present settlement of the Clergy Reserves has been conducted by Evangelical Protestants, both ministers and laymen, including lay members of the churches of England and Scotland. These are facts which cannot be disputed in Canada. It is true that the Roman Catholic members of the House, or a majority of them, have felt it their duty to aid the great majority of the people of Upper Canada in obtaining a more satisfactory settlement of a question in which the latter feel the deepest interest.

The Memorial under consideration affirms that the Address praying the repeal of the Imperial Act was, "in its leading principles, carried by a very slender majority in the House of Assembly." The "leading principle" of the Address was the repeal of the Imperial Act, or an affirmation that the present settlement is an unsatisfactory one. It will be found by reference to the votes and proceedings in the House, that an amendment was introduced by the Hon. Mr. Cayley, that it is "inexpedient to disturb or unsettle" the existing law. Here there is a test of the opinion of the House regarding the "leading principle." The division was 16 to 52. The 16 were all members of the Churches of England and Scotland. Of the majority of 52, 26 are certainly Protestants, including members of the Church of England, Presbyterians, Methodists, and other denominations: 26 are Roman Catholics. The "slender majority" referred to in the Memorial will be found to have been that by which the 29th resolution was carried. On analysing that division it will be found that the "slender majority" was caused, 1st, By the secession of certain French Canadian and Roman Catholic members, who could not concur in one part of the resolutions; 2ndly, By the secession of certain other members who would not consent to recognise the claims of existing incumbents. The representation that the slender majority was obtained by Roman Catholic votes will be found to be incorrect, in point of fact, as the Roman Catholic votes were equally divided, and the resolution was carried by a Protestant majority, though a slender one, for the reasons already stated. It is scarcely necessary to notice that part of the Memorial which alleges as a grievance to Protestants that the House of Assembly which has passed the Address has granted acts of incorporation to numerous bodies of Roman Catholics, "entitling them to hold fixed property." The Parliament of Canada has shown every desire to afford facilities to all denominations of Christians to hold property purchased with their own means for the support of religion, or the maintenance of educational and charitable institutions. It is certainly not inconsistent with this policy to object to the endowment with the property of the public of one or more favoured denominations of Christians.

It is alleged in the Memorial that "the object" of the Address is the diversion of the Clergy Reserves from the support of religion altogether to that of secular education from which religion is industriously excluded. This statement is incorrect in two particulars; 1st, The Address does not affirm the expediency of diverting the Clergy Reserves from religious to

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educational purposes. 2ndly, It is not true religion is industriously excluded from the Canadian educational system; so far from this being the case, it is believed that there is no country in the world where greater facilities exist for affording religious instruction to the pupils of the various schools receiving public aid.

It may be proper to notice, in conclusion, that the Presbytery of Kingston, by which this Memorial is forwarded, though having a large extent of country under its care, has but four churches. It is not stated how many members were present when the Memorial was adopted. By the last returns in the possession of the writer of this Memorandum it appears that there were four ministers belonging to the Presbytery of Kingston, one of whom is a Professor in Queen's College, without a charge. On reference to the Population Returns for the counties of Frontenac, Lennox, and Addington, including the city of Kingston, it appears that the number belonging to the several Protestant churches is 30,986, of which 3,006 belong to the Presbyterian church in connexion with the Church of Scotland, while upwards of 16,000 belong to the denominations which feel themselves aggrieved by the operation of the psesent Act. Besides these, there were 6,554 Roman Catholics, who are also excluded. It is submitted whether it is at all probable that the excluded Protestants entertain general satisfaction with the Imperial Act, or whether the expression of "general satisfaction" in the Memorial should not have been confined to the 3,006 more immediately represented by the two or three ministers by whom the Memorial has been forwarded.

Toronto, March 11, 1851. (Signed) J. H. PRICE.

No. 3. (No. 39.) No. 3.

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to Earl GREY.

Government House, Toronto, March 15, 1851.
(Received April 7, 1851.)

(Answered April 10, 1851, No. 578, page 18.)

MY LORD,

I HAVE the honour to enclose herewith copies of petitions* from bodies connected with the Presbyterian Church of Canada in connexion with the Church of Scotland, on the subject of the Clergy Reserves, and of a correspondence which has passed between the Provincial Secretary and Hugh Allan, Esq., Secretary to the Clergy Reserve Commissioners, in reference to these petitions.

5.

The original petitions are to be sent to England by a special agent, and the copies which have reached me are not signed. Some of the allegations which they contain seem to be open to the objections which are stated in the memorandum which accompanies my Despatch, No. 38 †, of this day's date.

Page 4.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

Encl. in No. 3.

Enclosure in No. 3.

Unto the Right Honourable Charles Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, &c.

THE MEMORIAL of the Board of Commissioners elected by the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, in terms of the Act 3 and 4 Vict. c. 78., entitled "An Act," &c.,

HUMBLY SHOWETH,

THAT your Memorialists were duly appointed and constituted a Board of Commissioners for expending the share of the proceeds of sales of the land set apart for the support of a Protestant clergy appropriated to the Church of Scotland in Canada by virtue of the Act aforesaid.

That from the terms, "It is expedient to provide for the final disposition of the lands called 'Clergy Reserves in Canada,'" in the preamble of said Act, your Memorialists regarded the provisions therein contained as a final settlement of the question; and they have

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* Copies of the four following petitions to Her Majesty, viz.—
1. From Ministers and Elders of Synod, Canada,
2. From Board of Commissioners elected by Synod,
3. From the Lay Association in support of the Presbyterian Church of Canada,
4. From Ministers and Congregatior of St. Andrew's Church, Montreal,

Will be found printed at pages 22 to 26 from the original petitions enclosed in Mr. Morris's letter of May 15, 1851.

every reason to believe that they were received as such by Her Majesty's subjects generally in the province of Canada.

That though the share awarded, in terms of the said Act, to the Church of Scotland was not as much as the members of that church considered it entitled to receive, yet as the country had been long distracted with the subject, and a settlement of it was desirable for the public good, they acquiesced in the decision rather than that the agitation should be prolonged, to the manifest injury of the peace and prosperity of the colony.

That your Memorialists lament to perceive that by an address from the House of Assembly of this province, founded on a set of resolutions, one of which, involving the main principle, was carried only by a majority of two (and not sent to the Legislative Council), a large proportion of the members of which assembly are Roman Catholics, an attempt is made again to open up this question, and revive troubles and dissentions formerly experienced.

That the same House of Assembly has of late years almost unanimously granted Acts of Incorporation to numerous bodies of Roman Catholics, conferring upon them extensive privileges, and entitling them to hold fixed property to an enormous value.

That the object of the attempt now made is to dispossess the Church of Scotland and other religious bodies of any participation in the funds and lands specially set apart "for the "maintenance of religion and the advancement of Christian knowledge within the said "province of Canada," and thereby to withdraw from religion that support which it has hitherto received from this source.

That the evils which will result from the renewed discussion of this question are many and formidable affecting the tranquillity of the province, by exciting vehement agitation, and awakening the worst passions of rival parties, destroying all confidence in the security of rights granted by the beneficence of a pious monarch, and guaranteed by a British Act of Parliament, and, if the proposal now made be carried into effect, depriving many of the scattered settlements throughout the province of religious ordinances altogether, and leaving the religious instruction of a great proportion of the people (the surest bulwark of a nation) to men themselves ill-educated; for whatever may be said in favour of the voluntary system of religious support, from sad experience it is here most manifest that it would be utterly inadequate to the wants and circumstances of the country.

Wherefore your Memorialists, firmly persuaded of the magnitude of the evils to be apprehended, feel that they are no less bound by the claims of loyalty and citizenship than of fidelity in the administration of the trust reposed in them as commissioners to crave that your Lordship, in the legitimate exercise of your official functions, will advise Her Majesty, our beloved Sovereign the Queen, to decline to re-open this question, and leave the various religious bodies in possession of the advantage they now enjoy, accruing from the Clergy Reserves Fund, which, extending as they do to all religious denominations, can give no reasonable cause of offence to any.

And your Memorialists will ever pray.

SIR, Montreal, January 6, 1851.

THE Commissioners of the Clergy Reserve Fund have adopted a Memorial to the Colonial Secretary, on the subject of the address passed last summer by the House of Assembly relative to the Reserves. This is now in course of signature, and will be ready for transmission in a few days.

I am not certain whether the proper course is to send such a document direct, or through the Governor-General, and will feel obliged if you will inform me.

There is also in preparation a series of petitions from all the congregations to the three branches of the Imperial Legislature, on the same subject, and I would be glad if you could inform me whether those to the Queen should be sent through the Governor-General. They will be about 70 in number, and rather bulky.

Your answer in course will oblige.

I have, &c.

HUGH ALLAN.

Hon. James Leslie,
&c. &c.

SIR, Toronto, January 14, 1851.

I YESTERDAY received your letter of the 6th instant, stating that a Memorial was preparing to be sent to the Colonial Secretary, on the subject of the Address of the Assembly relative to the Clergy Reserves, as also petitions to Her Majesty and the two Houses of the Imperial Parliament, and desiring to be informed if those to the Queen and Earl Grey should be transmitted through the Governor-General.

With regard to petitions to Her Majesty, the regular course is, that they should be transmitted through the Queen's representative in the colony. As to the Memorial to the Colonial Secretary, I am not aware of the course necessary to adopt; but if not sent through the Governor, I have no doubt but it would be referred to him before any action was taken upon it by Her Majesty's Government.

I have, &c.

JAMES LESLIE.

Hugh Allan, Esq.,
Montreal.

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SIR, Montreal, March 6, 1851.

I HAVE the honour to transmit herewith, for the information of his Excellency the Governor-General, copies of the various petitions, &c. on the subject of the Clergy Reserves, about to be forwarded to England from parties in connexion with the Presbyterian Church of Canada (Church of Scotland), in charge of a special agent, viz.—

1. Copy of memorial from the Clergy Reserve Commissioners to the Colonial Secretary.
2. Copy of petition to Her Majesty from the Clergy Reserve Commissioners.
3. Ditto, ditto, from the Synod.
4. Ditto, ditto, from the Lay Association.
5. Ditto, ditto, from the various congregations, 66 in number.

With respect to the remark in your letter of the 14th of January last, that "the regular course is that they should be transmitted through the Queen's representative in the colony," it is the opinion of the Commissioners that the regulations of the Colonial Department on the subject of correspondence were not intended, and do not apply in the present case; for in the first regulation it is distinctly stated, that "if a private individual residing in a colony "has occasion to address any representation to the Secretary of State, he must at all times "make the officer administering the colonial government the medium of his communication. "The 4th and 5th regulations explain that the Governors of Colonies will receive with "attention all representations properly addressed to them, and will either take such deci- "sions on them as may appear most just, or refer them to the Secretary of State; and should "the Governor's decision not prove satisfactory, he will receive any remonstrances, &c."

Now, I would submit that these petitions are not from a private individual, but from a branch of one of the established churches of the empire, and on a subject on which his Excellency the Governor-General has no power to decide, having himself, in compliance with the Address of the Legislative Assembly, transmitted their Address to the Imperial Government for its decision.

In the belief, therefore, that the course adopted will be no infringement of the regulations of the department, the petitions will be sent in charge of a special agent.

I have, &c.
HUGH ALLAN,
Secretary to the Commissioners.

Hon. James Leslie, Provincial Secretary,
&c. &c. &c.

SIR, Secretary's Office, Toronto, March 15, 1851.

I HAVE had the honour to receive and lay before the Governor-General your letter of the 6th instant, and the copies of the several petitions (5) therewith transmitted, on the subject of the Clergy Reserves, from parties in connexion with the Presbyterian Church of Canada (Church of Scotland), the originals of which petitions will, you state, be forwarded to England in charge of a special agent.

I have, &c.
J. LESLIE.

Hugh Allan, Esq.
Secretary to the Clergy Reserve Commissioners, Montreal.

No. 4.

No. 4.

(No. 82.)

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to Earl GREY.

Government House, Toronto, June 21, 1851.

Received July 8, 1851.

MY LORD, (Answered July 18, 1851, No. 626, page 20.)

18 June 1851.

I HAVE the honour to transmit herewith the copy of a letter which has been addressed to my secretary by the secretary to the Conference of the Wesleyan Methodist Church in Canada in connexion with the British Conference, together with a copy of the resolutions referred to in that letter.

I have, &c.
ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &. &c.

Enclosure in No. 4.

CANADA.

Encl. in No. 4.

SIR, Office, 57, King Street East, Wednesday, 18 June 1851.

At the twenty-eighth annual conference of the Wesleyan Methodist Church in Canada, in connexion with the British Conference, met in this city on the 4th instant, and continued by adjournment until Friday the 13th instant, it was resolved:

That a copy of the resolutions introduced by the Reverend Messrs. G. R. Sanderson and William Ryerson on the Clergy Reserve question, be sent to his Excellency the Governor-General, and another copy with a request to have it transmitted by him to Her Majesty's Principal Secretary of State for the Colonies.

In accordance with the terms of this minute, two copies of the resolutions are enclosed.

I have, &c.

Colonel the Hon. R. Bruce,
Secretary, &c.

JAMES MUSGRAVE,
Secretary to the Conference.

Sub-Enclosure to Enclosure in No. 4.

Sub-Encl. to Encl. in No. 4.

Resolutions of the Conference of the Wesleyan Methodist Church in Canada, in connexion with the British Conference, on the subject of the Clergy Reserves.

Ques. 17.—What is the judgment of this Conference on the present position of the question of the Clergy Reserves?

Ans.—After a review and careful Consideration of the general question, and of the just rights of the methodist portion of the community, which according to the last census amounts to one hundred and forty thousand souls, or one fifth of the population of Upper Canada, the Conference agrees unanimously in the adoption of the following Resolutions:—

1. That this Conference has ever viewed the Imperial Statute, 4th and 5th Victoria, chapter 78, an infringement of the constitutional rights of the people of Upper Canada, as possessed by them for nearly fifty years, involves the constitutional Act of 1791, 31st George 3d, chapter 31, wholly at variance with the sentiments and feelings of the Canadian people, and most unjust to the Wesleyan and several other religious denominations, constituting a large majority of the population of Upper Canada; that on these and several other public grounds this Conference, through its representatives, in a communication addressed by them to Her Majesty's Principal Secretary of State for the Colonies, and dated London, July 27, 1840, earnestly remonstrated against the passing of said Act, 4th and 5th Victoria, chapter 78, when a Bill before Parliament.

2. That the said Act having not only done injustice to the great majority of the people of Upper Canada, but deprived the province of a right of legislation which it had long possessed, and on a subject affecting its highest social relations and dearest interests, this Conference has regarded the Clergy Reserve question, in its new aspect, as one between Canada and Great Britain, rather than one between different religious persuasions, and therefore as requiring provincial action rather than denominational agitation.

3. That this Conference has observed with regret the efforts of a portion of the clergy and members of the Churches of England and Scotland to secure peculiar pecuniary advantages for themselves, at the expense of perpetuating a wrong against their country, and against their brethren of other protestant churches.

4. That under these circumstances, this Conference, constituting by far the largest as well as the oldest body of protestant clergymen in Upper Canada, and exercising pastoral oversight over upwards of one thousand congregations, including more than one hundred thousand adherents, feels itself called upon to avow its cordial and unanimous concurrence in the efforts of our Legislative Assembly, at its last session, to obtain to this country the restoration of its constitutional rights of legislation on the subject of the Clergy Reserves; and this Conference desires at the same time to express its warmest gratitude for the decision of the Imperial Government to take the necessary steps to restore to the Canadian Legislature the power of disposing of the Clergy Reserves and the proceeds of the sales of them, according to the wishes of the people, as expressed through their representatives in Parliament assembled, a decision communicated by the Right Honourable the Earl Grey to his Excellency the Earl of Elgin in a despatch pervaded by sentiments and a spirit of just regard to the feelings and rights of Her Majesty's faithful Canadian subjects, among whom none have evinced more loyalty and devotedness than the clergy and congregations of the Wesleyan Methodists church in Upper Canada.

5. That this Conference protests against the administration of those clauses of the unjust Act, 4th and 5th Victoria, chapter 78, which add to the already disproportionate appropriations to the Churches of England and Scotland, while other clauses of the same Act relating to other religious persuasions are not administered at all, even in aid of denominational efforts to promote education; and this Conference also records its solemn protest against any measure for any endowment or grant in perpetuity to the Church of England or of Scotland, not secured upon equal conditions to every other protestant denomination in Upper Canada.

6. That this Conference avails itself of the present occasion of declaring its deter-

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mination of continuing to rely hereafter, as it has at all times heretofore done, upon the voluntary contributions of our congregations for the support of their pastors, feeling that we and our congregations have but one interest and one sentiment on all matters connected with the prosperity of our common country and the promotion of pure Christianity through the instrumentality of our church, and being determined ever to maintain inviolate those holy bonds of unity and oneness which have characterized the rise, progress, and wide extension of our labours as a religious body in Upper Canada.

No. 5. (No. 85.) No. 5.

Copy of a DESPATCH from the Earl of Elgin and Kincardine to Earl Grey.

Government House, Toronto, June 25, 1851.
(Received July 14, 1851.)
(Answered July 18, 1851, No. 624, page 19.)

My Lord,

I have the honour to transmit herewith, with a view to its being laid at the foot of the Throne, the humble address of the Legislative Council of Canada to Her Majesty the Queen on the subject of the Clergy Reserves, together with the copy of an address to myself, presented by the House in a body, requesting me to forward the same.

The address to Her Majesty was passed on a division, by twelve votes to four.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

Encl. 1 in No. 5.

Enclosure 1 in No. 5.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We Your Majesty's dutiful and loyal subjects, the Legislative Council of Canada, in Provincial Parliament assembled, humbly approach Your Majesty with renewed assurances of attachment and devotion to Your Majesty's sacred person and Government.

We beg to return our humble and sincere thanks for the gracious manner in which Your Majesty has been pleased to receive the address of the Legislative Assembly of last session on the subject of the Clergy Reserves, and to assure Your Majesty of the great satisfaction which it has afforded this House and the province at large, to learn from the despatch of Your Majesty's Principal Secretary of State for the Colonies, that Your Majesty had been pleased to receive the said address graciously; that the object of the said address ought, in the opinion of Your Majesty's imperial advisers, to be acceded to, and that they would accordingly be prepared to advise Your Majesty to recommend to the Imperial Parliament that an Act should be framed giving to the Provincial Legislature full authority to make such alterations as it may think fit in the present arrangements in regard to those Reserves, provided that existing interests are respected.

Legislative Council,
Monday, June 23, 1851.

(Signed) Ed. Caron,
Speaker.

Encl. 2 in No. 5.

Enclosure 2 in No. 5.

To His Excellency the Right Honourable James Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, 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, &c. &c.

May it please your Excellency,—

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Canada, in Provincial Parliament assembled, approach your Excellency with our respectful request, that your Excellency will be pleased to transmit our humble address to Her most Gracious Majesty on the subject of the Clergy Reserves, in such a way as your Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

(Signed) Ed. Caron,
Speaker.

Legislative Council,
Monday, June 23, 1851.

CANADA.
No. 6.

No. 6.

(No. 86.)

Copy of a DESPATCH from the Earl of Elgin and Kincardine to Earl Grey.

Goverment House, Toronto, June 25, 1851.
(Received July 14, 1851.)

My Lord, (Answered No. 625, July 18, 1851, p. 19.)

I have the honour to enclose herewith the copy of a protest by certain members of the Legislative Council against the address from that body to Her Majesty on the subject of the Clergy Reserves, transmitted in my Despatch to your Lordship, No. 85, of this day's date.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

Encl. in No. 6.

Enclosure in No. 6.

Protest against Address to Her Majesty on the subject of the Clergy Reserves, 24th June 1851.

Dissentient,

1st, Because the address in question has been adopted as an amendment to a motion for a purpose totally different to such address, of which due notice had been given, and that no notice has been given of any intention to move the present address.

2dly, Because the House has refused to permit the discussion on the present address to be taken at a future day, or that the members should be specially convened to consider the same.

3dly, Because such decision virtually sets aside the Standing Order of this House, No. 19, which requires two days notice of any special motion, and which rule was framed to prevent the House being surprised into premature decision without due deliberation.

4thly, Because the address in question involves the most weighty matter which could be brought under the notice of this House, namely, an application to Her Majesty the Queen, to sanction the annulling an Act of the Imperial Parliament which provided for the maintenance of religious education for the protestants of Upper Canada and the support of the ministers of the same; as to which it is fit and becoming and highly important that every member of this House should have the opportunity of fully expressing his opinion.

5thly, Because Her Majesty's Secretary of State for the Colonies communicated to his Excellency the Governor-General that the British Government, upon the address of one branch of the Legislature and without any reference to this House, are prepared to require from the Imperial Parliament further legislation upon this subject, with a view to send back to Canadian legislation what a long experience has proved wholly incapable of satisfactory adjustment in this province.

(Signed) P. B. de Blaquière.
G. S. Boulton.
Jas. Gordon.

No. 7.

No. 7.

(No. 89.)

Copy of a DESPATCH from the Earl of Elgin and Kincardine to Earl Grey.

Government House, Toronto, July 4, 1851.
(Received July 21, 1851.)

My Lord, (Answered No. 628, July 28, 1851, page 20.)

I have the honour to transmit herewith, in order that it may be laid at the foot of the Throne, the humble address to the Queen of Her Majesty's dutiful and loyal subjects the Commons of Canada in Provincial Parliament assembled, on the subject of the Clergy Reserves, together with the copy of an address to me requesting me to forward the same.

I enclose likewise for your Lordship's information, a printed copy of the votes and proceedings of the Legislative Assembly for the 23d of June and the

1st of July, on which days the former address was under discussion, in order that your Lordship may be apprised of the amendments proposed and the divisions taken on the occasion.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

Encl. 1 in No 7.

Enclosure 1 in No. 7.

To the Queen's most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, beg leave respectfully to thank Your Majesty for the gracious manner in which Your Majesty has been pleased to receive our address of last Session, on the subject of the Clergy Reserves; and to assure Your Majesty of the great satisfaction which it has afforded to your faithful Commons and the province at large to learn from the despatch of the Right Honourable Earl Grey, Your Majesty's Principal Secretary of State for the Colonies, communicating such Your Majesty's gracious reception of our said address, that it has appeared to Your Majesty's Imperial Ministers that such address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be passed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to those reserves, provided that existing interests are respected.

A. N. MORIN,
Speaker.

Legislative Assembly Hall, Toronto,
Tuesday, July 1, 1851.

Encl. 2 in No. 7.

Enclosure 2 in No. 7.

To His Excellency the Right Hon. James Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, 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, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, Your Majesty's dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, beg leave to inform your Excellency that we have passed an humble Address to Her Majesty, on the subject of the Clergy Reserves, and pray that your Excellency will be graciously pleased to transmit the same to Her Majesty's Principal Secretary of State for the Colonies, to be by him laid at the foot of the throne.

A. N. MORIN,
Speaker.

Legislative Assembly Hall,
Tuesday, July 1, 1851.

Encl. 3 in No. 7.

Enclosure 3 in No. 7.

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY.

Toronto, Monday, June 23, 1851.

Hon. Mr. Price moved, That an humble Address be presented to Her Most Gracious Majesty, thanking Her Majesty for the gracious manner in which She has been pleased to receive the Address of this House of last Session, on the subject of the Clergy Reserves; and to assure Her Majesty of the great satisfaction which it has afforded to this House and the province at large, to learn from the despatch of the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating such Her Majesty's gracious reception of the said Address, that it has appeared to her Majesty's Imperial Ministers that such Address ought to be acceded to, and that they would accordingly b prepared to recommend to the Imperial Parliament that an Act should be framed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to those Reserves, provided that existing interests are respected.

Hon. Mr. Boulton moved in amendment, That the most direct, clear, and satisfactory mode of conveying to the Queen and Her Imperial Parliament the wishes of the Legislature of Canada on the subject of the Clergy Reserves, would be to pass an Act containing all the provisions intended to be adopted, with a clause suspending its operation until it shall have

received the express sanction of the British Parliament, a course which was most satisfactorily followed upon the subject of the Civil List in 1846:

That the Honourable Messrs. Price, Baldwin, Cayley, Morrison, and the mover, be a Committee to draught and report a Bill to this House, accordingly.

Yeas:—Messieurs Boulton of Norfolk, Fergusson, Hopkins, Mackenzie, and Notman,—5.

Nays:—Messieurs Armstrong, Badgley, Attorney-General Baldwin, Bell, Boulton of Toronto, Boutillier, Burritt, Cameron of Cornwall, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, De Witt, Dickson, Solicitor-General Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Fourquin, Guillet, Jobin, Johnson, Lacoste, Attorney-General La Fontaine, La Terrière, Laurin, Lemieux, Letellier, Solicitor-General Macdonald, Macdonald of Kingston, Sir Allan N. MacNab, Malloch, McLean, Merritt, Meyers, Polette, Price, Richards, Robinson, Sanborn, Sauvageau, Scott of Two Mountains, Seymour, Sherwood of Toronto, Smith of Wentworth, Stevenson, and Wilson,—52.

On motion of the Hon. Mr. Price, the further consideration of the main motion was postponed till Wednesday next; and to be then the first order of the day.

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY.

Toronto, Tuesday, July 1, 1851.

The House, according to order, resumed the further consideration of the question which was on Monday, the 23d instant, proposed—That an humble address be presented to Her Most Gracious Majesty, thanking Her Majesty for the gracious manner in which she has been pleased to receive the address of this House of last session on the subject of the Clergy Reserves; and to assure Her Majesty of the great satisfaction which it has afforded to this House and the province at large, to learn from the despatch of the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, communicating such Her Majesty's gracious reception of the said address, that it has appeared to Her Majesty's Imperial Ministers that such address ought to be acceded to, and that they would accordingly be prepared to recommend to the Imperial Parliament that an Act should be framed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangments with regard to those Reserves, provided that existing interests are respected:

Hon. Mr. Cayley moved in amendment, to resolve, "That it is inexpedient to disturb "or unsettle by resolution or enactment the appropriations or endowments now existing in "Upper and Lower Canada for religious purposes: That the well-being of society, and the "growing wants of the various Christian bodies in Canada demand that the several provi- "sions of the Imperial Act, 3 & 4 Vict. c. 78, should be carried out to their fullest extent: "That by the said Act one half of the interest arising from all Clergy Reserve sales, made "under the provisions of the said Act, was placed at the disposal of the Governor of "Canada with the advice of the Executive Council, for the purposes of public worship "and religious instruction: That the amount now at the disposal of the Government "exceeds ten thousand pounds, and is rapidly accumulating: That the annual sales of "Reserves are large; and, adopting the estimate of the Chief Commissioner of Crown "Lands, will ultimately yield a revenue, at the disposal of the Government, exceeding "fifty thousand pounds per annum: That it is expedient that the fund in hand, and the "future revenues placed by the said Act at the disposal of the Government, should be "apportioned among the Roman Catholic, Free Church of Scotland, Presbyterian, Metho- "dist, Baptist, Lutheran, and other Christian bodies heretofore unprovided for, and who "will receive the same; such apportionment to be definitively made according to the next "census to be taken, meanwhile according to the last population returns."

Yeas:—Messieurs Badgley, Boulton of Toronto, Cameron of Cornwall, Cayley, Dickson, Sir Allan N. MacNab, Malloch, Meyers, Robinson, Seymour, Sherwood of Brockville, Sherwood of Toronto, and Stevenson,—13.

Nays:—Messieurs Armstrong, Attorney-General Baldwin, Bell, Boulton of Norfolk, Boutillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Solicitor-General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Hopkins, Jobin, Lacoste, Attorney-General La Fontaine, La Terrière, Laurin, Lemieux, Letellier, Solicitor-General Macdonald, Mackenzie, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, and Wilson,—50.

Hon. Mr. Sherwood then moved an amendment to the main question, "That an humble "address be presented to Her Majesty, thanking Her Majesty for the gracious manner in "which She has been pleased to receive the address of this House, of the last session, on "the subject of the Clergy Reserves; to assure Her Majesty that this House, and the "province at large, feel deeply grateful for the communication received from the Right "Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, "conveying Her Majesty's answer thereto, intimating Her Majesty's readiness to accede "to the wishes of the people of Canada in matters exclusively affecting their interests; "and further, to assure Her Majesty that this House feels under the highest obligation to "Her Majesty's Imperial Ministers for the kind and proper consideration they have mani- "fested in the future welfare and prosperity of this province, in giving expression, in the

" said despatch, to a feeling of deep regret that a subject of so much difficulty as that of the " Clergy Reserves should, after an interval of some years, have again been brought under " discussion, and giving it as their judgment that the advantages to this province would be " great by leaving undisturbed the existing arrangement, whereby certain portions of the " public lands of Canada are made available for the purposes of creating a fund for the " religious instruction of its inhabitants."

Yeas :—Messieurs Badgley, Cameron of Cornwall, Dickson, Malloch, Meyers, Robinson, Seymour, Sherwood of Brockville, Sherwood of Toronto, and Stevenson,—10.

Nays :—Messieurs Armstrong, Attorney-General Baldwin, Boulton of Norfolk, Boutillier, Burritt, Cartier, Cauchon, Chabot, Chauveau, Solicitor-General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillett, Hincks, Holmes, Hopkins, Jobin, Johnson, Lacoste, Attorney-General La Fontaine, La Terrière, Laurin, Lemieux, Solicitor-General Macdonald, Mackenzie, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Richards, Sanborn, Sauvageau, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, and Wilson,—46.

Mr. Mackenzie then moved to resolve, in amendment to the main question, " That the " Clergy Reserves, originally bestowed by the Constitutional Act upon a Protestant " clergy exclusively, having been already diverted from that purpose by appropriating " them also to the Roman Catholic Church, it is both warranted by past practice and by " the often expressed opinion of the people of Upper Canada, that future civil and religious " tranquillity should be secured by the final diversion of these Reserves from all ecclesias- " tical and church purposes whatever, and by their application to a general system of " education whereby persons of all classes in society, and of all creeds in religion, will alike " profit."

Yeas :—Messieurs Boulton of Norfolk, Hopkins, Mackenzie, and McFarland,—4.

Nays :—Messieurs Armstrong, Badgley, Attorney-General Baldwin, Bell, Boulton of Toronto, Boutillier, Burritt, Cameron of Cornwall, Cartier, Cauchon, Chabot, Chauveau, Dickson, Dumas, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hinckes, Holmes, Jobin, Johnson, Lacoste, Attorney-General La Fontaine, La Terrière, Laurin, Lemieux, Letellier, Solicitor-General Macdonald, Sir Allan N. MacNab, Malloch, McConnell, Merritt, Méthot, Meyers, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Richards, Robinson, Ross, Sanborn, Sauvageau, Scott of Two Mountains, Seymour, Sherwood of Brockville, Sherwood of Toronto, Smith of Durham, Smith of Wentworth, Stevenson, and Wilson,—56.

The main question was then put and agreed to.

Yeas :—Messieurs Armstrong, Attorney-General Baldwin, Bell, Boutillier, Burritt, Cartier, Cauchon, Chabot, Chaveau, Dumas, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Lacoste, Attorney-General La Fontaine, La Terrière, Laurin, Lemieux, Letellier, Solicitor General Macdonald, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Papineau, Polette, Price, Richards, Ross, Sanborn, Sauvageau, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, and Wilson,—45.

Nays :—Messieurs Badgley, Boulton of Norfolk, Boulton of Toronto, Cameron of Cornwall, Cayley, Dickson, Hopkins, Mackenzie, Sir Allan N. MacNab, Malloch, Meyers, Robinson, Seymour, Sherwood of Brockville, Sherwood of Toronto, and Stevenson,—16.

On motion of the Hon. Mr. Price, a select committee was appointed to prepare and report the draught of an address to Her Majesty, founded on the foregoing resolution.

The following address was then reported and agreed to, and ordered to be engrossed:

" TO THE QUEEN'S MOST EXCELLENT MAJESTY.

" Most Gracious Sovereign,

" We, Your Majesty's dutiful and loyal subjects the Commons of Canada, in Pro- " vincial Parliament assembled, beg leave respectfully to thank Your Majesty for the gracious " manner in which Your Majesty has been pleased to receive our address of last session, on " the subject of the Clergy Reserves, and to assure Your Majesty of the great satisfaction " which it has afforded to Your faithful Commons and the Province at large, to learn from " the despatch of the Right Honourable Earl Grey, Your Majesty's Principal Secretary of " State for the Colonies, communicating such Your Majesty's gracious reception of our said " address, that it has appeared to Your Majesty's Imperial Ministers that such address ought " to be acceded to, and that they would accordingly be prepared to recommend to the Im- " perial Parliament that an Act should be passed giving to the Provincial Legislature full " authority to make such alterations as they may think fit in the existing arrangements with " regard to those Reserves, provided that existing interests are respected."

On the motion of the Hon. Mr. Price an address was then voted to his Excellency, informing him that this House has voted an humble address to Her Majesty on the subject of the Clergy Reserves, and praying he will be pleased to transmit the same to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne; and ordered to be engrossed.

It was also ordered, That the said addresses be presented to his Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

CANADA.

No. 8.

(No. 111.)

Copy of a DESPATCH from the Earl of Elgin and Kincardine to Earl Grey.

Government House, Toronto, September 29, 1851.

My Lord, (Received October 20, 1851.)

I have the honour to transmit herewith certified copies of three Bills passed during the late session of the Provincial Parliament, entitled respectively "*An Act to provide for the establishment of a Church Society of the United "Church of England and Ireland in each diocese of that Church in Lower "Canada, and for other purposes connected with the recent division of the "Diocese of Quebec;" "*An Act to make provision for the Management "of the Temporalities of the United Church of England and Ireland in the "Diocese of Montreal, and for other Purposes therein mentioned;" and "An Act to repeal so much of the Act of Parliament of Great Britain passed "in the Thirty-first Year of the Reign of King George the Third, and chap-"tered Thirty-one, as relates to Rectories and the Presentation of Incumbents "to the same; and for other Purposes connected with such Rectories."

These Bills have been reserved for the signification of Her Majesty's pleasure on them, under the provisions of the forty-second section of the Union Act, which requires that Bills of this nature shall be laid before Parliament before they receive Her Majesty's assent. They are accompanied by addresses from the Legislative Council and Assembly, praying me to transmit them to England for this purpose.

I enclose herewith copies of the reports of the Attornies General upon these Bills.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

Encl. in No. 8.

Enclosure in No. 8.

Crown Law Department, Toronto,
August 30, 1851.

Sir,

In obedience to the commands of his Excellency the Governor General with which I have been honoured, in reference to a Bill passed by the Legislative Council and Assembly, intituled "An Act to repeal so much of the Act of the Parliament of Great Britain "passed in the Thirty-first Year of the Reign of King George the Third, and chaptered "Thirty-one, as relates to Rectories and the Presentation of Incumbents to the same, and "for other Purposes connected with such Rectories," I beg to report, for the information of his Excellency, that, having perused the above Bill, I am of opinion that it comes within the provisions of the forty-second section of the Union Act, which requires that Bills for any of the purposes therein mentioned shall, previously to any declaration or signification of Her Majesty's assent thereto, be laid before both Houses of the Imperial Parliament, there to remain thirty days; and that no such Bill shall be valid or effectual within the Province of Canada unless the Legislative Council and Assembly of such province shall, in the session in which the same shall have been passed, have presented an address or addresses specifying that such Bill contains provisions for some of the purposes in the said section specially described, and desiring that, in order to give effect to the same, such Bill may be transmitted to England without delay, for the purpose of being laid before Parliament, previously to the signification of Her Majesty's assent thereto.

I have, &c.

(Signed) Robt. Baldwin.

Enclosure in No. 8.

Encl. in No. 8.

An Act to repeal so much of the Act of the Parliament of Great Britain, passed in the thirty-first year of the reign of King George the Third, and chaptered thirty-one, as relates to Rectories, and the Presentation of Incumbents to the same, and for other Purposes connected with such Rectories.

Whereas the recognition of legal equality among all religious denominations is an admitted principle of Colonial legislation: And whereas, in the state and condition of this province, to which such a principle is peculiarly applicable, it is desirable that the same

* These Bills are not printed with this collection. They have been laid before Parliament and separately printed.

CANADA.

should receive the sanction of direct legislative authority, recognizing and declaring the same as a fundamental principle of our civil polity: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to re-unite the Provinces of Upper and "Lower Canada, and for the Government of Canada," and it is hereby declared and enacted by the authority of the same, That the free exercise and enjoyment of religious profession and worship, without discrimination or preference, so as the same be not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the peace and safety of the province, is by the constitution and laws of this province allowed to all Her Majesty's subjects within the same.

And whereas the provisions of the Act of the Imperial Parliament of Great Britain, passed in the thirty-first year of the reign of His late Majesty King George the Third, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His "Majesty's reign, intituled 'An Act for making more effectual provision for the Government "of the Province of Quebec in North America,' and to make further Provision for the "Government of the said Province," whereby the erection of parsonages or rectories in this province according to the Establishment of the Church of England, the endowment of such parsonages or rectories out of the Clergy Reserves, and the presentation of incumbents or ministers to such parsonages or rectories, is vested in the Government of this province, have been found to give occasion to doubts and apprehensions, which it is desirable should be removed by the repeal of the same under the power for that purpose vested in the Provincial Parliament by the provisions of the said Imperial Act: Be it therefore enacted, That the thirty-eighth, thirty-ninth, and fortieth sections of the said Act shall be and the same are hereby repealed, and that from henceforth no Letters Patent shall be issued in this province by the Crown for the erection of any such parsonages or rectories, or for the endowment thereof out of the Clergy Reserves or the public domain, or for the presentation of any incumbent or minister to any such parsonage or rectory: Provided always, that neither such repeal, nor anything herein contained, shall in anywise affect any proceeding heretofore had, whereby certain parsonages or rectories were erected and endowed, or supposed to be erected and endowed, by the authority aforesaid, or whereby certain incumbents or ministers were presented, or supposed to be presented, under the same authority, to such parsonages or rectories, or any of them, but the legality or illegality of all such proceedings shall be left open to be adjudicated upon and determined as if this Act had not been passed: And provided also, that nothing herein contained shall extend or be construed to extend to limit or in any way affect or interfere with the provisions of the twenty-seventh section of the Act of the Parliament of this province, passed in the session thereof held in the fourth and fifth years of Her Majesty's reign, intituled "An Act for the disposal of "public lands."

And be it enacted, That in the event of its being judicially decided that any of such parsonages or rectories were erected according to law, and until a judicial decision shall be obtained on such question, the right of presenting an incumbent or minister to such parsonage or rectory shall vest in and be exercised by the Church Society of the Church of England diocese within which the same shall be situated, or in such other person or persons, bodies politic or corporate, as such Church Society, by any byelaw or byelaws to be by them from time to time passed for that purpose, shall or may think fit to direct or appoint in that behalf.

I certify the above to be a true copy of a Bill passed by the Legislative Council and Legislative Assembly of the province of Canada, in the fourth session of the third Provincial Parliament, and reserved by His Excellency the Governor General for the signification of Her Majesty's pleasure thereon, on the thirtieth day of August, one thousand eight hundred and fifty-one.

(Attest) J. JOSEPH, Clerk Legislative Council.

No. 9.

No. 9.

(No. 118.)

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to Earl GREY.

Government House, Quebec, October 24, 1851.

(Received November 10, 1851.)

MY LORD, (Answered by No. 672, December 29, 1851, p. 20.)

I HAVE the honour to transmit herewith the resolutions of the Legislative Council and Assembly on the subject of the reserved Bills enclosed in my Despatch No. 111, of the 29th of September, showing that the addresses

praying for the transmission of the said Bills, were duly voted by the Houses, in accordance with the provisions of the 42d section of the Union Act. CANADA.

These Resolutions ought to have been enclosed in my despatch, No. 111,* of the 29th of September, but were accidentally omitted. * Page 15.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure in No. 9. Encl. in No. 9.

Legislative Assembly, Saturday, August 30, 1851.

Resolved, That an humble Address be presented to his Excellency the Governor General, informing his Excellency that both Houses of the Provincial Parliament have, in this present Session thereof, passed a Bill, intituled "An Act to repeal so much of the "Imperial Act 31 Geo. 3. chap. 31. as relates to Rectories, and the Presentation of "Incumbents to the same," which Bill repeals the several provisions contained in the Act of the Imperial Parliament of Great Britain passed in the 31st year of the reign of King George the Third, intituled "An Act to repeal certain parts of an Act passed in the four-"teenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision "for the Government of the Province of Quebec, in North America, and to make further "provision for the Government of the said Province,'" respecting the constituting, erecting, and endowing of parsonages or rectories within this province, and respecting the presentation of incumbents or ministers of the same; and that this House prays, that, in order to give effect to the said Bill, his Excellency will be pleased to cause the same to be transmitted to England without delay, for the purpose of its being laid before the Imperial Parliament previously to the signification of Her Majesty's assent thereto, pursuant to the provisions of the forty-second section of the Union Act.

Ordered, That the said Address be presented to his Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

(Attest) W. B. LINDSAY,
Clerk of the Assemby.

(No. 8.) No. 10.

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to Earl GREY.

Government House, Quebec,
January 23, 1852.

MY LORD, (Received February 9, 1852.)

IN reply to your Despatch, No. 672,* of the 29th December last, I have to express my regret that, through some misunderstanding, the resolution of the Legislative Council on the Bill relating to Rectories was not sent together with that of the Legislative Assembly, and I have now the honour to forward it pursuant to your Lordship's instructions. * Page

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure in No. 10.

Legislative Council, Saturday, August 30, 1851.

Resolved, That an humble Address be presented to his Excellency the Governor General, informing his Excellency that both Houses of the Provincial Parliament have in this present Session thereof passed a Bill, intituled "An Act to repeal so much of the Imperial "Act 31 Geo. 3. chap. 31. as relates to Rectories, and the Presentation of Incumbents to "the same," which Bill repeals the several provisions contained in the Act of the Imperial Parliament of Great Britain passed in the 31st year of the reign of King George the Third, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His "Majesty's Reign, intituled 'An Act for making more effectual provision for the Govern-"ment of the Province of Quebec in North America,' and to make further provision for "the Government of the said province," respecting the constituting, erecting, and endowing of parsonages or rectories within this province, and respecting the presentation of incumbents or ministers of the same; and that this House prays, that in order to give effect to the said Bill his Excellency will be pleased to cause the same to be transmitted to England without delay, for the purpose of its being laid before the Imperial Parliament previously to the signification of Her Majesty's assent thereto, pursuant to the provisions of the forty-second section of the Union Act.

Ordered, That such Members of the Executive Council who are Members of this House do present the said Address to his Excellency the Governor General.

(Attest) J. JOSEPH,
Clerk of Legislative Council.

Despatches from the Right Hon. Earl Grey, Secretary of State.

No. 1.

No. 1. (No. 578.)

COPY of a DESPATCH from Earl GREY to the Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, April 10, 1851.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch,* No. 39, of the 15th of March, enclosing copies of petitions to Her Majesty, from bodies connected with the Presbyterian Church of Canada in connexion with the Church of Scotland, on the subject of the Clergy Reserves, together with copies of a correspondence which has passed between the Provincial Secretary and the Secretary to the Clergy Reserve Commissioners in reference to these petitions.

* Page 6.

Whenever the original petitions arrive, which your Lordship informs me are to be sent to this country by a special agent, they will be duly laid before the Queen.

I have, &c.

The Earl of Elgin, &c. &c. (Signed) GREY.

No. 2.

No. 2. (No. 609.)

COPY of a DESPATCH from Earl GREY to the Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, June 13, 1851.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 15th March,* No. 38, transmitting Memorials addressed to the Queen and the two Houses of Parliament, by the Presbytery of Kingston in connexion with the Church of Scotland, on the subject of the Clergy Reserves in Canada.

* Page 4.

I have to request that your Lordship will inform the Presbytery that I have laid their Memorial before Her Majesty, and that I have presented their Memorial to the House of Lords; but that, as I find that the Memorial transmitted with your despatch for presentation to the House of Commons has been already presented to that House by Mr. Baird, no interference on my part with reference to it has been necessary.

I have, &c.

The Earl of Elgin, &c. &c. (Signed) GREY.

No. 3.

No. 3. (No. 617.)

COPY of a DESPATCH from Earl GREY to the Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, July 11, 1851.

IN my despatch of the 27th† of January last I stated to your Lordship that, in consequence of the Address to Her Majesty of the House of Assembly which you transmitted to me in your despatch, No. 198,‡ of the 19th of July, 1850, it was the intention of Her Majesty's servants to recommend to Parlia-

† Page 6. ‡ Page 1. } Papers relative to Clergy Reserves in Canada, presented to both Houses of Parliament, by Her Majesty's command, February 1851.

ment that an Act should be passed, giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements with regard to the Clergy Reserves, providing that existing interests are respected.

I have now to inform your Lordship, with reference to the above communication, that, from the meeting of Parliament up to the present time, business of so much urgency has occupied the attention of the House of Commons that it has hitherto been impossible for Her Majesty's servants to submit to that House a measure for giving effect to the wishes of the people of Canada on this subject, as expressed by their representatives, and that the remaining portion of the present session would not afford a sufficient opportunity for the discussion of a measure of so much importance, and upon which it is probable there may be much difference of opinion. In these circumstances Her Majesty's servants are compelled to postpone to another session the introduction of the Bill, to which, in accordance with the intention they have expressed, it is their intention to ask the assent of Parliament.

It has not been without great reluctance that we have decided upon thus delaying the proposal of a measure for which it appears that much anxiety is felt by the people of Canada; but, on the other hand, it has appeared to us that it would be better to incur even this delay, greatly as we have regretted it, than to bring the subject under the consideration of Parliament until it should be in our power to do so in the manner best calculated to ensure the success of the measure which we shall propose.

I trust that it will be practicable to submit this measure to Parliament early in the next session.

I have to instruct your Lordship to communicate this despatch to both Houses of Parliament of Canada.

I have, &c.
(Signed) GREY.

The Earl of Elgin,
&c. &c.

(No. 624.) No. 4. No. 4.

Copy of a DESPATCH from Earl Grey to the Earl of Elgin and Kincardine.

My Lord, Downing Street, July 18, 1851.

I have the honour to acknowledge the receipt of your despatch* No. 85, of the 25th ultimo, transmitting an address from the Legislative Council of Canada on the subject of the Clergy Reserves, and I have to acquaint your Lordship that I have duly laid this address before the Queen.

* Page 10.

I have, &c.
(Signed) GREY.

The Earl of Elgin,
&c. &c.

(No. 625.) No. 5. No. 5.

Copy of a DESPATCH from Earl Grey to the Earl of Elgin and Kincardine.

My Lord, Downing Street, July 18, 1851.

I have received your Lordship's despatch, No. 86,* of the 25th of June, enclosing the copy of a protest by certain members of the Legislative Council against the address of that body to Her Majesty, transmitted in your despatch, No. 85, of 25th ultimo.

* Page 11.

I have, &c.
(Signed) GREY.

The Earl of Elgin,
&c. &c.

CANADA.

No. 6.

(No. 626.) No. 6.

Copy of a DESPATCH from Earl Grey to the Earl of Elgin and Kincardine.

My Lord, Downing Street, July 18, 1851.

* Page 8. I have to acknowledge the receipt of your Lordship's despatch, No. 82,* of the 21st ultimo, enclosing the copy of a letter from the Secretary to the Conference of the Wesleyan Methodist Church in Canada in connexion with the British Conference, on the subject of the Clergy Reserves.

I have, &c.

The Earl of Elgin, (Signed) GREY.
&c. &c.

No. 7.

No. 7.

(No. 628.)

Copy of a DESPATCH from Earl Grey to the Earl of Elgin and Kincardine.

My Lord, Downing Street, July 28, 1851.

I have the honour to acknowledge the receipt of your Lordship's
* Page 11. despatch, No. 89,* of the 5th instant, enclosing an Address to the Queen from the Legislative Assembly of Canada, on the subject of the Clergy Reserves. I have to instruct your Lordship to inform the House that I have laid their Address before the Queen, and that Her Majesty was pleased to receive it very graciously.

* Page 18. My despatch, No. 617,* of the 11th instant, will have placed your Lordship in possession of the reasons which have compelled Her Majesty's Government to postpone the introduction of the intended Bill on this subject into the Imperial Parliament.

I have, &c.

The Earl of Elgin, (Signed) GREY.
&c. &c.

No. 8.

No. 8.

(No. 672.)

Copy of a DESPATCH from Earl Grey to the Earl of Elgin and Kincardine.

My Lord, Downing Street, December 29, 1851.

* Page 16. Referring to your Lordship's despatch, No. 118,* of the 24th October, forwarding Resolutions of the Legislative Council and Assembly of Canada on three of the Bills passed by them during the late session, and reserved by your Lordship for the signification of Her Majesty's pleasure, I have to call your attention to the absence of any Resolution of the Legislative Council on the Bill relating to Rectories.

I have to request your Lordship to supply this omission.

I have, &c.

The Earl of Elgin, (Signed) GREY.
&c. &c.

Other Correspondence.

No. 1. No. 1.

Copy of a LETTER from Henry Young, Esq., to B. Hawes, Esq.

Edinburgh, 3, Moray Place,
March 10, 1851.

Sir,

I have been directed by the Colonial Committee of the General Assembly of the Church of Scotland to transmit to you, in order that it may be laid before Her Majesty's Principal Secretary of State for the Colonies, an extract from their Minutes on the subject of the Canada Clergy Reserves, to which they have respectfully to request the attention of his Lordship.

I have, &c.
(Signed) H. YOUNG.

Benjamin Hawes, Esq., M.P.,
Under Secretary of State,
&c. &c. &c.

Enclosure in No. 1. Encl. in No. 1.

Extract from the Minutes of a Meeting of the Acting Committee of the General Assembly of the Church of Scotland's Committee on Colonial Churches, held at Edinburgh, the 24th day of February 1851.

The Colonial Committee of the General Assembly having had their attention called for the first time, to the recent Resolution of the Provincial Parliament of Canada in regard to the Clergy Reserves, and to the petition which the Synod of Canada has agreed to present to Her Majesty against any interference in the present arrangement of the Clergy Reserves, and having been earnestly requested by the Synod of Canada to further the views entertained by that body on this important subject, these views being in full accordance with the views entertained by this Committee, and having also had their attention directed to the communication from the Earl of Elgin to Earl Grey, dated 19th July 1850, and to the answer of Earl Grey thereto, dated the 27th of January last, both recently laid before Parliament, beg leave respectfully but firmly to express the unanimous opinion entertained by this Committee against the proposed interference with the Clergy Reserves, and with the Acts of Parliament by which these have been settled and appropriated, upon a footing which the Synod of Canada and the Church of Scotland, of which it forms a branch, and all the other parties interested therein, had reason to rely upon as a permanent settlement of the question, deliberately made, and prompted by a desire to prevent further agitation and further changes in regard to it.

The Colonial Committee have reason to know that the Church of Scotland and the Synod of Canada view the Clergy Reserve fund as of the utmost importance in securing and extending the benefits of public worship and religious instruction in Canada through the instrumentality of the churches deriving aid therefrom, and the Act 3 & 4 Victoria, chap. 78, as continuing distinctly to recognize the principle of an Establishment, and giving a clear vested interest in the Clergy Reserves to the parties therein named. The Colonial Committee, therefore, earnestly hope that Her Majesty's ministers, on a reconsideration of the subject, will see cause not to accede to the desire expressed by the House of Assembly of Upper Canada, or to recommend to Parliament that an Act should be passed giving to the Provincial Legislature full authority to make such alterations as they may think fit in the existing arrangements in regard to the Clergy Reserves, provided that existing interests are respected, but to allow matters to remain on their present footing. The Committee requested the Vice-convener immediately to transmit an extract of this Resolution to Her Majesty's Principal Secretary of State for the Colonies.

Extracted from the Minutes of the Acting Committee of the General Assembly's Committee on Colonial Churches, by

H. Young, Secretary.

CANADA.

No. 2.

No. 2.

Copy of a LETTER from B. Hawes, Esq. to Henry Young, Esq.

Sir, Downing Street, March 21, 1851.

I am directed by Earl Grey to acknowledge the receipt of your letter of the 10th instant, enclosing an extract from the minutes of the Colonial Committee of the General Assembly of the Church of Scotland on the subject of the Clergy Reserves in Canada.

I have, &c.

Henry Young, Esq. (Signed) B. HAWES.
&c. &c.

No. 3.

No. 3.

Copy of a LETTER from W. Morris, Esq. to Earl Grey.

64, Jermyn Street, St. James's, May 15, 1851.

(Answered May 23, 1851.)

My Lord,

I beg leave to hand you the accompanying parcel containing a Petition from the Synod of Canada in connexion with the Church of Scotland, to Her Majesty the Queen, praying that the Clergy Reserves of Canada may not be alienated from the purposes for which they were set apart; also another petition to the same effect from the Commissioners of that Church appointed under the Act 3 & 4 Vict. cap. 78.; and another from the Lay Association; which, with sixty-two petitions from the several congregations of that Church, I have to request that you will be pleased to lay before Her Majesty for Her Majesty's gracious consideration.

With the exception of the three first-named petitions, and five of those from the congregations, there is an expression in the others which it is proper I should explain, as it is incorrect, though not intentionally so. The 29th Resolution of the Assembly of Canada, upon which their Address to Her Majesty was founded, was the principal one of the series, and was carried by a majority of two only, and had it not been for the absence, when the vote was taken, of four members who were opposed to it, the question would have been lost.

This circumstance caused the person who was employed to prepare the draught of a petition for the congregations, to say that the Address was carried by a majority of two, in place of saying that the principal resolution of the series upon which it was founded was so carried.

I have, &c.

The Right Hon. Earl Grey, (Signed) W. MORRIS.
&c. &c. &c.

Unto Her most Gracious Majesty Victoria, Queen of Great Britain and Ireland, with their Colonies and Dependencies, &c. &c. &c.

The Petition of the Ministers and Elders of the Synod of Canada in connexion with the Church of Scotland, now in Synod assembled.

Humbly Showeth,

That we, Your Majesty's loyal and faithful subjects in this province, attached by national origin and by religious convictions to the Established Church of Scotland, were, after a long advocation of our rights, declared by the highest legal authorities of the empire to be entitled to participate in the munificent grant made by Your Majesty'sRoyal Grandfather King George III. for the maintenance of a Protestant clergy in Canada, and this right was solemnly acknowledged and guaranteed by an Act of the Imperial Parliament passed in the third and fourth years of Your Majesty's reign, cap. 78.

That Your Petitioners were induced to acquiesce in the statute aforesaid, though its provisions, as was then conceived, were inequitably unfavourable to our Church, on the ground that it was most desirable for the peace of the province, and the interest of pure religion within it, that this long agitated question should be settled by the Imperial Parliament; and, concurring in what appeared to be the prevailing wish of Your Majesty's subjects in this

province, that the Imperial Legislation on this question should be final, they have always implicitly relied on its finality as expressed in the preamble of the Act aforesaid in these terms, "It is expedient to provide for the final disposition of the lands called Clergy Reserves in Canada."

That ever since the passing of the statute aforesaid, your Petitioners, the Synod of Canada in connexion with the Chuch of Scotland, the Supreme Judicature of our Church in this province, in full reliance that the temporal aid secured to them might be deemed fixed and permanent, proceeded with greater zeal to invite qualified ministers to come to Canada, and settled them over congregations in destitute localities. And further, this synod for several years past has been using every exertion to train up a learned native ministry, employing, after the higher motives, the inducement that the aid to be derived from the Clergy Reserve Fund, supplemented by the liberality of the people, promised a secure though scanty support for them when they should be admitted to the ministerial office; and your Petitioners in these prospects have been enabled to extend the ministrations of the Church in Canada; and they entertained the hope, that as the fund increased, and the spiritual necessities of their people required, they might be able to provide ministers who should take oversight of the flock in the fear of God.

That your Petitioners, cherishing such hopes, and proceeding peaceably in their work, have been afflicted to see a new agitation stirred up on this question, which they had regarded as finally settled, and a series of resolutions passed in the Legislative Assembly, on which an Address to Your Majesty has been voted, to the effect that the Imperial Statute should be repealed, and the whole question be admitted to the Colonial Legislature to be dealt with anew.

That your Petitioners most humbly submit to Your Majesty, that such a course, if adopted, would produce most serious evils in this colony; it would shake the confidence of the best disposed in the stability of the institutions under which we have the happiness to live; it would renew the agitation and strife which for so many years convulsed the people of this province on this question; and if unhappily our Colonial Legislature should pursue a course which has among our promiscuous population many advocates, and divert the Clergy Reserve Fund from religious to secular purposes, your Petitioners could not but regard such an event as peculiarly afflictive and disastrous, both to the actual incumbents and to the spiritual well-being of future generations.

May it therefore please Your Majesty to consider favourably the prayer of your Petitioners, and to hold the existing law on the matter referred to as a final arrangement; that the congregations of our Church may continue to be assisted out of the Clergy Reserve Fund in the support of their ministers; and that we, and our posterity after us, may enjoy the blessing of pure Christianity, which teaches all orders of men to fear God and honour the King.

And Your Petitioners will ever pray.

J. Malcolm Smith, M.A.,
Moderator of Synod.

Unto Her most Gracious Majesty Victoria, Queen of Great Britain and Ireland, with all their Colonies and Dependencies, &c. &c. &c.

The Memorial of the Board of Commissioners, elected by the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, in terms of the Act 3 & 4 Victoria, cap. 78., entitled "An Act," &c.,

Humbly Showeth—

That your Memorialists were duly appointed and constituted a Board of Commissioners for expending the share of the proceeds of sales of the lands set apart for the support of a Protestant Clergy, approprieted to the Church of Scotland in Canada by virtue of the Act aforesaid.

That from the terms, "It is expedient to provide for the final disposition of the lands called Clergy Reserves in Canada," in the preamble of the said Act, your Memorialists regarded the provisions therein contained as a final settlement of the question; and they have every reason to believe that they were received as such by Your Majesty's subjects generally in the Province of Canada.

That though the share awarded, in terms of the said Act, to the Church of Scotland, was not as much as the members of that Church considered it entitled to receive, yet as the country had been long distracted with the subject, and a settlement of it was desirable for the public good, they acquiesced in the decision, rather than that the agitation should be prolonged, to the manifest injury of the peace and prosperity of the colony.

That your Memorialists lament to perceive that by an Address from the House of Assembly of this province, carried only by a narrow majority, a large proportion of the members of which assembly are Roman Catholics, an attempt is made again to open up this question, and revive the troubles and dissensions formerly experienced.

That the same House of Assembly has of late years almost unanimously granted Acts of Incorporation to numerous bodies of Roman Catholics, conferring upon them extensive privileges, and entitling them to hold fixed property to an enormous value.

That the object of the attempt now made is to dispossess the Church of Scotland and other religious bodies of any participation in the fund and lands specially set apart "for

CANADA.

the maintenance of religion and the advancement of Christian knowledge within the said Province of Canada," and thereby to withdraw from religion that support which it has hitherto received from this source.

That the evils which will result from the renewed discussion of this question are many and formidable, affecting the tranquillity of the province, by exciting vehement agitation, and awakening the worst passions of rival parties, destroying all confidence in the security of rights granted by the beneficence of a pious Monarch, and guaranteed by a British Act of Parliament, and, if the proposal now made be carried into effect, depriving many of the scattered settlements throughout the province of religious ordinances altogether, and leaving the religious instruction of a great proportion of the people (the surest bulwark of a nation) to men themselves ill-educated; for whatever may be said in favour of the voluntary system of religious support, from sad experience it is here most manifest that it would be utterly inadequate to the wants and circumstances of the country.

Wherefore your Memorialists, firmly persuaded of the magnitude of the evils to be apprehended, feel that they are no less bound by the claims of loyalty and citizenship than of fidelity in the administration of the trust reposed in them as Commissioners, to crave that Your most Gracious Majesty will decline to re-open this question, and leave the various religious bodies in possession of the advantages they now enjoy accruing from the Clergy Reserves Fund, which, extending as they do to all religious denominations, can give no reasonable cause of offence to any.

And your Memorialists will ever pray.

Signed in presence, in the name and by authority of the Board of Commissioners, by me,

ALEX. MATHIESON, D.D., Chairman.
HUGH ALLEN, Secretary.

Unto Her most Gracious Majesty Victoria, Queen of Great Britain and Ireland, with all their Colonies and Dependencies, &c. &c. &c.

The Petition "of the Lay Association in support of the Presbyterian Church of Canada in connexion with the Church of Scotland,"

HUMBLY SHOWETH,

THAT your Petitioners are associated together with the view of extending assistance to poor congregations, educating young men for the ministry, and disseminating useful and instructive information respecting the Church of Scotland and the Presbyterian Church of Canada in connexion therewith.

That your Petitioners, attached by conviction and choice to the communion of the Church of Scotland, and feeling the warmest interest in its prosperity, have observed with regret that an attempt to re-open the settlement of the lands set apart for the support of "a Protestant clergy" is made by an Address of the Legislative Assembly of this province, based upon resolutions the principle of which was carried by a narrow majority in a House a large proportion of the members of which are Roman Catholics, and which has of late years granted with almost entire unanimity Acts of Incorporation to various sections of the Romish Church, enabling it to hold property to an enormous value.

That from the terms, "It is expedient to provide for the final disposition of the lands called Clergy Reserves in Canada," in the preamble of the Act 3 & 4 Vict. cap. 78., your Petitioners regarded the provisions therein contained as a final settlement of the question, and they have every reason to believe that they were received as such by Your Majesty's subjects generally in the province of Canada.

That though the share awarded in terms of the said Act to the Church of Scotland was not so much as the members of that Church considered it entitled to receive in its then condition, yet as the country had been long distracted with the subject, and a settlement of it was desirable for the public good, they acquiesced in the decision, rather than that the agitation should be prolonged, to the manifest injury of the peace and prosperity of the colony.

That the object of the attempt now made is to dispossess the Church of Scotland and other religious bodies of any participation in the fund and lands specially set apart "for the maintenance of religion and the advancement of Christian knowledge within the said province of Canada," and thereby to withdraw from religion that support which it has hitherto received from this source.

The evils which will result from the renewed discussion of this question are many and formidable, affecting the tranquillity of the province by exciting and vehement agitation, and awakening the worst passions of rival parties, destroying all confidence in the security of rights granted by the beneficence of a pious monarch, and guaranteed by a British Act of Parliament, and, if the proposal now made be carried into effect, depriving many of the scattered settlements throughout the province of religious ordinances altogether, and leaving the religious instruction of a great proportion of the people (the surest bulwark of a nation) to men themselves ill-educated; for, whatever may be said in favour of the voluntary system of religious support, from sad experience it is here most manifest that it would be utterly inadequate to the wants and circumstances of the country.

Wherefore your Petitioners, firmly persuaded of the magnitude of the evils to be apprehended, feel that they are no less bound by the claims of loyalty and citizenship than by the duty they owe to the Church of which they are members, and to the people of the colony generally, to beseech Your Majesty to withhold the Royal Assent from any measure for the repeal of the Act 3 and 4, chap. 78., of Your Majesty's reign.

And your Petitioners will ever pray.

Signed in name and by authority of the Association,

HUGH ALLAN, Vice President.

Unto Her most Gracious Majesty Victoria Queen of Great Britain and Ireland, with all their Colonies and Dependencies, &c., &c, &c.

The Petition of the undersigned Minister and Congregation of Saint Andrew's Church, Montreal, belonging to the Presbyterian Church of Canada in connexion with the Church of Scotland,

HUMBLY SHOWETH,

THAT by the Act passed by the Imperial Parliament in the third and fourth years of Your Majesty's reign, cap. 78., the lands unsold, and the proceeds of those sold, which had been set apart during the reign of His late Majesty George III., of pious memory, specially for the support of a Protestant clergy, to a participation in which the Church of Scotland had been declared by the unanimous opinion of the judges and law officers of the Crown to have a right, were divided in certain proportions between various sects in this country, and this division was looked upon and accepted by all parties, as it is declared in the preamble of the Act, to be a final settlement of the question.

That though the share thus awarded to the Church to which your Petitioners belong was not as much as they considered it entitled to, yet, as the country had been for some time distracted with the subject, and a settlement of it was desirable for the public good, they acquiesced in the decision rather than continue the agitation.

That your Petitioners lament to perceive that, by an Address from the House of Assembly of this province, the principle of which was carried only by a small majority, a large proportion of the members of which Assembly are Roman Catholics, an attempt is made again to open this question, and thereby renew the troubles and dissensions formerly experienced.

That this same House of Assembly has of late years granted Acts of Incorporation to numerous bodies of Roman Catholics, by which extensive privileges are conferred upon them, and which entitle them to hold fixed property to an enormous value.

That the object of the attempt now made is to take away from your Petitioners and all other religious bodies any participation in the fund and lands thus specially set apart, thereby depriving religion of that support which it has hitherto obtained from this source.

That the effect of this alteration would be to debar many of the scattered settlements throughout the country where the minister's chief support is his allowance from the Reserve Fund of the ordinances of religion, and prevent the establishment of ministers and missionaries in the remote and thinly-settled parts of the country, where the people are still without the means of grace.

Wherefore your Petitioners humbly pray that Your Majesty will decline to re-open this question, but leave your Petitioners and other religious bodies in the enjoyment of the privileges they now possess.

And your Petitioners, both from duty and inclination, will ever pray.

(Signed) ALEX. MATHIESON, D.D.,

And 154 other signatures.

Unto the Queen s most Excellent Majesty.

The Petition of the undersigned Minister and Congregation of Saint Andrew's Church, Quebec, belonging to the Presbyterian Church of Canada in connexion with the Church of Scotland,

HUMBLY SHOWETH,

THAT by the Act passed by the Imperial Parliament in the third and fourth years of Your Majesty's reign, cap. 78., the lands unsold, and the proceeds of those sold, which had been set apart during the reign of His late Majesty George III., of pious memory, specially for the support of a Protestant clergy, to a participation in which the Church of Scotland had been declared by the unanimous opinion of the judges and law officers of the Crown to have a right, were divided in certain proportions between various sects in this country, and this division was looked upon and accepted by all parties, as it is declared in the preamble of the Act, to be a final settlement of the question.

That, though the share thus awarded to the Church to which your Petitioners belong was not as much as they considered it entitled to, yet, as the country had been for some time

distracted with the subject, and a settlement of it was desirable for the public good, they acquiesced in the decision rather than continue the agitation.

That your Petitioners lament to perceive that, by an Address from the House of Assembly of this province, not concurred in by the Legislative Council, a large proportion of the members of which Assembly are Roman Catholics, an attempt is made again to open this question, and thereby renew the trouble and dissensions formerly experienced.

That this same House of Assembly has of late years granted Acts of Incorporation to numerous bodies of Roman Catholics, by which extensive privileges are conferred upon them, and which entitle them to hold fixed property to an enormous value.

That the object of the attempt now made is to take away from your Petitioners, and all other religious bodies, any participation in the fund and lands thus specially set apart, thereby depriving religion of that support which it has hitherto obtained from this source.

That the effect of this alteration would be to debar many of the scattered settlements throughout the country, where the minister's chief support is his allowance from the Reserve Fund, of the ordinances of religion, and prevent the establishment of ministers and missionaries in the remote and thinly-settled parts of the country, where the people are still without the means of grace.

Wherefore, your Petitioners humbly pray that Your Majesty will decline to re-open this question, but leave your Petitioners, and other religious bodies in the enjoyment of the privileges they now possess.

And Your Majesty's Petitioners, both from duty and inclination, will ever pray.

(Signed) JOHN COOK, D.D., Minister.

And 187 other signatures

Unto Her most Gracious Majesty Victoria, Queen of Great Britain and Ireland, with all their Colonies and Dependencies, &c., &c., &c.

The Petition of the undersigned Minister, Elder, and Congregations of Saint Paul's Church, Montreal, belonging to the Presbyterian Church of Canada in connexion with the Church of Scotland,*

HUMBLY SHOWETH,—

THAT by the Act passed by the Imperial Parliament in the third and fourth years of Your Majesty's reign, cap. 78., the lands unsold, and the proceeds of those sold, which had been set apart during the reign of His late Majesty George III., of pious memory, specially for the support of a Protestant clergy, to a participation in which the Church of Scotland had been declared by the unanimous opinion of the judges and law officers of the Crown to have a right, were divided in certain proportions between various sects in this country; and this division was looked upon and accepted by all parties, as it is declared in the preamble of the Act to be, a final settlement of the question.

That though the share thus awarded to the Church to which your Petitioners belong was not as much as they considered it entitled to, yet as the country had been for some time distracted with the subject, and a settlement of it was desirable for the public good, they acquiesced in the decision rather than continue the agitation.

That your Petitioners lament to perceive that by an Address from the House of Assembly of this province, founded on a series of resolutions, one of which, involving the main principle, was carried only by a majority of two, and not sent to the Legislative Council, a large proportion of the members of which Assembly are Roman Catholics, an attempt is made again to open this question, and thereby renew the troubles and dissensions formerly experienced.

That this same House of Assembly has of late years granted Acts of Incorporation to numerous bodies of Roman Catholics, by which extensive privileges are conferred upon them, and which entitle them to hold fixed property to an enormous value.

That the object of the attempt now made is to take away from your Petitioners and all other religious bodies any participation in the fund and lands thus specially set apart, thereby depriving religion of that support which it has hitherto obtained from this source.

That the effect of this alteration would be to debar many of the scattered settlements throughout the country, where the minister's chief support is his allowance from the Reserve Fund, of the ordinances of religion, and prevent the establishment of ministers and missionaries in the remote and thinly-settled parts of the country, where the people are still without the means of grace.

Wherefore your Petitioners humbly pray that Your Majesty will decline to re-open this question, but leave your Petitioners and other religious bodies in the enjoyment of the privileges they now possess.

And your Petitioners, both from duty and inclination, will ever pray.

(Signed) ROBERT M'GILL, Minister.

And 51 other signatures.

---

* Similar petitions from the Minister and Congregation of St. Andrew's Church, Perth, dated March 10, 1851, with 105 signatures, and the Minister and Congregation of the First Church, Perth, dated March 10, 1851, with five signatures.

Unto Her most Gracious Majesty Victoria, Queen of Great Britain and Ireland, with all their Colonies and Dependencies, &c. &c. &c.

The Petition of the undersigned Minister and Congregation of the township of Each, Canada West, belonging to the Presbyterian Church of Canada in connexion with the Church of Scotland,

HUMBLY SHOWETH,

THAT by the Act passed by the Imperial Parliament in the third and fourth years of Your Majesty's reign, cap. 78., the lands unsold, and the proceeds of those sold, which had been set apart during the reign of His late Majesty George III., of pious memory, specially for the support of a Protestant clergy, to a participation in which the Church of Scotland had been declared by the unanimous opinion of the judges and law officers of the Crown to have a right, were divided in certain proportions between various sects in this country; and this division was looked upon and accepted by all parties, as it is declared in the preamble of the Act, to be a final settlement of the question.

That though the share thus awarded to the Church to which your Petitioners belong was not as much as they considered it entitled to, yet as the country had been for some time distracted with the subject, and a settlement of it was desirable for the public good, they acquiesced in the decision rather than continue the agitation.

That your Petitioners lament to perceive that by an Address from the House of Assembly of this province, carried only by a small majority, a large proportion of the members of which Assembly are Roman Catholics, an attempt is made again to open this question, and thereby renew the troubles and dissensions formerly experienced.

That this same House of Assembly has of late years granted Acts of Incorporation to numerous bodies of Roman Catholics, by which extensive privileges are conferred upon them, and which entitle them to hold fixed property to an enormous value.

That the object of the attempt now made is to take away from your Petitioners and all other religious bodies any participation in the funds and grants thus specially set apart, thereby depriving religion of that support which it has hitherto obtained from this source.

That the effect of this alteration would be to debar many of the scattered settlements throughout the country, where the minister's chief support is his allowance from the Reserve Fund, of the ordinances of religion, and prevent the establishment of ministers and missionaries in the remote and thinly-settled parts of the country, where the people are still without the means of grace.

Wherefore your Petitioners humbly pray that Your Majesty will decline to re-open this question, but leave your Petitioners and other religious bodies in the enjoyment of the privileges they now posssess.

And your Petitioners, both from duty and inclination, will ever pray.

[Here follow 104 signatures.]

Unto Her most Gracious Majesty Victoria, Queen of Great Britain and Ireland, with all their Colonies and Dependencies, &c., &c., &c.

The Petition of the undersigned Minister and Congregation of Huntingdon in the township of Godmanchester and of St. Michael's in the township of Hinchinbrook, district of Montreal, belonging to the Presbyterian Church of Canada in connexion with the Church of Scotland,

HUMBLY SHOWETH,

THAT by the Act passed by the Imperial Parliament in the third and fourth years of Your Majesty's reign, cap. 78., the lands unsold, and the proceeds of those sold, which had been set apart during the reign of His late Majesty George III., of pious memory, specially for the support of a Protestant clergy, to a participation in which the Church of Scotland had been declared by the unanimous opinion of the judges and law officers of the Crown to have a right, were divided in certain proportions between various sects in this country, and this division was looked upon and accepted by all parties, as it is declared in the preamble of the Act to be, a final settlement of the question.

That though the share thus awarded to the Church to which your Petitioners belong was not as much as they considered it entitled to, yet as the country had been for some time distracted with the subject, and a settlement of it was desirable for the public good, they acquiesced in the decision rather than continue the agitation.

That your Petitioners lament to perceive, that by an Address from the House of Assembly of this province, carried only a majority of two, and not concurred in by the Legislative Council, a large proportion of the members of which Assembly are Roman Catholics, an attempt is made again to open this question, and thereby renew the troubles and dissensions formerly experienced.

That this same House of Assembly has of late years granted Acts of Incorporation to numerous bodies of Roman Catholics, by which extensive privileges are conferred upon them, and which entitle them to hold fixed property to an enormous value.

That the object of the attempt now made is to take away from your Petitioners and all other religious bodies any participation in the fund and lands thus specially set apart, thereby depriving religion of that support which it has hitherto obtained from this source.

That the effect of this alteration would be to debar many of the scattered settlements throughout the country, where the minister's chief support is his allowance from the Reserve Fund, of the ordinances of religion, and prevent the establishment of ministers and missionaries in the thinly-settled and remote parts of the country, where the people are still without the means of grace.

Wherefore your Petitioners humbly pray that Your Majesty will decline to re-open this question, but leave your Petitioners and other religious bodies in the enjoyment of the privileges they now possess.

And your Petitioners, both from duty and inclination, will ever pray.

[Here follow 175 signatures.]

Similar petitions to the foregoing, addressed to Her Majesty, as follows, viz. :—

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No. 4.

Copy of a LETTER from B. Hawes, Esq., to W. Morris, Esq.

Sir, Downing Street, May 23, 1851.

I am directed by Earl Grey to acknowledge the receipt of your letter of the 15th of May, together with 65 petitions to the Queen, from the Synod in Canada and other bodies in connexion with the Church of Scotland, praying that the Clergy Reserves in Canada may not be alienated from the purposes for which they were set apart; and I am to acquaint you that his Lordship has duly laid these petitions before Her Majesty.

I have, &c.

W. Morris, Esq. (Signed) B. HAWES.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

EMIGRATION.

PAPERS

RELATIVE TO

EMIGRATION TO THE NORTH AMERICAN COLONIES.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1852.

SCHEDULE.

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CANADA.

Despatches from Governor General the Right Honourable the Earl of Elgin and Kincardine.

No. 1.

CANADA.
No. 1.

(No. 107.)

COPY of a DESPATCH from the Earl of ELGIN to Earl GREY.

Government House, Toronto,
September 9, 1851.
(Received 29th September 1851.)

MY LORD, (Answered No. 654, November 4, 1851, Page 40.)

I HAVE the honour to enclose herewith, for your Lordship's perusal, the copy of a communication which has been addressed by the chief agent of immigration to the provincial secretary, and I request your Lordship's attention to the statements therein made with respect to certain immigrants from South Uist. 2d Sept. 1851.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

Enclosure in No. 1.

Encl. in No. 1.

Emigration Depôt, Quebec,
September 2, 1851.

SIR,

I HAD the honour of addressing you on the 11th ultimo, respecting several parties of paupers which were being shipped by certain unions in Ireland. I have now received advices from the guardians of the Kilrush Union of their having shipped 324 paupers at Limerick, and remitted to this department the sum of 222*l.* 3*s.* sterling, to be divided as follows:

Male adults	- - -	12*s.* sterling each.
Female adults	- - -	15*s.* ,,
Children	- - -	6*s.* ,,

The Ennistymon Union has also sent out 374 paupers from the same port, remitting 247*l.* 7*s.* sterling, to be divided in like proportions as those directed by the Kilrush Union. The guardians have also requested that I would send these parties forward to whatever part of the province would afford the best prospect of employment, and pay them over any balance which may be left on arrival at their final destination.

During the past week the "Brooksby" with 231 adult emigrants, and the "Montezuma" with 336 adults, have arrived from Loch Brisdale. These people are a portion of 2,000 emigrants whom Colonel Gordon has contracted to send out from his property in South Uist this fall. From the statements made by these people, they were promised to be sent on free to Hamilton, and furnished with a certain amount of provisions on arrival there; but from information received from the agents here of Messrs. Reid and Murray (the party who contracted with Colonel Gordon for their transport to this port) it appears that the emigrants on board these ships were only to be provided with a passage to Quebec, and on arrival here to be left to their own resources. Not having received any communication whatever from the parties connected with the emigration of these people, I have no means of ascertaining the circumstances under which they have been sent out, beyond these statements. Out of 725 souls on board these two vessels, not more than 10 or 15 could speak English; and as they all landed here under the impression that they were to be sent free to Hamilton, I have forwarded them free to that port, at a cost of 10*s.* each adult, and have given Mr. Hawke timely notice of their departure herefrom.

Three other ships with about 1,200 souls may be expected in the course of this month from the same quarter, and, as the whole probably will have been sent out under the same circumstances (the more objectionable as they will arrive at so late a period of the year), presenting a strong contrast to those under which Sir James Matheson sent out a similar class of emigrants, he having defrayed the entire cost of their emigration and inland transport to their ultimate destination, his Excellency may deem it proper that some

representation should be made that may lead to the reimbursement by Colonel Gordon of the expenses incurred by this department on account of his people.

I have, &c.

(Signed) A. C. BUCHANAN, Chief Agent.

The Honourable J. Leslie,
Provincial Secretary,
&c. &c. &c.

No. 2.

No. 2.

(No. 136.)

COPY of a DESPATCH from the Earl of ELGIN to Earl GREY.

Government House, Quebec, November 27, 1851.

MY LORD, (Received December 15, 1851.)

WITH reference to your Lordship's despatch*, No. 654, of the 4th instant, I have the honour to enclose the copy of a letter which has been addressed to the chief agent for emigration at this port by Colonel Gordon's factor, with the copy of Mr. Buchanan's reply. I also take the liberty of sending, for your Lordship's perusal, the copy of a letter which Mr. Buchanan has received from Sir James Matheson, which is highly creditable to him, as well at to the benevolent writer.

* Page 40.
9th Aug. 1851.
26th Nov. 1851.
10th Oct. 1851.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

SIR, South Uist, August 9, 1851.

I HAVE been here for the last three weeks, superintending the emigration of about 1,500 souls from this country to Canada; and I have just learnt with regret, that, owing to the sudden and unexpected illness of Colonel Gordon, the proprietor of this island and Barra, no previous notice has been sent to you.

The "Brooksby" and "Montezuma" were despatched with passengers last month; the "Perthshire" on the 5th instant; and I expect the "Admiral" to be cleared out a few days hence. The emigrants from South Uist have been employed for some years past at draining, ditching, road making, &c., and I trust they may be advantageously employed when they reach Canada in similar work, or at railway operations, where I am glad to learn there is an opening for a number of hands. Of the Barra people, part have found employment at similar work, and part have supported themselves as fishermen, of which they have considerable skill.

About 1,000 people were sent from these islands to Quebec about two years ago, many of whom have done well, and send home encouraging accounts to their friends here, which induced them to emigrate also; a free passage, clothing, and shoes being provided by the proprietor; and I hope these that are now leaving the land of their fathers may earn a competency in the land of their adoption. I have no doubt but that at the Emigration Office, Quebec, every information and facility will be given to direct the emigrants from Uist and Barra to such places as they may find employment.

I respectfully am, &c.

(Signed) JOHN FLEMING.
Factor for Colonel Gordon.

To ——— ———
Emigration Officer, Quebec.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

SIR, Emigration Department, Quebec, November 26, 1851.

I HAVE to acknowledge the receipt on the 15th of September of your letter of 9th August, the first and only intimation afforded me of the shipment of 1,500 Highlanders, the tenantry of Colonel Gordon, from his estates in South Uist and Barra.

The vessels arrived as follows, the three first previously to the receipt of your letter:

August 28, Brooksby,	- -	285 passengers.
August 30, Montezuma-	-	442 ,,
September 10, Perthshire -	-	437 ,,
October 1, Admiral -	- -	413 ,,
October 18, Liskeard	- -	104 ,,

A total of 1,681 souls, less five adults and three infants, who died on the passage or in quarantine.

These parties presented every appearance of poverty; and, from their statement, which was confirmed by the masters of the several vessels, were without the means of leaving the ship, or of procuring a day's subsistence for their helpless families on landing, and many of them, more particularly the party by the "Perthshire," were very insufficiently supplied with clothing.

On referring to the passenger lists of these five vessels, I find the emigrants classed in the following proportions:

Male adults - - - -	485
Female adults - - -	537
Children from one to fourteen years -	602
Infants - - - -	57
	1,681

showing a disproportion of male adults, when compared with females and children, greater than I have ever witnessed before. Of the male adults, several were, either from age or infirmity, unable to contribute to the support of their families.

They all appeared desirous of reaching the London District, Upper Canada, a distance of 700 miles from Quebec, where some few of them had friends; to which place, as they had been led to suppose, the Government would forward them.

There being no employment whatever for them in this quarter, and as but few could speak English, I represented their condition to his Excellency the Governor General, and suggested that they should be sent as far as Hamilton, Upper Canada. Labourers were required on the railroad work in that neighbourhood, and, after reaching it, they would be enabled readily to communicate with their friends. I suggested, at the same time, that Colonel Gordon should be applied to for reimbursement of the expense incurred.

I was accordingly permitted, as each party arrived, to have them sent forward at once to Hamilton; and owing to the competition among the steam-boat companies, I was enabled to secure their passages at the low rate of 10*s.* currency each adult.

The expenditure incurred was as follows:

	£	*s.*	*d.*
For transport - - - -	660	10	0
For provisions - - - - -	14	0	0
Making a total of £	674	10	0
The amount of the Emigrant Tax realized by the province from this party of emigrants was - - - - -	522	0	0
The balance, therefore, for which Colonel Gordon appears to remain liable, is - - £	152	10	0

In addition to this, there is a charge for a week's rations served out to the passengers on leaving the vessel, for which this department is held responsible, in the event of Colonel Gordon's declining to settle it.

Quebec is practically the only seaport of Canada; and being situated in a country already fully supplied with a population speaking a different language, this city and neighbourhood afford no opening of any extent for the employment of the destitute emigrants who arrive in large numbers and at a particular season of the year. It is in the interior and western portions of the province only that employment for labourers and artizans is to be procured, and these must be reached before the pauper can find any means of support. Therefore, to convey to this port emigrants possessing no resources whatever, and without a provision of some kind for their progress westward, is to subject them to great distress and certain discouragement.

The first and most important object of the creation of the Emigrant Fund is the medical assistance of the entire body of emigrants throughout their progress to the most distant districts; and the charges under this head, including the quarantine establishment at Grosse-Isle, absorb a large proportion of this fund. The number of persons whose emigration, voluntary and unaided, takes place in total ignorance of the circumstances in which the change must involve them, together with the large portion whose destination remains to be governed by chance, are always sufficient to exhaust the remaining resources of the department; and in the season of 1852 there will be, owing to a change in the law passed during the late session of the Legislature, a reduction of fully thirty per cent. on the present rates; so that I cannot perceive that it will come within my province to recommend the denial of assistance to the classes here alluded to, with a view to admit the claims of those whose emigration is prompted by the direct interest of their landlord.

If dependence upon the Provincial Government for the maintenance of all emigrants landed at the port of Quebec were permitted to those who are interested in the removal

from Great Britain of paupers and other unprofitable portions of the population, the amount required would shortly prove to be beyond the resources of the country, and exhaustive of its means of employment. The most disastrous reaction must follow, and Canada become at once a burden instead of a relief to the mother country in respect to her redundant population.

There is also another point of view in which I would wish to place this subject before Colonel Gordon. The mere transfer to this port of an indigent tenantry, without an alteration in any respect in their condition, gives no reasonable ground for expecting their subsequent successful progress. The numerous inconveniences which attend emigration are sufficiently trying to every class, and, with the addition of distress and privation, must always induce unfavourable representations by the emigrants to their friends who remain at home. The result is necessarily a disinclination to follow; certainly an indisposition to make any exertions for this purpose. If, on the contrary, the landlord who is interested in the reduction of the population of his estate should extend his assistance so far as to carry forward his emigrants to the occupation of land, or should secure their advance to advantageous employment, the sure result would be, incitement to industry and exertion, and the strongest desire on the part of all to obtain a similar opportunity of benefiting themselves.

I am satisfied that Colonel Gordon, on being informed of the limited extent of the resources of the Provincial Emigrant Department, and the nature of the claims for relief to which it is applicable, will see that to permit the arrival at this port of further parties of his tenantry, in a situation so destitute as that of the South Uist emigrants, will be to risk a result as fatal to the people as it must be unsatisfactory to himself.

I cannot close this letter without referring to the wholly different circumstances under which a party consisting of 986 persons were sent out in the past spring by Sir James Matheson, from the island of Lewis. These emigrants were provided with a passage to this port, food and clothing, and on arrival were supplied with a week's rations and a free passage to their ultimate destination. They had embarked in the early part of the season, and nearly the whole landed here in July, when an unusual demand for labourers existed in almost every section of the province. About 400 proceeded to Sherbrooke, Eastern Townships, where those able to work obtained employment on the Montreal and Portland Railroad at ample wages. The remainder went forward to Toronto, where they, also, immediately obtained suitable employment.

The number of persons whose emigration has been entirely provided for, either by landlords or poor law unions, has been unusually large this season. They have generally been provided with a sum from 10*s.* to 20*s.* sterling on landing here, which has enabled them at once to proceed to join their friends or to reach suitable employment.

Canada generally offers a favourable opening for the reception of a portion of the redundant labour of the United Kingdom; but it is essentially important that emigrants should arrive here early in the season; if possible, in the months of May or June. They should be able-bodied, and prepared for labour in their several vocations, and they should be free from aged or decrepid incumbrances. If then they possess sufficient means to convey themselves without delay to the different sections of the province, according to the openings presented, they cannot fail to secure immediate employment at ample rates of wages.

I have availed myself of the receipt of your letter to express at some length my views on the subject of the emigration of the destitute classes, and a copy of the correspondence has been submitted to his Excellency the Governor-General. I have to request that you will bring it, at your earliest convenience, under the notice of Colonel Gordon.

I am, &c.

(Signed) A. C. BUCHANAN,
Chief Agent.

J. Fleming, Esq.,
Factor for Colonel Gordon, South Uist.

Encl. 3 in No. 2.

Enclosure 3 in No. 2.

DEAR SIR, Stornoway, Island of Lewis, October 10, 1851.

MY friend, Mr. J. E. Mathieson of Glasgow, has sent me from time to time copies of the letters which you had the goodness to write to him respecting the emigrants from this island, and I cannot deny myself the gratification of writing to offer you my most grateful thanks for the very kind interest you have evinced in their welfare, and for the care you have taken in seeing that my instructions regarding them were properly carried into effect.

I consider it a most fortunate circumstance for this country, that the care of the emigrants on arriving in the new world should be under the control of one so well qualified by his sound judgment and kindness of heart to watch over and promote their best interests.

It is the greatest relief to my mind that the emigrants to the Eastern Townships have through your means been so well provided with employment.

I have lately made an arrangement with the Free Church to send out the Reverend Ewen M'Lean, a clergyman of this island, to reside at whatever place the largest number of them may be settled, for the due administration of the ordinances of religion, which I trust will tend to their comfort and edification. At the same time I am informed, and am well convinced, that it is not for their interest that many of them should remain together, but rather that they should be dispersed and absorbed among the general mass of the population, as the best means of eradicating those habits of indolence and inertness to which their impoverished condition must in some measure be attributed.

By a letter to my factor from his brother, Mr. Hugh Munro M'Kenzie, who accompanied one body of the emigrants as far as Quebec, I am much surprised to learn that he heard at Toronto those bound for that place had spread a false report of their having been promised land, and had conveyed an impression to a philanthropic body of gentlemen composing the St. Andrew's Society that they were badly used in not having received any such grant.

I have, therefore, considered it advisable to address the enclosed open letter to Mr. Macpherson, whose name has been mentioned to me as a member of the society, which I shall feel much obliged if you will have the kindness to forward, after perusal.

I remain, &c.

A. C. Buchanan, Esq.,
Quebec.

(Signed) JAMES MATHESON.

No. 3.

No. 3.

(No. 145.)

COPY of a DESPATCH from the Earl of ELGIN to Earl GREY.

Government House, Quebec, December 29, 1851.

MY LORD, (Received January 19, 1851.)

I HAVE the honour to transmit herewith the Chief Emigrant Agent's abstract quarterly return of emigrants arrived at Quebec during the quarter ending 31st October, with a return of the prices of labour, provisions, and clothing during the same period.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure in No. 3.

No. 1.

ABSTRACT.

Quarterly Return.

Emigrants.

Months composing the Quarter.	Number of Vessels arrived.	Number of Deaths on board or in Quarantine.	Number of Births on board or in Quarantine.	Gross Number of Emigrants arrived.	Number of Adults.		Number of Agricultural Labourers.	Number of Domestic Servants.		Number of Mechanics and Trades-people.	Numbers for whom Cost of Passage defrayed by		Number employed on Government Works.	Number assisted out of Public Funds.	Total Amount paid.
					Male.	Female.		Male.	Female.		Parochial Funds.	Private Funds.			
August - September - and October -	147	90 on board 28 in Quarantine.	21	14,679	4,380	5,421	1,853 Farmers and 2,291 Labourers.	16	148	220	2,166	3,350	Nil.	Canada, East, 6,956 Adults or 9,065 Souls	£ s. d. 1,513 4 1
														Canada, West	415 4 2
	147	118	21	14,679	4,380	5,421	4,144	16	148	220	2,166	3,350	Nil.		1,928 8 3

	£	s.	d.
Expenditure for Transport - -	1,833	12	0
„ „ Provisions - -	94	16	3
£	1,928	8	3 currency.

27th Day of December 1851.

A. C. BUCHANAN,
Chief Emigration Agent for Canada.

No. 2. CANADA.

Quarterly Return.

Prices.

Return showing the Average Retail Prices of Provisions and Clothing in the Colony of Canada, East, in the Quarter ended 31st October 1851.

ARTICLES.	Quantity.	Average Prices (in Sterling). £	s.	d.
Bread	Per 6 lb. Loaf	0	0	6½
Butter	„ lb.	0	0	7
Beef, Mutton, Veal, and Pork	„ „	0	0	3
Coals	„ Chaldron	1	5	0
Candles	„ lb.	0	0	6
Cheese	„ „	0	0	5½
Coffee, Ground	„ „	0	0	10
Eggs	„ Dozen	0	0	7½
Flour, Fine	„ Barrel	0	16	0
Fish, Dry, Cod	„ Cwt.	0	12	6
Do. Green	„ „	0	10	0
Fire-wood	„ Cord	0	12	0
Herrings	„ Barrel	1	0	0
Milk	„ Quart	0	0	3
Oatmeal	„ Cwt.	0	8	0
Pepper	„ lb.	0	0	8
Potatoes	„ Bushel	0	2	0
Rice	„ lb.	0	0	2½
Soap, Yellow	„ „	0	0	2½
Sugar, Brown	„ „	0	0	4
Salt	„ Bushel	0	1	0
Tea, Black	„ lb.	0	1	10
CLOTHING.				
Shirts, Cotton	Each	0	2	3
Shirts, Flannel	„	0	4	6
Blankets, Common	Per Pair	0	10	0
Flannel, for Drawers or Women's Petticoats	„ Yard	0	1	6
Cloth, Broad, for Coat or Trousers	„ „	0	7	6
Shoes, Strong, for Men	„ Pair	0	6	0
Boots, do. do.	„ „	0	12	6
Shoes, do. Women	„ „	0	4	0
Boots, do. do.	„ „	0	7	6

A. C. BUCHANAN,
Chief Agent,
Canada, East.

CANADA.

No. 3.

Quarterly Return.

Wages.

Return showing the Average Wages of Mechanics and others in Canada, East, for the Three Months ended 31st October 1851.

Trade or Calling.	Average Wages per Diem, without Board and Lodging (in Sterling).	Average Wages per Diem, with Board and Lodging (in Sterling).	Average Wages per Annum, with Board and Lodging (in Sterling).	Highest and lowest Rates per Diem, without Board or Lodging (in Sterling).	
				Highest.	Lowest.
	s. *d.*	*s.* *d.*	*s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
Bread and biscuit bakers	4 0	- -	- -	0 5 0	0 3 0
Butchers	4 0	- -	- -	0 5 6	0 3 0
Bricklayers	5 0	- -	- -	0 6 6	0 4 6
Brickmakers	4 0	- -	- -	0 5 0	0 3 0
Blacksmiths	5 6	- -	- -	0 6 6	0 4 6
Curriers	3 6	- -	- -	0 4 9	0 2 9
Carpenters and joiners	6 0	- -	- -	0 7 6	0 5 0
Cabinet-makers	5 0	- -	- -	0 6 0	0 4 0
Coopers	3 9	- -	- -	0 4 6	0 3 0
Carters, with horse and cart	5 0	- -	- -	0 7 6	0 4 6
Cooks, women	Engaged by the month		- -	1 0 0	0 15 0
Dairy women	Ditto - ditto		- -	0 16 0	0 12 6
Domestic servants, female	Ditto - ditto		- -	0 12 6	0 8 0
Dress-makers and milliners	1 3	- -	- -	0 2 0	0 1 0
Farm labourers	3 6	- -	- -	0 4 6	0 2 9
Gardeners	Engaged by the month		- -	4 10 0	3 15 0
Grooms	Ditto - ditto		- -	2 10 0	1 15 0
Millwrights	5 0	- -	- -	0 6 0	0 4 0
Millers	4 6	- -	- -	0 6 0	0 4 0
Painters	5 0	- -	- -	0 6 6	0 4 6
Plasterers	5 0	- -	- -	0 6 0	0 4 0
Plumbers and glaziers	5 0	- -	- -	0 6 0	0 4 6
Printers and bookbinders	Engaged by the month		- -	6 5 0	5 7 6
Quarry men	3 6	- -	- -	0 4 6	0 2 9
Rope makers	3 6	- -	- -	0 4 6	0 2 9
Sail makers	4 6	- -	- -	0 6 0	0 4 0
Sawyers	3 0 or 4*s.* 6*d.* per 100 feet.			—	—
Shipwrights and boat-builders	5 0	- -	- -	0 6 0	0 4 0
Shoemakers	4 0	- -	- -	0 5 6	0 3 9
Slaters and shinglers	3 0 or 4*s.* 6*d.* per 100 shingles.			—	—
Stonemasons	6 0	- -	- -	0 7 6	0 5 0
Stonecutters	5 0	- -	- -	0 6 0	0 4 6
Tailors	3 9	- -	- -	0 4 6	0 3 0
Tanners	4 0	- -	- -	0 5 0	0 3 9
Tin smiths, braziers, &c.	4 6	- -	- -	0 6 0	0 3 9
Wheelwrights	4 0 Very few employed.			—	—
Whitesmiths	5 0	- -	- -	0 6 0	0 4 6
Charge for board and lodging for mechanics and labourers, per week	10 0	- -	- -	0 12 6	0 8 0

A. C. BUCHANAN,
Chief Agent,
Canada, East.

1st.—What funds have been placed at your disposal during the past quarter for the relief of emigrants?	2,524*l.* 11*s.* 6*d.* viz £ s. d. Emigration expenditure - 1,928 8 3 Agency expenses to 31st Dec. 596 3 3 £2,524 11 6
2d.—State the description of labour which is in request in the colony?	Farm labourers and domestic servants, more particularly females. Labourers are also much wanted on the public works; and it is fully expected that as soon as the season will permit an increased demand for labourers will be experienced, and that the wages of the past year will be fully sustained.
3d.—Would the rate of emigration of the last quarter satisfy the existing demand for labour?	The last arrival from Europe with emigrants this season was the 25th October. Navigation of the St. Lawrence closed 27th November. But few emigrants are remaining about Quebec.
4th.—State any particulars relative to emigration, the demand for labour, and the means of remunerating it, which you think may be useful?	Canada generally offers a favourable opening for the reception of the redundant labour of the United Kingdom; but it is of the utmost importance that they should arrive here early in the season. An unusually large emigration has taken place this fall, principally during the months of September and October; and but for the demand for labourers on the railroads now under construction many of these poor people would have been exposed to much suffering and hardship.

No. 4. No. 4.

Copy of a DESPATCH from the Earl of Elgin to Earl Grey.

(No. 6.)

Government House, Quebec, January 21, 1852.

My Lord, (Received February 9, 1852.)

I have the honour to transmit herewith the Chief Emigration Agent's Annual Report for the year 1851.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

CANADA.

Encl. in No. 4.

Enclosure in No. 4.

Office of Her Majesty's Chief Agent for the Superintendence of Emigration to Canada,
Quebec, December 31, 1851.

My Lord,

At the close of another season it again becomes my duty to submit to your Excellency, for the information of Her Majesty's Government, my annual Report relating to the emigration to this province during the season of 1851, accompanied by the usual statistical tables.

* Page 27. Table No. 1.* of the Appendix presents a synopsis of the season's emigration. The total number of souls embarked from Europe, exclusive of cabin passengers, was 39,563, which, with the births on the passage, 59, gives a total of 39,622. The deaths at sea were 210, and in quarantine 51, making the total mortality 261, leaving as the number of emigrants from the United Kingdom and the continent of Europe landed in this province, 39,361, added to which were 609 classed as cabin passengers, and 1,106 persons from New Brunswick and Nova Scotia, making the total number of persons landed in the colony, 41,076. This total, as compared with that of 1850, shows an increase of 8,784 souls, equal to near 28 per cent.

The following is a comparative statement of the emigration of the last two years; viz.

	1850.	1851.
From England - - -	9,887	9,677
From Ireland - - -	17,976	22,381
From Scotland - - -	2,879	7,042
From continent of Europe - -	849	870
From lower ports - - -	701	1,106
Total -	32,292	41,076

This comparison shows a small decrease of the numbers from English ports, equal to 2 per cent.; the numbers from Ireland exhibit an increase of 24½ per cent.; from Scotland of 144½ per cent.; and from the lower ports, equal to 57½ per cent.; from the continent of Europe the increase is but 29 souls.

From this return (Table No. 1.) it will appear that the number of vessels engaged in the passenger trade from Europe generally was 337, measuring 148,328 tons, and navigated by 5,465 seamen. Of this number, 17 were foreign vessels, measuring 5,329 tons, 10 of which came from continental ports, and seven from the United Kingdom. Of the whole number of passenger vessels, 16 brought exclusively cabin passengers; 73 (766 persons) had not a sufficient number of persons on board to bring them within the regulations of the Passengers Act; 33 had less than 50 persons on board; 40 above 50 and under 100; 69 under 150; 38 under 200; 38 under 300; 17 under 400; 8 under 500; and two had over 500 each on board. 42 of these vessels made two voyages during the season, so that 295 vessels only were employed in the conveyance of emigrants to this port within the year.

The total adult emigrants from European ports were 32,573, while the vessels in which they embarked, according to their tonnage, would have been permitted, under the Passengers Act, to carry 68,695, exclusive of their crews. The 134 vessels from Irish ports had their full complement to within 3,141 persons, while the remaining vessels could have legally carried more than double the number they had on board.

The average length of passage to the quarantine station was, from England 41, from Ireland 40½, from Scotland 41, and from the continent of Europe 54½ days, being a small increase on that of 1850.

* Page 28. At Table No. 2.* of the Appendix will be found a return of the same passenger ships, showing the number from each port and country; the total number of emigrants from each port; with the deaths on the passage and in quarantine.

The whole number of deaths among 5,275 steerage emigrants from England, excluding the port of Liverpool, was 34, equal to 0·64 per cent.; among 26,521 from Ireland, including Liverpool (from which port the chief emigration is Irish), 187, equal to 0·70 per cent.; among 6,898 from Scotland 35 died, or 0·50 per cent.; and among 869 from the continental ports, 5, equal to 0·57

per cent. The greatest mortality from any port was from Liverpool, 77 deaths having occurred, equal to 1·80 per cent. on the whole number from that port. The port of Limerick presents the next heaviest per-centage, being equal to 0·80. Upon the whole, the season's emigration has been satisfactory as to health, the whole mortality during the passage and at Grosse-Isle being only 0·64 per cent. on each 100 persons embarked.

I beg to submit the following letter, lately received from Dr. Douglas, the medical superintendent at Grosse-Isle, as it contains much information as to the health and condition of the emigrants of the past season, and as to the means that might be adopted to prevent the introduction of disease on shipboard before leaving Europe, and also offers some valuable suggestions for the future management of that establishment.

Sir, Quebec, December 15, 1851.

I have much pleasure in complying with your request, that I should furnish you with any information in my power bearing upon the health and appearance of emigrants on their arrival at the quarantine station during the past season, as well as any facts that may have come under my notice connected with the occurrences of the voyage.

It may not be out of place here to remark, that the general health and condition of emigrants have improved yearly since 1846–47, those dreadful years of famine and its attendant pestilence. The past season was remarkable for the very healthy condition of the Irish emigrants, and their almost total freedom from that form of fever called ship-fever, —the scourge of former years. The pauper emigrants, particularly the young females, sent out by the unions of Galway, Cahirciveen, Kilrush, and Clifden, were remarkable, with but few exceptions, for their clean, healthy condition; and the shipmasters who brought them out extolled their conduct and behaviour on the voyage, the habits of discipline acquired in the unions being of great service. The nominal returns forwarded to you from time to time during the season exhibit the deaths and births that occurred on the passage to have been, deaths, 210, births, 59.

Among the casualties of the voyage were the following. On board the barque "Giffeon," from Cork, a boy had his leg severely fractured, and the flesh lacerated, by a fall into the hold. It was found necessary to perform amputation of the thigh on arrival at the quarantine hospital. Another boy in the barque "Clutha," from Glasgow, had both legs fractured, but recovered without further ill effects. An adult passenger of the barque "Dominica" was drowned off Saint Paul's.

The diseases admitted to hospital the past season have been small-pox, measles, and scarlatina. The majority of these cases were among the Highland passengers from Lewis and Glasgow, and Irish emigrants from Liverpool. The number of vessels on board of which small-pox broke out was seven, being about the proportion of former years. It would tend much to prevent the spread of this disgusting disease in emigrant ships if, in the medical inspection which takes place previously to the embarkation in Great Britain, all those children could be vaccinated who have not already undergone that protecting means. I am well aware of the many difficulties that would attend the carrying out such a regulation, and can remember the trouble we had to obtain the enactment obliging a medical inspection, one of the many useful measures which have tended to the improved condition and amelioration of the health of emigrants in their transit to this country.

As already observed, there were few or no cases of typhus fever among the Irish, those admitted being English passengers from the barque "Secret" from Bideford, and Highlanders, from the brig "Vesper," from Thurso. In the first of these vessels the disease was of a very malignant type, and proved fatal to several of both passengers and seamen.

The Highland emigrants from the island of South Uist, of whom 1,681 arrived in five vessels, were sent out at the expense of Colonel Gordon, their landlord. They arrived generally healthy; five deaths (and these infants) having taken place on the voyage, and two births. The supply of provisions and water seems to have been good and liberal; but I never, during my long experience at the station, saw a body of emigrants so destitute of clothing and bedding; many children of nine and ten years old had not a rag to cover them. Mrs. Crisp, the wife of the master of the "Admiral" (which vessel brought out 413 of the number), was busily employed all the voyage in converting empty bread-bags, old canvass, and blankets, into coverings for them. One full-grown man passed my inspection with no other garment than a woman's petticoat. Great care and precaution seemed to have been taken of their health on the voyage by the medical men in charge, especially Dr. Patterson of the "Perthshire," who caused the ship's allowance to be issued sparingly at first, as many families had for months previous to embarking subsisted solely upon shell-fish and sea-weed picked up on the beaches and rocks of their island. I learned on inquiry that the ordinary payment for the day's labour of an able-bodied man in South Uist was one pound of oatmeal, and that constant labour even for this miserable pittance was not to be obtained. It would appear from the statement of one of the captains, that Colonel Gordon had authorized the distribution of clothing to those most destitute; but that his agent, on mustering them before leaving, found them, in his opinion, sufficiently provided, and had the clothing taken on shore again. A similar class of emigrants, sent

CANADA.

out at the expense of their landlord, from Lewis, were better provided with clothes and bedding; though measles broke out among them on the passage, of which several children died.

As to the general expenditure of the quarantine station, having in view the great reduction of the tax on emigrants, and consequent diminution of revenue available for their benefit, I herewith annex a memorandum (Appendix, No. 9.,* drawn up in 1849, and continued down to the present season. From this you will observe that the general expenditure of the establishment has varied considerably, but not. as might be supposed, from the greater or smaller proportion of sick admitted to the hospitals; for example, from 1833 to 1839, both inclusive, embracing a period of seven years, while the average number of sick treated during the season was 359$\frac{2}{7}$, the average yearly expenditure was 3,070*l.* 10*s.* 10$\frac{6}{7}$*d.*; again, during the following seven years, say, from 1840 to 1846 (both inclusive), the average yearly expenditure was 1,875*l.* 6*s.* 6$\frac{4}{7}$*d.*, while the average number of sick treated in hospital was 475$\frac{4}{7}$. Leaving out the famine year 1847, when the admissions to the hospitals were nearly 9,000, and the expenditure about 16,000*l.* we find that during the past four years, while the average admissions have been 598$\frac{1}{4}$, the average yearly expenditure has been 2,776*l.* 0*s.* 1$\frac{3}{4}$*d.*, in which amount is not included upwards of 1,000*l.* paid in 1848 as the cost of running the "St. Pierre" steamer that year, nor does it include the amount paid through the Board of Works for repairs, &c. to buildings, amounting in all to about 1,000*l.* yearly, making a total average of 3,776*l.* 0*s.* 1$\frac{3}{4}$*d.* per annum.

*Page 39.

The cost of the establishment might be reduced to 1,800*l.* or 2,000*l.* in ordinary years without impairing its efficiency; and this sum should be made to cover the payment of two trips of a steam-boat per week, or one trip of a steamer and another of a small sail-craft. The greatest inconvenience has been felt the last three years from having no means of communicating with the town but once in the week, as on the unexpected arrival of a large body of emigrants on Wednesday afternoon (the steamer having left that morning), when supplies are required, we had either to send express to town, or wait until the following week, to send up orders, which could only be fulfilled by the regular channel the following week, causing thus a delay of fifteen days.

The increased expenditure of the station the first seven and last four years has been made up chiefly of salaries and pay to military officers of the line or commissariat. In the items of yearly expenditure of the last four seasons, I observe one for travelling expenses, varying from 21*l.* to 87*l.* 11*s.* 4*d.*, this latter sum being the amount paid last season. This being an entirely new charge, and not one which I have ever been called upon officially to certify, I am ignorant of its nature or purpose.

I have already called your attention to a matter connected with the supplies which the emigrants detained in quarantine are permitted to purchase, and which has always appeared to me unjust. You are aware that contracts are entered into by the commissariat with those parties who will engage to supply, at the lowest rate, the provisions, stores, milk, &c. required for the sick in hospital, and healthy emigrants who are supported by the Government. As an inducement to contractors to tender low, they are permitted to charge the highest market rate for whatever is sold to emigrants in quarantine. It thus happens, that as the supplies required for the sick are trifling as compared with those sold to the thousands of healthy, parties tender very low, making their profit out of the poor emigrant. Hence, last year, while the bread was furnished to the hospital at 4$\frac{1}{2}$*d.* per loaf, the emigrant had to pay 8*d.* for the same loaf; and while milk was furnished to the hospital at 5*d.* a gallon, the emigrant had to pay 1*s.*; and in many other articles of food the emigrant was made to pay double the price contracted for. Vegetables, more particularly potatoes, which passengers are eager to purchase after the long privation of a sea-voyage, were seldom or ever to be bought, because the profit on bread was greater.

I would beg to suggest that in future arrangements contractors should be obliged to furnish all supplies, provisions, &c. to those requiring them on the island at the same rates, or on equally favourable terms, as those tendered for the hospital. By thus establishing one uniform price much dissatisfaction would be saved, and a protective monopoly, in its most objectionable form, be avoided.

I remain, &c.
(Signed) G. M. Douglas,
Medical Superintendent.

I fully concur in the several suggestions contained in Dr. Douglas's letter, and consider those offered with a view to remedy the ravages and suffering occasioned by the small-pox as deserving the attention of Her Majesty's Government.

I have only found it necessary to proceed in two cases against masters of vessels for violation of the Imperial Passengers Act; viz., against Captain Poole of the "Ailsa," from Liverpool, for having issued an inferior quality of flour to his passengers, for which he was fined 5*l.* sterling, with costs; the second case was against Captain Gorman of the "Jane Black," from Limerick, for

having eight persons over his legal complement; he was fined in the lowest penalty, 2*l.* sterling each, in consideration of his having to pay 2*l.* 10*s.* currency, under the provincial law, for the same parties, they not having been certified upon his list of clearance.

In consequence of complaints being made by a portion of the passengers by the following vessels that they did not receive subsistence money for detention after the day fixed for sailing, as specified by their contract tickets, I obliged the masters to settle with the several parties the amount of their claims.

The following sums were paid over to the passengers in my presence; viz.

	£	s.	d.
"Wanderer," from Westport - -	24	14	0
"Ailsa," from Liverpool - -	33	1	6
"Hope," from Limerick - -	4	12	0
"Die Seelust," from Dublin - -	37	10	0
"Dundonald," from Limerick - -	26	1	3
"Hannah," from Limerick - -	40	0	0

Making the total amount paid 186*l.* 18*s.* 9*d.*; viz., penalties to the Crown 21*l.*, and compensation paid passengers 165*l.* 18*s.* 9*d.* sterling. The master of the "Mangerton," from Liverpool, also satisfied a similar complaint made by his passengers, but the amount paid was not ascertained.

Table No. 3.* is a statement of the number of persons who have received assistance, either from their landlord or from their parish, in aid of their emigration, showing the sums paid them on landing here, by whom remitted, and through whom paid.

* Page 30.

From this return it will be seen that 10,143 persons, equal to one fourth of the entire emigration of the season, have been sent out by public and private funds; and of this number 5,357 persons received landing money on their arrival at this port, amounting to the sum of 3,646*l.* 2*s.* 9*d.* sterling, 2,732*l.* 5*s.* 9*d.* of which was paid through this department, and 913*l.* 17*s.* by the masters of the vessels or through agents in this city. This return, when compared with that of last year, shows an increase of 6,402 in the number of persons, and in amount of remittance of 1,950*l.* 4*s.* 11*d.*

The number from England sent out under the superintendence of the Poor Law Commissioners was 662, to whom was paid the sum of 578*l.* 16*s.* on landing, being at the rate of 1*l.* sterling each adult; and thirty-three were aided by their landlords, and received here to the amount of 35*l.*; and twelve were aided by their respective parishes, either with a free passage or a small donation of money.

From Scotland the number who were assisted was 3,465, being an increase over the same class in 1850 of 3,133. The only funds paid through this office was a remittance of 10*l.* from the factor of the Duke of Sutherland, in favour of a few families, twenty-four persons, sent out by his Grace in the ship "Vesper" from Thurso. Of the remainder, 986 persons were sent out by Sir James Matheson from his estate in Lewis. These emigrants were well provided with clothing and a passage to this port, and on arrival were supplied with a week's rations and a free passage to their ultimate destination, the entire expense having been defrayed through the munificence of their landlord. 1681 persons were sent out by Colonel Gordon from his estates in South Uist and Barra, who were only provided with a passage to this port. I have had occasion, in my weekly reports, to bring the destitute condition in which these emigrants were landed here under the notice of your Excellency; it will be unnecessary therefore to make further mention of them in this report. I would however beg to refer to the copy of my letter to Mr. Fleming, Colonel Gordon's agent, which will be seen at Paper No. 8., of the Appendix. Since the date of this communication a claim has been made on this department of 121*l.* 17*s.* currency, for the week's provisions issued to the passengers per "Montezuma," "Perthshire," and "Admiral," Colonel Gordon having refused to pay this charge, and for which the department became responsible in the event of his refusal. There will also, no doubt, be a further claim for those by the "Brooksby" and "Lisceard." 518 persons were sent out by his Grace the Duke of Argyle, who provided them with a free passage as far as Montreal. From that port, owing to their apparent destitution, they were forwarded by this department to Upper Canada. The remaining number, 256,

were sent out by various landlords, who only appear to have provided a passage as far as this port, where nearly the whole number became chargeable on the Emigrant Fund.

The number aided in their emigration from Ireland was 5,971, being an increase of 3,544 of the same class of persons sent out in 1850. Of this number, 3,092 were sent out by various unions, and 2,879 by landlords ; of the former, 2,910 received landing money varying from *5s.* to *20s.* sterling each adult, 2,536 of whom were paid their money through this department, amounting to 2,031*l.* 17*s.*, and 374 were paid through other agents 301*l.* 17*s.* 6*d.*, with 182 who appear to have received their money previous to embarkation. Of those sent out by their landlords, 1,275 received 429*l.* 2*s.* 9*d.* through this department, 453 were paid sums equal to 259*l.* 9*s.* 6*d.* through agents in this city, and 1,151 do not appear to have received anything beyond a free passage, or a small donation in money to enable them to emigrate.

The majority of those sent out by the Poor Law Unions and by the landlords were from the counties Clare and Kerry.

The proportion of male and female adults and children were as follows:

	Male Adults.	Female Adults.	Children.	Total.
By Unions - - -	683	1,914	495	3,092
By Landlords - -	873	962	1,044	2,879
	1,556	2,876	1,539	5,971

This shows a large preponderance of females and children when compared with males. Those sent out by the unions were generally young boys and girls from fourteen to twenty-five, and were comfortably supplied with clothing, and received a small sum of money varying from *5s.* to *20s.* sterling each on landing here, which was applied to defray the cost of their passage up the country.

Those sent out by their landlords were chiefly large helpless families, and in many instances widows with their children, having no friends in the country or no fixed destination, and they were generally very scantily supplied. Of those who received landing money here, the sum allowed was but *5s.* each, barely sufficient to do more than meet their immediate wants on first landing; and the late season of the year in which many arrived added much to their discomfort and suffering, and materially increased the difficulty of disposing of them in a satisfactory manner.

From a reference to the records of the office, it appears that 2,147 pauper emigrants were landed at this port during the month of September, and 1,239 in October, a season of the year much too late to admit of a prospect of their all being able to secure any provision against our inclement winter.

I have had occasion, in my correspondence with the Poor Law Inspectors and other parties in Ireland interested in the removal of their poor, to point out the serious responsibility which, in my opinion, rested with the parties sending out so many of these poor people at so late a period in the year, and that, if persevered in, the Colonial Legislature may feel itself obliged to adopt some protective measures; whereas, if they were sent out sufficiently early to permit there arrival here in June or early in July, if in health and able to work, the country would willingly receive them, and a benefit could accrue to all parties concerned.

The following extract from a report received from the chief emigrant agent in Canada West points out the objections against the emigration of any dependent upon labour arriving at so late a period of the season :—

> The condition of many of the emigrants, I need not inform you, was deplorable, as you have had opportunities of seeing them at Quebec before their dispersion. I felt it my duty on more than one occasion during the past season to call the attention of the Provincial Secretary to this subject. I therefore hope that the Government have adopted such measures as will prevent a recurrence of the evil. It can do no harm, however, to repeat, that in all cases "indigent settlers," who are assisted to emigrate by the unions or their landlords, should be sent out early in the season, so as to reach here before or during

harvest, when work is plenty. They should also be decently clothed, and furnished with funds to enable them to proceed from Quebec to such parts of Upper Canada as they wish to settle in. Instead of this being the case, large numbers have reached Quebec penniless, and almost destitute of clothing and bedding, after the weather has become cold and rainy, and in this condition obliged to undertake a journey of many hundred miles entirely dependent upon casual charity, or such limited assistance as the Emigration Department is authorized to afford. The consequence is, suffering to all, and sickness to many, especially amongst the women and children. If those who fall sick recover, a long time must elapse before they gain sufficient strength to work, and, as their wants must be supplied, they become a burden to the communities amongst whom they reside.

Such emigrants as possessed a little capital, as well as those who were fit for domestic and farm servants, found no difficulty in settling themselves advantageously. Out of nearly 700 girls sent out by the Irish unions, who landed at this port, not a dozen remained unemployed a fortnight after their arrival; and I am quite certain that an equal, or even a greater number, would find service at good wages, if sent to this and the Gore districts during the summer of 1852.

Table No. 4.* of the Appendix contains a return of the male adult emigration, distinguishing the trades and callings. The total number of males embarked was 13,720; of these there appear but 749 artizans or tradesmen, domestic servants 94, farmers and farm servants, 6,787, labourers 5,965, and merchants, traders, and clerks, 125. * Page 32.

Table No. 5.* presents the usual general hospital return, showing the number of emigrant patients admitted for medical relief, with the results, at the Quarantine Establishment, up to its close on the 10th of October, at the Marine and Emigrant Hospital, Quebec, and at the General Hospital, Montreal, from which it appears that the total number of cases under treatment during the season in Canada East was 1,373, and the total deaths 139. The number of deaths, when compared with those in 1850, shows an increase of 73 persons, viz., 31 at Grosse-Isle, 28 at the Marine Hospital, Quebec, and 14 at Montreal. The increase in this city and in Montreal is in some measure to be attributed to the cholera, which made its appearance on the 24th of August, and did not altogether disappear until the end of October. The deaths among emigrants at the Marine Hospital from this disease was 24, and 13 cases terminated fatally in the city. The deaths at Montreal were 27; 17 of the 23 deaths in hospital were from cholera, and the 10 other fatal cases were in lodging houses. The disease did not appear at Grosse-Isle, or among the emigrants on the passage during the past season. The whole number of cases which terminated fatally in Quebec was 271; viz., 234 citizens and 37 emigrants. * Page 32.

Table No. 6.* shows the amount of the emigration landed in the province from the year 1829 inclusively. The total number landed at the port of Quebec since that period has been 696,129, affording an average of 30,266 per year for twenty-three years past. * Page 32.

The expenditure of the Emigration Department, including the expenses of the Grosse-Isle Establishment, and other charges connected with the care of the sick, amounts to 10,003*l.* 16*s.* 4*d.* Of this there was disbursed by the Commissariat Department for the expenses of the Quarantine Establishment, 2,510*l.* 12*s.* 6*d.* as follows:

	£	s.	d.
Pay of Quarantine Establishment	1,375	19	3
Supplies to hospitals	255	19	0
Miscellaneous implements and stores	46	15	0
Fuel-wood	31	17	3
Cartage	40	0	10
Steamer transport	617	10	0
Travelling and contingent expenses	87	11	4
Labour performed in washing	54	19	10
	2,510	12	6
Amount expended under authority of the Board of Works for buildings and repairs at Gross-Isle	700	19	11
Estimate of the sum required to meet the medical care and treatment of the emigrants admitted to the Marine and Emigrant Hospital from the 1st May 1851 to 1st May 1852	750	0	0
Carried forward	3,961	12	5

	£	s.	d.
Brought forward - - - -	3,961	12	5
Paid to Grey Nuns for ground rent of the Point St. Charles Hospital, Montreal, to 1st July 1852 -	158	0	0
The balance was disbursed for emigration purposes through the agents of this department, as follows:—			
For transport - - £ 4,106 18 7			
For provisions - - - 403 4 9			
For agency - - - 1,374 0 7			
	5,884	3	11
Total amount chargeable against the Emigration Fund of 1851 - - - - - - £	10,003	16	4

At Quebec, the outlay was as follows:—

	£	s.	d.			
For transport - - -	1,635	11	3			
provisions - - -	178	2	7			
agency - - -	165	14	11			
				1,979	8	9

At Montreal:—

For transport - - -	1,691	2	7			
provisions - - -	71	14	0			
agency - - -	279	9	10			
				2,042	6	5

At Kingston:—

For transport - - -	167	7	7			
provisions - - -	109	7	4			
agency - - -	299	18	4			
				576	13	3

At Toronto:—

For transport - - -	641	18	7			
provisions - - -	44	0	10			
agency - - -	590	16	1			
				1,285	15	6
				£5,884	3	11

The number of persons forwarded:—

From Quebec to Montreal - - - -	4,743		
Ditto Kingston - - - -	571		
Ditto Toronto and Hamilton - - -	1,602		
Ditto St. John's and Lake Champlain - -	36		
Ditto Lower Ports - - -	4		
	6,956	or	8,944 souls.

Average cost for transport, 4*s.* per adult.

From Montreal to Kingston, Toronto, Hamilton, and intermediate places on the St. Lawrence and Lake Ontario -	3,798½
Ditto Bytown viâ the Ottawa - - -	438½
Ditto St. John's and Burlington - -	407½
	4,644½

At an average cost of 7*s.* 3*d.* per adult.

The number of persons assisted at the Kingston and Toronto agencies was 3,738, at an average cost of 4*s.* 4*d.* each for transport, and 6,636 appear to have received a small donation of provisions, which were chiefly granted at the Kingston agency.

These statements, when compared with those of 1850, show an increase in the number of persons relieved and amount of assistance rendered throughout the province; but in making this comparison it is to be borne in mind that the increase in the number of emigrants has been equal to 28 per cent., and that a large proportion was in very destitute circumstances.

The comparison appears as follows:—

	Number assisted.	Average Cost.	Amount.
			£ s. d.
1850 - -	9,185	6/2	2,868 3 8
1851 - -	15,338	5/4	4,106 18 7
Increase -	6,153		1,238 14 11

In the emigration of the past year the natives of Ireland continue to show the usual preponderance. Of 4,216 passengers from the port of Liverpool, there were,—

From England - - -	676
Ireland - - -	3,361
Scotland - - -	179
	4,216

The steerage emigration of the past season may therefore be classed as follows:—

Natives of England - -	5,856
Ditto Ireland - - -	25,580
Ditto Scotland - -	7,060
Ditto Germany - -	640
Ditto Norway - -	225
	39,361

The extent of assistance afforded at the Quebec agency to the emigrants of each country was as follows :—

England - -	6¼ per cent.
Ireland - - -	25 „
Scotland - - -	31 „
Foreign - - -	11½ „

The total expenditure under the superintendence of this department in

	£ s. d.
1850 was - - -	4,484 1 2
1851 was - - -	5,884 3 11
Increase	£ 1,400 2 9

The average cost of assistance rendered to the emigration landed from Europe, exclusive of cabin passengers, was, in 1849, 4*s.* 5½*d.* each; in 1850, 2*s.* 10*d.*; and in 1851, 2*s.* The decrease during the past season is altogether to be attributed to the reduction which has taken place in the rates of inland transport caused by the competition among the forwarding companies and steam-boat proprietors.

The Emigrant Fund of 1851 amounts to 14,206*l.* 2*s.* 6*d.*, constituted of the emigrant tax collected at the ports of Quebec and Montreal, and the sum of 1,500*l.* sterling, the imperial appropriation for the payment of agents salaries.

The duty realized in the course of the season was as follows:—

		£ s. d.	£ s. d.
At Quebec:	25,605 adults @ 7*s.* 6*d.* - - -	9,601 17 6	
	8,946, five to fifteen years, @ 5*s.* -	2,236 10 0	
	95, uncertified, @ 50*s.* - - -	237 0 0	
			12,075 7 6
At Montreal:	676 adults @ 7*s.* 6*d.* - - -	253 10 0	
	209, five to fifteen years, @ 5*s.* - -	52 5 0	
			305 15 0
	Total tax received		12,381 2 6
	Imperial appropriation, 1,500*l.* sterling		1,825 0 0
			£ 14,206 2 6

On a comparison of this amount of resources with the amount expended by the department, it would appear that a balance of 4,202*l.* 6*s.* 2*d.* will remain applicable to the purposes of the ensuing year.

In the foregoing statement I have endeavoured to set forth all the charges against the fund as nearly as could be ascertained; but, in addition, there will be a claim from the municipal authorities at Kingston and Toronto, on account of the expenses they may have incurred for the care and maintenance of sick emigrants during the season. The only application as yet made was from Kingston, 148*l.* 8*s.* 9*d.* To this may be added the pay of the inspecting physician at Quebec, which I have assumed at the same amount as charged in 1850, 346*l.* 3*s.* 2*d.*, which will make the total expenditure 10,498*l.* 8*s.* 3*d.*, and reduce the balance to 3,707*l.* 14*s.* 3*d.* currency, as the amount available for next year.

My Report of last year presented an abstract of the comparative expenses per head on the emigration embarked, which is here continued:—

	1848.	1849.	1850.	1851.
Number of emigrants landed - -	27,423	38,472	31,746	40,172
	s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
Cost of medical assistance - -	5 9	2 0	2 0½	1 7¾
Transport - - - -	6 2	2 10	1 9¾	2 1
Provisions - - - -	0 8¾	0 4¼	0 1½	0 2¼
Agency and superintendence -	1 11⅓	1 0¼	0 10¾	0 8¼
Total emigration expenditure -	14 7¼	6 2½	4 10	4 7½

The above averages comprise the whole direct expenditure incurred for the relief of emigrants, and, when compared with that of 1850, shows a small increase for transport and provisions in the expenditure of the past season.

By the recent Act of the Provincial Legislature, reducing the tax on emigrants arriving after the 1st of November 1851, the resources of the emigrant department will be considerably reduced. The amount of tax received during the past season, as before stated, was 12,381*l.* 2*s.* 6*d.*, being an average of 6*s.* 1¾*d.* per head on the whole number embarked. Under the new Act it would have realized but 8,512*l.* 8*s.* 9*d.*, or an average of 4*s.* 2¾*d.*, equal to a reduction of 31¼ per cent.

The whole amount chargeable on the emigrant fund during the past season was 10,498*l.* 8*s.* 3*d.*, being equal to 5*s.* 2½*d.* on the number of emigrants embarked from Europe. The sum which would have been received under the new Act, as stated above, is 8,512*l.* 8*s.* 9*d.*, to which may be added the imperial appropriation, 1,825*l.* currency, making a total of 10,337*l.* 8*s.* 9*d.*, or equal to 5*s.* 1¾*d.* per head, which, instead of the before-mentioned surplus, would leave a deficiency of 111*l.* 19*s.* 6*d.*

The balance which will remain on hand to the credit of 1852 will be more than sufficient to meet any probable deficiency which may occur during the ensuing season; but, with a view to the future, it may be found necessary to apply to the Legislature for some protective measure against the introduction of destitute emigrants at so late a period as has characterized a large portion of the pauper emigration of the past season, which can only effectually be met by reverting to the principle of the Act of 1848, imposing on all emigrants arriving after a certain period an increased rate of tax. This may also be deemed the more requisite, as from the last clause of the Act of last session, 14 and 15 Vict. c. 78., it defines the purposes to which the money raised under this Act should be applied, and of which no doubt parties interested will not fail to avail themselves.

Since the passing of the Act of 1849 it has been the chief object of this department to impress upon emigrants and others that the emigration fund was applicable only to the support and care of the sick; and in consequence of this limitation the expenditure of the department has been confined within the amount of the tax received, and the entire expenditure, including the support of the Quarantine Establishment, has been defrayed from it since that

year, thereby relieving the provincial revenue of all charge on account of emigration.

With reference to the character of the past year's emigration to Canada, it may be remarked, it has, as usual, been extremely varied. By far the greater part has been agricultural labourers; some with small means, but very many having nothing even for their immediate support. These latter were found chiefly among the Irish and Scotch emigrants, who had been aided in their emigration by their landlords or from other sources. Fortunately the demand for labour throughout the country was such that all those in need of employment were enabled to obtain it without difficulty; otherwise many of them would have been exposed to serious distress and suffering.

The emigration from the Lower Provinces, New Brunswick, Nova Scotia, especially Cape Breton, numbers 1,106, being considerably more than was ever received in any former year from those quarters, and almost double that of 1850. They consisted chiefly of Highlanders, who had been many years settled in Cape Breton, and, having disposed of their farms and improvements, had decided to try the more genial climate of Western Canada. They were generally in possession of sufficient means to enable them at once to enter upon the occupation of land.

The emigration from continental ports shows a small increase on that of 1850; and, with the exception of from 100 to 130, who intended to settle in the Wellington District, they all proceeded direct to the Western States. The route of the St. Lawrence appears to be gaining ground in the estimation of this class of our emigration; but so much influence and energy are used to direct it to the United States, that I do not look forward to any immediate increase of the numbers to this port.

Owing to the difficulty of obtaining any correct data, I have omitted the usual Table showing the distribution of the year's emigration. Mr. Hawke estimates that the number who passed Kingston during the past season at 24,515, one third of whom went to the Western States, leaving in Western Canada - - - - - - 16,515

I estimate as remaining in Lower Canada, about this city and Montreal, and settled in the eastern townships, or employed on the railroad work in that quarter - - - -	4,000
Estimated number that proceeded up the Ottawa River, and settled in the Eastern and Johnstown districts - - -	2,000
Total remaining in Canada - -	22,515
Proceeded to the United States, viâ Canada West - - -	8,000
Ditto ditto by Lake Champlain -	6,000
Destination unknown, but are supposed to have crossed the frontier, and been employed on the Ogdensburg Railroad - -	4,561
Total - -	41,076

The emigration to the United States continues to flow in a steady and uninterrupted stream, and the numbers from the United Kingdom and continent of Europe have exceeded during the past season those of any previous year. From a return just received it appears that the arrivals at the port of New York up to the close of this year were 289,601, being an increase over 1850 of 76,805. Of the whole number, considerably more than half, 163,256, were from Ireland, 30,742 from England and Wales, and 7,302 from Scotland, making the total emigration from the United Kingdom, 201,300, as having landed at that port alone during the year 1851. The whole emigration to the United States this year is estimated at not less than half a million of souls.

With reference to the prospects of the demand for labour in 1852, I anticipate that it will be considerably increased, and that the wages of the past season will be fully sustained. Common labourers were able to obtain readily from 4*s*. to a dollar per day on the various railroads now under construction, the extension of which, and the opening of several other routes, will necessarily require an increased number of labourers. Good farm servants, both male and female, are also much required, and readily obtain employment.

The harvest of the last season has been good, and the agricultural districts are in a healthy and thriving condition. The lumbering business has been most prosperous, and is likely to be greatly extended, which will increase the demand for labour. The number of hands employed on public works in Upper Canada, even during the winter months, is very considerable, and will be much extended during the next season. The country generally appears to be fully awakened to the importance and value of railroads. The construction of the Quebec and Melbourne road will be immediately commenced, and will undoubtedly afford employment to a large number of the first arrivals of the ensuing season's emigration.

On the whole, therefore, the present condition and prospects of this colony are most favourable for the reception of a portion of the redundant labour of the United Kingdom ; and I would desire to impress upon all persons interested in the removal of their poor, and upon those who may emigrate of their own accord, the importance and advantages of an early arrival in this country, and to which reference has already been made in this Report.

Having endeavoured to bring before your Excellency every subject connected with this department which I consider worthy of remark, I would beg to refer further to my several reports and returns which are comprehended in the accompanying Appendix. All of which I respectfully submit to your Excellency's favourable consideration.

I have, &c.

(Signed) A. C. BUCHANAN,
Chief Agent.

The Right Hon. the Earl of
Elgin and Kincardine, Governor General,
&c. &c. &c.

APPENDIX.

No. 1.

RETURN of the Number of Emigrants embarked, with the Number of Births and Deaths during the Voyage and in Quarantine, the total Number landed in the Colony, distinguishing Males from Females and Adults from Children, with the Number of Souls from each Country, also the Number of Vessels, Tonnage, and Seamen employed, and the average Length of Passage, during the Season of 1851.

WHENCE.	Number of Vessels.	Average Days on Passage.	Tonnage.	Number of Seamen.	NUMBER EMBARKED.							Births.		Total Souls on board.	DEATHS ON THE PASSAGE.					
					Cabin Passengers.	Adults.		Children, 1 to 14 Years.		Infants.	Total Steerage.				Adults.		Children, 1 to 14 Years.		Infants.	Total.
						M.	F.	M.	F.			M.	F.		M.	F.	M.	F.		
England - - -	120	41⅛	61,768	2,186	281	3,469	2,460	1,621	1,443	498	9,491	10	6	9,788	10	6	28	19	27	90
Ireland - - -	134	40½	50,714	1,936	162	7,036	7,933	3,430	3,126	780	22,305	16	8	22,491	23	16	13	13	24	89
Scotland - - -	71	41¼	32,234	1,205	161	2,414	2,034	1,116	1,057	277	6,898	4	14	7,077	5	5	4	6	6	26
Continent of Europe - -	12	54½	3,605	138	5	361	252	104	114	38	869	- -	1	875	- -	2	- -	2	1	5
Lower Ports, &c. - -	38	- -	- -	- -	12	440	366	126	138	24	1,094	- -	- -	1,106	—	—	—	—	—	—
Total - -	375	41½	148,321	5,465	621	13,720	13,045	6,397	5,878	1,617	40,657	30	29	41,337	38	29	45	40	58	210

(continued)

WHENCE.	DEATHS IN QUARANTINE.						Total Deaths.	TOTAL LANDED IN THE COLONY.									Grand Total landed in the Colony.
	Adults.		Children, 1 to 14 Years.		Infants.	Total.		Adults.		Children, 1 to 14 Years.		Total.		Infants.	Total Steerage.	Cabin Passengers.	
	M.	F.	M.	F.				M.	F.	M.	F.	M.	F.				
England - - -	5	4	4	6	2	21	111	3,454	2,450	1,589	1,418	5,043	3,868	485	9,396	281	9,677
Ireland - - -	3	7	8	2	1	21	110	7,010	7,910	3,409	3,111	10,419	11,021	779	22,219	162	22,381
Scotland - - -	2	1	4	1	1	9	35	2,407	2,028	1,108	1,050	3,515	3,078	288	6,881	161	7,042
Continent of Europe - -	- -	- -	- -	- -	- -	- -	5	361	250	104	112	465	362	38	865	5	870
Lower Ports, &c. - -	- -	- -	- -	- -	- -	- -	- -	440	366	126	138	566	504	24	1,094	12	1,106
Total - -	10	12	16	9	4	51	261	13,672	13,004	6,336	5,829	20,008	18,833	1,614	40,455	621	41,076

Emigration Department, Quebec, December 1851.

A. C. BUCHANAN, Chief Agent.

No. 2.

ABSTRACT STATEMENT of the total Number of Emigrants embarked, died on the Passage and in Quarantine, with the Number of Births, and the total Number landed in the Colony, distinguishing the Countries and Ports whence they sailed, during the Season of 1851.

Ports whence sailed.	Number of Vessels.	Passengers.		Deaths.		Births.	Landed in the Colony.
		Steerage.	Cabin.	At Sea.	In Quarantine.		
ENGLAND:							
Aberystwith	1	6	- -	- -	- -	- -	6
Beaumaris	1	8	- -	- -	- -	- -	8
Bideford	3	200	13	2	2	- -	209
Bristol	8	128	2	- -	- -	- -	130
Cardiff	2	5	- -	- -	- -	- -	5
Carlisle	1	26	- -	- -	- -	- -	26
Cowes	1	3	- -	- -	- -	- -	3
Dartmouth	2	17	- -	- -	- -	- -	17
Falmouth	2	46	5	- -	- -	- -	51
Fowey	4	133	1	- -	- -	- -	134
Gloucester	2	270	- -	1	- -	2	271
Grangemouth	1	7	- -	- -	- -	- -	7
Hull	6	923	23	5	1	- -	940
Llanelly	1	3	- -	- -	- -	- -	3
Liverpool	36	4,216	53	62	15	10	4,202
London	17	894	108	9	2	1	992
Maryport	2	14	1	- -	- -	- -	15
Milford	1	18	- -	- -	- -	- -	18
Newcastle	1	9	- -	- -	- -	- -	9
Newhaven	1	3	- -	- -	- -	- -	3
Padstow	4	307	18	1	- -	- -	324
Plymouth	13	1,709	51	9	1	3	1,753
Portsmouth	1	- -	4	- -	- -	- -	4
Shields	1	6	- -	- -	- -	- -	6
Southampton	3	413	2	1	- -	- -	414
Stockton	1	43	- -	- -	- -	- -	43
Swansea	1	11	- -	- -	- -	- -	11
Torquay	3	73	- -	- -	- -	- -	73
	120	9,491	281	90	21	16	9,677
IRELAND:							
Belfast	8	951	7	3	1	- -	954
Cork	25	3,540	9	10	1	5	3,543
Donegal	2	260	4	- -	1	1	264
Dublin	6	1,292	14	10	2	2	1,296
Galway	3	527	8	1	- -	- -	534
Kilrush	2	217	1	- -	- -	- -	218
Limerick	34	6,555	37	41	12	10	6,549
Londonderry	4	703	1	- -	1	- -	703
New Ross	14	3,895	30	15	3	4	3,911
Newry	3	319	12	- -	- -	- -	331
Sligo	7	818	8	1	- -	- -	825
Tralee	5	888	2	2	- -	1	889
Valentia	3	720	11	- -	- -	- -	731
Waterford	12	1,071	12	2	- -	1	1,082
Westport	4	426	6	3	- -	- -	429
Wexford	1	8	- -	- -	- -	- -	
Youghal	1	115	- -	1	- -	- -	114
	134	22,305	162	89	21	24	22,381

Ports whence sailed.	Number of Vessels.	Passengers.		Deaths.		Births.	Landed in the Colony.
		Steerage.	Cabin.	At Sea.	In Quarantine.		
SCOTLAND:							
Aberdeen	5	504	12	2	- -	1	515
Arbroath	1	5	- -	- -	- -	- -	5
Ardrossan	2	85	- -	- -	- -	- -	85
Dundee	2	39	3	- -	- -	- -	42
Glasgow	38	1,946	115	3	2	2	2,058
Greenock	8	1,558	14	13	6	5	1,558
Inverness	1	4	- -	- -	- -	- -	4
Leith	1	12	6	- -	- -	- -	18
Montrose	1	9	3	- -	- -	- -	12
Stornaway	6	1,966	- -	6	- -	5	1,965
Stromness	1	88	6	1	- -	- -	93
Thurso	1	72	1	- -	1	- -	72
Troon	4	610	1	1	- -	- -	615
	71	6,898	161	26	9	18	7,042
CONTINENT OF EUROPE:							
Hamburgh	6	642	5	- -	- -	1	645
Norway	6	227	- -	- -	- -	- -	225
	12	869	5	- -	- -	1	870
LOWER PORTS, &c.:							
Arichat	1	5	- -	- -	- -	- -	5
Bathurst	1	7	- -	- -	- -	- -	7
Bay of Chaleur	4	64	- -	- -	- -	- -	64
Cape Breton	2	84	- -	- -	- -	- -	84
Caraquette	1	15	- -	- -	- -	- -	15
Dalhousie	1	8	- -	- -	- -	- -	8
Gaspé	3	28	- -	- -	- -	- -	28
Halifax	7	56	- -	- -	- -	- -	56
New Carlisle	2	20	- -	- -	- -	- -	20
Percé	2	31	- -	- -	- -	- -	31
Picton	2	28	3	- -	- -	- -	31
Prince Edward Island	2	168	- -	- -	- -	- -	168
St. John's, Newfoundland	3	27	- -	- -	- -	- -	27
Sydney	5	549	9	- -	- -	- -	558
Cuba	1	2	- -	- -	- -	- -	2
Matanzas	1	2	- -	- -	- -	- -	2
	38	1,094	12	- -	- -	- -	1,106
RECAPITULATION:							
England	120	9,491	281	90	21	16	9,677
Ireland	134	22,305	162	89	21	24	22,381
Scotland	71	6,898	161	26	9	18	7,042
Continent of Europe	12	869	5	5	- -	1	870
Lower Ports, &c.	38	1,094	12	- -	- -	- -	1,106
TOTAL	375	40,657	621	210	51	59	41,076

Emigration Department, Quebec, December 1851.

A. C. BUCHANAN, Chief Agent.

No. 3.

RETURN of the Number of Persons who appear to have received Assistance to emigrate; also showing the Number who received Landing Money, from whom, and through whom paid, during the Season of 1851.

Date.	Vessel.	Whence.	No. received Free Passage only.	No. received Landing Money, with Free Passage.	By whom assisted.	Paid by Emigration Department. Sterling.	Paid by Agents, &c. Sterling.
						£ s. d.	£ s. d.
May 8	Laurel -	London -	- -	35	Poor Law Unions, &c. -	64 6 0	—
„	John Francis -	Cork - -	- -	155	Kenmare Union -	155 0 0	—
				14	Marquis of Lansdowne -	12 3 9	—
May 9	Brilliant -	Ditto -	- -	147	Ditto - -	52 19 5	—
„	Dahlia -	Plymouth -	- -	8	Parish - -	- - -	7 0 0
May 11	Perseverance -	Stockton -	- -	4	Ditto - -	- - -	3 0 0
„	India - .	New Ross -	85	- -	Landlords - -	—	—
„	Governor -	Limerick -	11	- -	Earl Dunraven -	—	—
May 12	Primrose -	Ditto -	8	- -	Colonel Vandeleur -	—	—
May 14	Ava - -	Southampton -	- -	58	Poor Law Unions, &c. -	- - -	85 0 0
May 29	Collina -	Gloucester -	- -	224	Cheltenham Union -	- - -	166 10 0
„	Dominica -	Cork - -	- -	100	Marquis of Lansdowne -	41 15 7	—
„	Mary and Ellen	Dublin -	- -	15	Landlord - -	- - -	29 14 0
			90	- -	Various Landlords -	—	—
30 May	Glenlyon -	New Ross -	260	- -	Earl Fitzwilliam -	—	—
			70	- -	Various Landlords -	—	—
„	Envoy -	Londonderry -	- -	58	Strabane Union -	29 0 0	—
				29	Derry Union - -	15 10 0	—
May 31	Thompson -	Sligo - -	40	- -	Lord North - -	—	—
May 30	Deborah -	Londonderry -	- -	60	Mr. Charley - -	30 0 0	—
June 5	Countess of Arran.	Donegal -	- -	160			
June 1	Alcyone -	Dublin -	- -	71	Carrick Union - -	- - -	79 17 6
				88	Marquis of Bath -	- - -	44 0 0
„	Jeanie Johnston.	Tralee -	- -	26	Sir Richard Denny -	25 0 0	—
			25	- -	Mr. Donovan - -	—	—
June 5	Anglesea -	Liverpool -	50	- -	Mr. Cavanagh, County Carlow.	—	—
„	Hotspur -	Cork - -	- -	98	Kenmare Union -	98 0 0	—
				15	Marquis of Lansdowne -	4 18 0	—
„	Ann - -	Donegal -	81	- -	Landlords - -	—	—
„	Hornet -	Limerick -	5	- -	Ditto - -	—	—
„	Secret -	Bideford -	12	- -	Parish - -	—	—
				75	Landlords - -	- - -	40 0 0
				119	Abbeyleix Union -	- - -	59 10 0
June 8	Wave -	Dublin -	- -	51	Carrickmacross Union -	- - -	47 10 0
				66	Donoghmore Union -	33 0 0	—
June 14	Cresswell -	Cork - -	- -	26	Sir Richard Denny -	26 0 0	—
„	Helen -	London -	- -	70	Dover Union - -	59 10 0	—
„	Milicete -	New Ross -	37	- -	Landlords - -	—	—
„	British Queen	Limerick -	14	- -	Mr. Spaight - -	—	—
June 15	Ottawa -	Waterford -	4	- -	Mr. Power, County Waterford.	—	—
June 19	Ariel - -	Kilrush -	4	- -	Kilrush Union - -	—	—
June 20	Northumbria -	New Ross -	81	- -	Landlords - -	—	—
June 25	Safeguard -	Dublin -	33	- -	Ditto - -	—	—
			- -	59	Marquis of Bath -	- - -	40 2 6
„	Prompt -	Cork - -	- -	102	Marquis of Lansdowne -	39 6 0	—
June 29	Springfield -	New Ross -	10	- -	Mr. Talbot, County Waterford.	—	—
July 3	Mangerton -	Liverpool -	50	- -	Mr. Shaw - -	—	—
			- -	60	Shillelogh Union -	30 0 0	—
„	Anna Maria -	Limerick -	50	- -	Mr. Henry, County Tipperary.	—	—
„	Lord Elgin -	New Ross -	58	- -	Landlords - -	—	—
July 11	British Queen	Limerick -	5	- -	Earl of Limerick -	—	—
July 14	Sprite -	Ditto -	24	- -	Mr. Flanagan - -	—	—
July 15	Wolfville -	Glasgow -	69				
„	Urgent -	Troon -	370	- -	Sir James Matheson -	—	—
July 16	Prince George	- - -	203				
„	Susan -	Glasgow -	10	- -	Mr. Orme - -	—	—
July 17	Edward Kenny	Limerick -	11	- -	Landlords - -	—	—
July 18	Die Seelust -	Dublin -	- -	67	Mr. Shirley, &c. -	- - -	36 5 0
				57	Marquis of Bath -	- - -	28 13 0
				38	Marquis of Lansdowne -	13 1 0	—
	Giffeon -	Cork - -	- -	34	Kenmare Union -	34 0 0	—
				28	Listowel Union -	14 0 0	—
July 19	Huron -	Tralee -	- -	116	Dingle Union - -	116 0 0	—
„	Agenora -	Dublin -	- -	133	Rathdrum Union -	- - -	115 0 0
				40	Mr. Shirley - -	- - -	20 0 0
„	Nereid -	Limerick -	6	- -	Colonel Vandeleur -	—	—
July 23	Barlow -	Stornaway -	287	- -	Sir James Matheson -	—	—
July 25	Sisters -	London -	- -	8	Lord Corrington -	10 0 0	—
				94	Poor Law Union -	74 10 0	—
	Louisa -	Southampton -	- -	86	Ditto - -	- - -	67 0

Date.	Vessel.	Whence.	No. received Free Passage only.	No. received Landing Money, with Free Passage.	By whom assisted.	Paid by Emigration Department. Sterling.	Paid by Agents, &c. Sterling.
						£ s. d.	£ s. d.
July 31	Sesostris	Glasgow	-	11	Stranorlar Union	5 10 0	—
			7	-	Sir James Matheson	—	—
Aug. 2	Vesper	Thurso	28	24	Duke of Sutherland	10 0 0	—
Aug. 10	Tay	London	-	26	Parish	28 0 0	—
Aug. 13	Jamaica	Greenock	104	-	Landlords	—	—
Aug. 16	Canmore	Glasgow	16	-	Ditto	—	—
Aug. 18	Albion	Cork	-	52	Mr. Mahony	- - -	20 15 0
Aug. 22	Laura Campbell.	Limerick	43	-	Landlords	—	—
,,	Birman	Greenock	130	-	Duke of Argyle	—	—
			50	-	Sir James Matheson	—	—
Aug. 26	Conrad	Ditto	388	-	Duke of Argyle	—	—
Aug. 28	Ellen	Liverpool	100	-	Mr. Lothian, County Glengarry.	—	—
,,	Brooksby	Stornaway	285	-	Colonel Gordon	—	—
Aug. 27	Charles Walton.	Southampton	-	57	Poor Law Unions	- - -	24 0 0
Aug. 28	Albion	Cork	-	124	Dingle Union	124 0 0	—
Aug. 29	Clio	Ditto	-	65	Listowel Union	17 13 6	—
				50	Marquis of Lansdowne	15 4 3	—
Aug. 30	Montezuma	Stornaway	440	-	Colonel Gordon	—	—
Sept. 10	Perthshire	Ditto	437				
,,	St. Laurence	Cork	-	101	Dingle Union	101 0 0	—
Sept. 14	Jane Black	Limerick	-	5	Kilrush Union	3 9 0	—
				291	Ennistymon Union	188 8 0	—
,,	Jessy	Ditto	-	81	Ditto	58 19 0	—
				106	Kilrush Union	73 1 0	—
,,	Primrose	Ditto	-	107	Ditto	72 12 0	—
Sept. 25	John Francis	Cork	-	13	Listowel Union	3 2 6	—
				7	Marquis of Lansdowne	2 5 5	—
Sept. 27	Dominica	Ditto	-	127	Ditto	44 0 3	—
Sept. 28	John Bull	London	-	25	Landlord	25 0 0	—
,,	Canada	Galway	-	339	Clifden Union	326 0 0	—
,,	Chieftain	Valentia	-	213	Cahirciveen Union	213 0 0	—
Sept. 30	Venilia	Ditto	-	152	Ditto	152 0 0	—
				16	Dingle Union	16 0 0	—
,,	Jane Watson	Limerick	-	127	Kilrush Union	73 1 0	—
Oct. 1	Admiral	Stornaway	413	-	Colonel Gordon	—	—
,,	Waterhen	Galway	178	-	Scariff Union	—	—
Oct. 4	Try-again	Cork	-	29	Ditto	11 12 0	—
,,	Tottenham	Ditto	-	45	Ditto	19 4 0	—
,,	Industry	Cork	-	229	Marquis of Lansdowne	70 0 0	—
Oct. 18	Urania	Ditto	-	38	Ditto	12 9 1	—
				67	Kilrush Union	48 15 0	—
,,	Lisceard	Stornaway	104	-	Colonel Gordon	—	—
Oct. 25	Pallas	Valentia	-	136	Marquis of Lansdowne	40 0 0	—
	Total		4,786	5,357		2,732 5 9	913 17 0

Recapitulation.

	England.		Ireland.		Scotland.	
		£ s. d.		£ s. d.		£ s. d.
Parish Funds	662	578 16 0	2,910	2,333 14 6	Nil.	—
Private ditto	33	35 0 0	1,728	688 12 3	24	10 0 0
Free Passage only	12	- - -	1,333	- - -	3,441	- - -
Total	707	613 16 0	5,971	3,022 6 9	3,465	10 0 0

Emigration Department, Quebec, December 1851.

A. C. BUCHANAN, Chief Agent.

No. 4.

RETURN of the Trades or Callings of the Emigrants who arrived at the Ports of Quebec and Montreal during the Year 1851.

Bakers	13	Brought forward	518
Butchers	14	Rope-makers	1
Braziers, Plumbers, Tinsmiths, &c.	7	Saddlers and Harness-makers	8
Bookbinders and Printers	6	Sawyers	9
Bricklayers, Stonemasons, &c.	74	Ship-builders	5
Cabinet-makers and Turners	5	Shoemakers	90
Carpenters and Joiners	94	Smiths	100
Cart and Wheel wrights	13	Stonecutters	1
Coopers	14	Tailors	55
Curriers and Tanners	3	Watch and Clock-makers	1
Dyers	1	Weavers	21
Engineers	9	Unenumerated Callings	65
Gardeners	21	Male Servants	94
Hatters	1	Farmers and Agricultural Labourers	6,787
Millers and Millwrights	37	Common Labourers	5,965
Miners	62		13,720
Merchants and Clerks	125		
Moulders and Foundrymen	2	Deaths of Male Adults at Sea 38	
Painters and Glaziers	10	Ditto in Quarantine 10	
Paper-makers	2		48
Plasterers	5	Total	13,672
Carried forward	518		

Emigration Department, Quebec, December 1851.

A. C. BUCHANAN, Chief Agent.

No. 5.

RETURN of the Number of Admissions into Hospital, Discharges, and Deaths of Emigrants who arrived in Canada during the Season of 1851.

	Admitted.	Discharged.	Died.	Remaining.
Quarantine Hospital	594	543	51	—
Marine and Emigrant Hospital, Quebec	442	351	65	26
Montreal General Hospital	337	287	23	27
Total	1,373	1,181	139	53

Emigration Department, Quebec, December 1851.

A. C. BUCHANAN, Chief Agent.

No. 6.

COMPARATIVE STATEMENT of the Number of Emigrants arrived at the Port of Quebec since the Year 1829 inclusive.

Country.	5 Years from 1829 to 1833.	5 Years from 1834 to 1838.	5 Years from 1839 to 1843.	5 Years from 1844 to 1848.	1849.	1850.	1851.
England	43,386	28,624	30,813	60,453	8,980	9,887	9,677
Ireland	102,264	54,898	74,981	112,192	23,126	17,976	22,381
Scotland	20,143	10,998	16,289	12,767	4,984	2,879	7,042
Continent of Europe	15	485	—	9,728	436	849	870
Lower Ports, &c.	1,889	1,346	1,777	1,219	968	701	1,106
Total	167,697	96,351	123,860	196,359	38,494	32,292	41,076

Grand Total 696,129

Emigration Department, Quebec, December 1851.

A. C. BUCHANAN, Chief Agent.

No. 7.

EXTRACTS from the Notes appended to the periodical Reports of Arrivals of Passenger Ships at the Ports of Quebec and Montreal in the Season of 1851.

From the 1st to the 19th of May.

Note.—3,902 emigrants have arrived from the opening of the navigation to the 19th instant, and all landed in excellent health; the vessels having made most favourable passages; the average being under 34 days. Several made the run to the entrance of the Gulf in from 10 to 12 days, but were detained afterwards by ice, from which they all got through without any material damage.

The deaths on the passage were but 20, chiefly children, and but 11 were detained at the quarantine station, all of whom have since been discharged.

The emigrants are chiefly of the agricultural class; the male adults are classed as follows:—921 farmers, 408 labourers, 134 mechanics, and 18 domestic servants.

On board the "John Francis," from Cork, there were 155 persons, sent out by the Kenmare Union, to whom were paid through this department 20*s.* sterling each on landing, and 34 families—148 souls—were sent out by Lord Lansdowne, for whose benefit money was remitted through the Emigration Officer at Cork to this department, and paid to them on landing here at the rate of from 1*l.* to 2*l.* each family, with a free passage to Montreal. They have principally come out to join friends and relations in the United States.

A number of the emigrants per the "Laurel" and "Ava" had engaged their passages through to their final destinations previous to leaving England, as follows:—

To Montreal	-	9 persons,	6	adults.
Kingston	-	19 „	13	„
Cobourg	-	2 „	2	„
Toronto	-	40 „	31½	„
Hamilton	-	30 „	22½	„
Buffalo -	-	2 „	2	„
Cleveland	-	2 „	2	„
Sandusky	-	1 „	1	„
Detroit	-	10 „	6½	„
Milwaukie	-	6 „	5	„
Chicago	-	2 „	2	„
		123	93½	

The total sum paid as landing money (the pauper emigrants included) under the immediate superintendence of this department was 367*l.* 6*s.* sterling, which enabled them at once to proceed up the country.

These vessels have all been well found, and not a single complaint of any kind has been made by any of the passengers.

Employment is abundant in almost every section of the province. 1,000 labourers are now required on the St. Lawrence and Atlantic Junction Railroad, on the sections between Melbourne and Sherbrooke, to whom the contractors offer from 4*s.* to a dollar per day; domestic servants and farm labourers are also much sought after.

From the 20th to the 31st of May.

Note.—5,336 emigrants have arrived at this port during the period between the 20th and 31st of May. They have landed in good health; the deaths during the passage being but 34, viz.:—

9 adults.	
13 children.	
12 infants.	
34	

The emigrants are generally of a respectable class, and all emigrated voluntarily with the exception of 872, who were sent out by various landlords and parish unions, some of whom were paid, under the superintendence of this office, from 10*s.* to 1*l.* each on arrival here.

The male adults were classed as follows:—

Farmers - - -	1,052
Labourers - - -	727
Servants - - -	23
Mechanics - - -	201
	2,003

CANADA.

Complaints were made by the passengers per "Ailsa," from Liverpool, for detention at that port after the day fixed for sailing, and the master paid to them the sum of 33*l.* 1*s.* 6*d.* sterling as subsistence money shown by their contract tickets to be legally due. A complaint was also made as to the flour issued to the passengers which was sour and unwholesome. Proceedings were instituted against Captain Poole, and he was fined in the mitigated penalty of 5*l.* and costs; it having been proved that he was kind and humane to his passengers, and that the provisions had been regularly inspected by the proper officer in Liverpool. This vessel was chartered by James Mackay and Co., Regent Road, Liverpool, several of whose contract tickets were found to be regularly filled up; the sum charged for the passage not being stated, but in the places where the amount should be entered in figures the word "full" was written. As this is evidently a violation of the 47th clause of the Passenger Act, these tickets have been forwarded to the Government Emigration Officer in Liverpool, in order that he may adopt such steps as the circumstances of the case would appear to justify. A report of the case, accompanied by an affidavit, has also been transmitted to the Emigration Commissioners in London.

Proceedings were also taken against Captain Gorman, of the "Jane Black," from Limerick, for an excess of eight passengers over his legal complement. He was fined 2*l.* sterling each, with costs, being the lowest penalty, in consideration of his having already paid 2*l.* 10*s.* currency each, under the Provincial Act, for having eight uncertified persons on board.

On board the ship "Henry Tanner," from London, there were a number of very respectable emigrants. This vessel was fitted up in a much superior manner to any that have ever arrived at this port. Even the steerage berths were all fitted as separate cabins, painted and numbered for every family and single person on board, and the passengers were all placed in messes, and provided for in a most liberal and comfortable manner by the owner, Captain Thomas Lightfoot, who came out in the vessel and undertook the superintendence and management of the emigrants during the passage. They all bore willing testimony to the excellence of his arrangements, and the satisfactory manner in which his engagements with them were carried out.

The expenditure for transport incurred by this department has been considerably reduced this season as compared with the corresponding period of last year.

Abundance of employment exists, and is likely to continue throughout the province, especially in the eastern townships, where the absorption of labour by the railroad now making in that district should attract a large number of emigrant labourers, but there is a great difficulty in inducing them to proceed thither, notwithstanding the offer of high wages,—4*s.* 6*d.* and 5*s.* a day.

From the 1st to the 14th of June.

Note.—5,222 emigrants landed at this port during the period embraced in this return, all in good health. The mortality on the passage was very small, only amounting to 24; viz., 5 men, 5 women, 7 children, and 7 infants. The number of admissions to the Quarantine Hospital during the same period was 35; viz., 12 men, 12 women, and 11 children.

The emigrants consist chiefly of farmers and agricultural labourers. Many of the former appear in comfortable circumstances. I estimate, from the information received on boarding the vessels, that fully one half are proceeding to the United States, a large proportion of whom have friends and relations there, and others who have no particular destination are attracted thither under the idea of getting better wages than by remaining in Canada.

The male adults are classed on the passenger lists as follows:—

Farmers - -	922
Labourers - -	762
Mechanics - -	132
Servants - - -	8
Total	1,824

Of the whole number, 1,089 persons appear to have been aided in their emigration, and 4,133 came out voluntarily. Of those who received aid, 445 persons were paid, over and above a free passage, sums on landing varying from 10*s.* to 20*s.* sterling each, with the exception of those by the "Countess of Arran" from Donegal, 160 in number, sent out by their landlord, Mr. Charley, who remitted 20*l.* sterling for distribution among them, and which was applied to the purchasing of provisions for them. The able-bodied men were sent to the railroad work at Melbourne eastern townships, and the others, consisting of helpless women and children, were assisted to proceed to their friends, the greater part of whom resided in the United States. The total amount paid through this office amounted to 261*l.* 10*s.* sterling.

Employment continues abundant in almost every section of the province, and all disposed to work find no difficulty in procuring it. Labourers in this neighbourhood are receiving 3*s.* per day, and on the railway at Sherbrooke as high as 4*s.* 6*d.* and 5*s.*

The number assisted from the several vessels included in this return was 693, equal to 515 adult persons. Of this number, 276 were from three vessels, the "Countess of Arran" and the "Ann" from Donegal, and the "Transit" from Westport, being within 112 of the whole number on board. The total outlay for transport was 64*l.* 7*s.* 6*d.*

From the 15*th of June to the* 12*th of July.*

Note.—The emigrants included in this return have all landed in good health. The masters appear to have acted kindly, and with attention to the health and comfort of those placed under their charge, nor were any complaints made by the passengers. The deaths during the passage were but 8.

The passengers consist chiefly of agriculturists, and a large portion have emigrated to join their relations in this province and the United States. Of the whole number, 4,378 emigrated voluntarily, and 456 were assisted by their landlords.

The male adults are classed as follows:—

Farmers - - -	881
Labourers - - -	779
Mechanics - - -	86
Servants - - -	23
	1,769

On board the "Maranham," "Anna Maria," and "Dundonald," from Limerick, there were a number of helpless families, the females and children being largely in excess of the male adults. Those by the "Mangerton," from Liverpool, and "Safeguard," from Dublin, show a somewhat similar excess. The latter received a small sum through Mr. Miley's agent in this city; but insufficient to enable them to reach their friends. Of the 148 persons on board this vessel, 95 were forwarded up the country free. The whole number of persons assisted from the several vessels in this return was 573 souls, equal to 413 adults, at an outlay of about 50*l.*

Employment continues abundant in every section of the province, and all able and willing to work can obtain it without difficulty.

From the 14*th to the* 31*st of July.*

Note.—6,674 emigrants landed at this port from the 14th to 31st ultimo in good health, with the exception of a few cases of small-pox and measles on board the Glasgow and Liverpool ships, which detained the passengers a few days in quarantine. The mortality was, however, but small; the deaths at sea were 33, viz., 2 men, 6 women, 19 children, and 6 infants. From the July monthly return of the Quarantine Hospital it appears the total admissions during that period were 143, deaths 12, and but 28 cases were remaining in the hospital on the 31st ultimo, which out of an emigration of over 9,000 souls (the number inspected at that station during the month of July) affords very satisfactory evidence of the healthy condition in which the emigrants are arriving this season, notwithstanding the length to which the passage was in some cases extended, the average being 44½ days.

Of the total number in this return 4,983 appear to have emigrated voluntarily, and 1,691 were sent out by their landlords or by parish authorities. Of the former the largest party (936 souls) were from the Island of Lewis, sent out by Sir James Matheson, who amply provided for them during the passage, and forwarded them free to their several destinations; about 400 proceeded to Sherbrooke, eastern townships, and the remainder to Western Canada. 497 persons were from various unions in England and Ireland, for whose benefit the sum of 309*l.* 5*s.* sterling had been remitted to this department for distribution among them on landing. Of those from the port of Dublin, 297 received from other parties in this city the sum of 193*l.* 18*s.* sterling, and the remaining 51 persons were sent out by various landed proprietors, who merely provided them with a free passage to this port.

Of those who emigrated voluntarily, a large number of the Irish had received assistance from their friends in this country and the United States. The greater part of those by the ships "Spartan," "Justyn," and "Sesostrs," from the Clyde, 1,070 persons, were respectable intelligent people, chiefly farmers and a few mechanics. They all proceeded to Western Canada to settle, with the exception of a few families on board the "Justyn," who were going to their relations in Michigan and Illinois. There were also some very respectable persons on board the "Sisters," from London, and the "Louisa," from Southampton, 118 passengers by these vessels had secured their passage in England to various parts in Canada West, and 37 to Buffalo and Chicago.

CANADA.

Among the emigrants included in this return there appears the unusual number of 554 persons from Cape Breton. It appears these parties were all Scotch Highlanders, or their descendants, who had been settled there for a number of years; but finding the climate too severe, and unfavourable to agricultural operations, had disposed of their farms and removed to this colony, with the intention of settling in the western part of the province; they, with the exception of a few families, appear to possess some little capital, and, from their previous habits, are likely to prove good and valuable settlers.

The German emigrants per "Anna Maria" and "Providentia," from Hamburg, were chiefly agricultural labourers and farmers. With the exception of about 30, who were going to the German settlements in the Wellington District, they all proceeded direct to Buffalo.

Employment continues abundant throughout the country, and labourers obtain highly remunerative wages. Female domestic servants are also much wanted in the country settlements.

The number forwarded free at this agency among the several vessels reported in this return, including the convalescents from hospital, was 723 persons, equal to 514 adults, at an average charge of 2*s.* 6*d.* each adult.

From the 1*st to the* 31*st of August.*

Note.—5,459 emigrants arrived during the month of August, and, with the exception of on board three vessels, they all landed in good health. The deaths on the passage were 46, viz., 9 adults and 37 children; 18 of which occurred on board the "Abbeylands," from Liverpool, 7 on the "Jamaica," from Glasgow, 6 on the "Laura Campbell," from Limerick, and 6 on the "Ellen," from Liverpool. The diseases most prevalent were measles and small-pox.

Of the whole number, 3,452 emigrated voluntarily, and 2,007 were sent out by landlords and by parish unions; 1,565 were Scotch (Highlanders), 359 Irish, and 83 English.

Of those from Scotland, 725 were sent out by Colonel Gordon from South Uist, in the ships "Brooksby" and "Montezuma," who provided them with a free passage and provisions to this port; the party consisting of 215 male adults, 222 females, and 288 children. From the information received from the masters of the vessels and from the people themselves, it appears they were entirely destitute of money or provisions; but few of the men could speak English; and, as they were all desirous of proceeding to the western part of Upper Canada, they were forwarded direct to Hamilton at the expense of the Emigrant Fund. On board the "Conrad" and "Birman" were 518 persons, from Mall and Tyree, sent out by his Grace the Duke of Argyle, who provided them with a free passage to Montreal, where, on arrival, as they presented the same appearance of destitution as those from South Uist, they were all sent free to Hamilton. On board the "Birman" were 50 souls, the last of Sir James Matheson's party from Lewis, who were all well provided for and forwarded to their destination (Lingwick, eastern townships,) at Sir James's expense. The remainder of the Scotch emigrants who were assisted to emigrate by their landlords were on board the "Vesper," "Jamaica," and "Ellen." A number of them obtained employment about Montreal, and the others with families were assisted by this department to proceed to their friends in Lancaster, Toronto, and Hamilton.

Of those sent out from Ireland, 124, per "Albion," were from the Dingle Union, who were paid on landing 1*l.* sterling each; and on board the "Clio," from the same port, were 83 from the Listowel Union, and 12 families (57 persons) were sent out by the Marquis of Lansdowne. Each of these parties expected to receive a sum of money through this office; but no remittance had been made on their account. In consequeuce of their disappointment, and being entirely without means, they were all forwarded free to where they could procure employment. 52 persons on board the "Albion" (Driscoll) were sent out by Mr. Mahony, and received here a small sum equal to 10*s.* sterling each adult and 5*s.* each child, to assist them to proceed up the country. The remainder, 43, per "Laura Campbell," received only a free passage to this port.

The English emigrants per "Tay" and "Charles Walton," 83 in number, were paid 1*l.* sterling each on landing.

The number of persons forwarded free (including the whole of Colonel Gordon's Highlanders) number 1,483 persons, equal to 1,125 adults, being about one fourth of the entire number. A large number of the Irish assisted consisted of women and children coming out to join their friends, who in almost every case had sent home the means of paying their passage to this port.

Employment continues abundant throughout the province.

From the 1*st to the* 30*th of September.*

Note.—5,556 emigrants landed at this port during the month of September, and in good health. The deaths on the passage were 29, viz. 10 adults, 8 children, and

11 infants. Of the whole number, 3,405 emigrated voluntarily, and 2,151 were sent out chiefly from unions in Ireland.

The following statement will show the number sent out from each union, with the amount of funds paid to them through this office on their landing here:

Ship.	Whence.	Union.	Number.	Amount.
				£ s. d.
St. Laurence	Cork	Dingle	105	105 0 0
Jane Black	Limerick	Kilrush	5	3 9 0
„	„	Ennistymon	291	188 8 0
Jessie	„	„	81	58 19 0
„	„	Kilrush	106	73 1 0
Primrose	„	„	107	72 12 0
John Francis	Cork	Listowel	13	3 2 6
Chieftain	Valentia	Cahirciveen	213	213 0 0
Canada	Galway	Clifden	339	326 0 0
Venilia	Valentia	Dingle	16	16 0 0
„	„	Cahirciveen	152	152 0 0
Jane Watson	Limerick	Kilrush	127	73 1 0
			1,555	1,284 12 6

The majority of these emigrants were young men and women, from 16 to 25 years of age, with the exception of those by the "Chieftain," from the Cahirciveen Union, consisting of families and young girls from 8 to 14 years. They mostly proceeded to Upper Canada, and the remainder to relatives in the United States. The whole are classed as follows:

Male adults	233
Female adults	1,049
Children under 14 years	266
Infants	7
	1,555 souls.

On board the "John Francis" and "Dominica," from Cork, were 42 families, numbering 134 souls, who were sent out by the Marquis of Lansdowne. The sum of 40*l.* 15*s.* was remitted to this department for their benefit, equal to about 20*s.* sterling each family, in addition to which they were provided with a free passage to Montreal. A great majority of these people went to the United States.

By a return received from the chief agent at Toronto it appears that after considerable exertion to scatter the pauper females that lately proceeded to that quarter, and through the influence and assistance of the clergy of the respective denominations, they have all succeeded in securing employment. It is to be regretted that the parties interested in sending out these people had not arranged for their arrival in this country at a more favourable season. Emigrants of this class should arrive here, if possible, within the months of May and June, and in no case later than July, as then employment of all kinds is most abundant.

By the "Perthshire," from Stornaway, there were 437 Highlanders sent out by Colonel Gordon. They consisted of large helpless families, the great majority of them being females and children, and presented the same evidence of destitution as those by the "Brooksby" and "Montezuma," referred to in the report of the last month, many not having even decent clothing, much less sufficient to protect them during a Canadian winter. But few of the men could speak English, and as they had friends in Western Canada, and no suitable employment offering here, they were forwarded to Hamilton by this department, where a number obtained employment on the railroad.

Of the emigrants who came out voluntarily, a large proportion have emigrated to join their friends; and I estimate that about one-half have gone to the United States.

Employment continues abundant throughout the province on the various railroads in course of construction.

The number of persons assisted, exclusively of Colonel Gordon's party, was 822, equal to 649 adults. They were chiefly women and children, who had emigrated to join their friends.

From the 1st to the 31st of October.

Note.—The number of emigrants arrived during the month of October was 4,287, being more than double the number landed during the same month in any previous season. They arrived in good health, the deaths on the passage being but 11, viz. two men, three women, and six children.

On a reference to the numbers in this return, it will be seen that the females and children show a large excess over the number of male adults, being 2,895 of the former against 1,202 of the latter, a disproportion most unusual, which is to be accounted for

chiefly among that class of emigrants whose removal has been prompted by the direct interest of their landlord or parish union. The male adults are classed as follows:

Farmers - - -	477
Labourers - - -	670
Mechanics - - -	49
Servants - - - -	6
	1,202

Of the total number 3,043 appear to have emigrated voluntarily, and 1,245 were sent out by landlords and poor law unions. The following Table will show the numbers, and by whom sent out, with the amount paid each on arrival here:—

Vessel.	Whence.	By whom assisted.	Number.	Amount allowed each.	Total.
				Sterling.	£ s. d.
Admiral - -	Stornaway - -	Colonel Gordon -	413	Nil.	Nil.
Waterhen - -	Galway - -	Scariff Union - -	178	10*s.*	Paid at Galway.
Try-again - -	Cork - -	„ - - -	29	8*s.* }	30 16 0
Tottenham - -	„ - -	„ - - -	45	8*s.* }	
Industry - -	„ - -	Marquis of Lansdowne	235	5*s.*	60 15 0
Lisceard - -	Stornaway - -	Colonel Gordon -	104	Nil.	Nil.
Urania - - -	Cork - -	Kilrush Union -	67	15*s.*	48 15 0
„ - - -	„ - - -	Marquis of Lansdowne	38	5*s.*	12 15 0
Pallas - -	Valentia - -	„ - -	136	5*s.*	35 0 0
			1,245		188 1 0

The emigrants per the "Admiral" and "Lisceard" from Stornaway complete the number of 1,681 persons, the expense of whose removal to this port has been defrayed by their landlord, Colonel Gordon, reference to which has been made in the previous monthly reports. The whole of these people had to be forwarded at the expense of this department to Hamilton.

It is much to be regretted that those landlords and guardians of the several unions in Ireland who avail themselves of the emigration to this port should have delayed in sending them out until so late in the season, when they are almost certain to be exposed to hardship, if not much suffering. Many, from their previous habits and other causes, become a charge upon the charitable public in our cities, already overburthened by their own poor, during the inclemency of our Canadian winter. These difficulties may be avoided, and the country would receive with willingness what they now are disposed to view with hostility, by having these people sent out in proper season, as all who arrived here previously to the month of August were satisfactorily disposed of, and succeeded in securing profitable employment.

Those who emigrated voluntarily came out chiefly to join friends; about one half I estimate have gone to the United States.

Owing to the late period in the season, and the inability of parties to reach their friends, or to such sections of the country as would be likely to afford them employment during the winter, I found it necessary to relax the rule in respect to free transport. The whole number relieved was 1,210 persons, 803 adults. Many of them were convalescents from hospital.

This return closes the emigration for this season.

Emigration Department, Quebec,
December 1851.

No. 8.

[*Being Copy of a Letter from A. C. Buchanan, Esq., Chief Agent to J. Fleming, Esq., dated Quebec, November* 26, 1851, *will be found printed at page* 8 *of this Paper.*]

No. 9.

TABLE showing the Expenditure of the Quarantine Station and Hospitals, from their Establishment in 1832 up to the present Time, with the Number of Emigrants and the Number of Sick each Year.

Year.	Number of Emigrants.	Number of Sick.	Gross Expenditure. £ s. d.	REMARKS.
1832	51,422	No Return to be found	- - -	Expenditure paid out of a vote of 10,000*l.* made to Board of Health, Quebec Establishment, entirely military.
1833	22,982	239	3,233 2 5	The Quarantine Station during these Seven Years was under a Military Commandant, and the expenditure was paid by the Commissariat Department through an officer stationed at Grosse Isle.
1834	30,982	844	3,748 0 10	
1835	11,580	126	3,233 3 10	
1836	27,896	454	3,010 12 1	
1837	31,894	598	2,937 9 2	
1838	2,918	65	2,626 0 1	
1839	7,214	189	2,705 7 11	
1840	22,065	561	1,511 7 1	During this period of seven years the establishment was under a Medical Supurintendent, and the expenditure was paid by the Health Commissioners and Inspecting Physician, Quebec. Steamer employed in 1842 cost 550*l.*, and 50 imported iron bedsteads 133*l.* 7*s.* 4*d.*; in 1843, 50 more iron bedsteads imported, 118*l.* 2*s.* 6*d.*, and steamer 300*l.*; in 1844, steamer, 350*l.*; in 1845, 360*l.*; and in 1846, 520*l.*
1841	28,060	290	1,610 18 1½	
1842	44,374	488	2,284 15 4	
1843	20,714	245	1,686 8 10	
1844	20,142	388	1,790 7 0	
1845	24,640	465	1,852 12 6	
1846	32,753	892	2,380 17 0	
1847	98,106	8,691	16,000 0 0	Paid jointly by Health Commissioners and Commissariat, one of which stationed on the Island.
1848	26,097	581	2,938 17 7	Expenditure again paid by Commissariat these four years; to which must be added 1,324*l.* 19*s.* 2*d.*, the cost of the steamer St. Pierre during four months of 1848, and a yearly expenditure of about 1,000*l.* by the Board of Works.
1849	37,526	859	3,163 10 2	
1850	31,591	359	2,491 0 4	
1851	39,970	594	2,510 12 6	

Despatch from the Right Honourable Earl Grey, Secretary of State.

No. 1.

No. 1.

(No. 654.)

COPY of a DESPATCH from Earl GREY to the Earl of ELGIN.

MY LORD, Downing Street, November 4, 1851.

I HAVE to acknowledge the receipt of your Despatch of the 9th September, No. 107*, transmitting the copy of a letter from the Chief Agent of Immigration in Canada, reporting the destitute condition in which certain emigrants from the estates of Colonel Gordon of Cluny, have been lately sent to the province; and I have to inform your Lordship that, having caused an inquiry to be instituted into the alleged circumstances of this case, I learn that Colonel Gordon denies having promised to these emigrants free passages beyond Quebec, and refuses to incur any further expense on their account. As proprietors of estates in this country cannot legally be required to provide emigrants with pecuniary means to assist them on their arrival at the place of destination, I have no authority to prevent a repetition of the proceeding to which you have called my attention. I can only express my regret that the emigrants from South Uist should have been sent to Canada in a manner which I regard as so objectionable.

* Page 7

I have, &c.

The Earl of Elgin and Kincardine, &c. &c. &c.

(Signed) GREY.

NEW BRUNSWICK.

Despatches from Lieut.-Governor Sir E. Head.

NEW BRUNSWICK.

No. 1.

(No. 29.) No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir E. HEAD to Earl GREY.

Government House, Fredericton, New Brunswick,
May 15, 1851.

MY LORD, (Received June 10, 1851.)

I HAVE the honour to enclose the ship returns of the following vessels,—"Speed," "St. Lawrence," "Susan," "Onyx," "Londonderry," together with copies of two letters addressed by Mr. Perley to the provincial secretary. That of the 5th of May contains some statements which will, I doubt not, be considered by Her Majesty's Commissioners for Colonial Lands and Emigration.

I have, &c.

The Right Hon. Earl Grey, (Signed) EDMUND HEAD.
&c. &c. &c.

Encl. 1 in No. 1.

Enclosure 1 in No. 1.

Government Emigration Office, St. John,
May 5, 1851.

SIR,

I HAVE the honour to report the arrival of the ship "Speed" from Liverpool, and the "St. Lawrence" and "Susan" from Cork, with passengers, ship returns for each of which are enclosed.

The "Onyx," from Glasgow, has also arrived with twelve passengers. The whole of the passengers by these four vessels are Irish.

	Souls.
"Speed" - -	218
"St. Lawrence"	121
"Susan" - -	91
"Onyx" - -	12
Total -	442

The ship "Speed" was chartered for passengers by John S. De Wolf of Liverpool, who, from the contract tickets, appears to be a passage broker, although the tickets are signed for him by George Rippard and Son.

Of the passengers by the "Speed," about 180 had paid their passages to Boston. Besides the usual contract tickets they had orders from George Rippard and Son on Mr. John M'Grath of this city (a copy of one of which is inclosed) for a passage from hence to Boston.

Mr. M'Grath declined to forward these parties, stating that he had no knowledge of Messrs. Rippard and Son, nor any letter of advice from them.

On examining the contract tickets I found that fifty-five of the passengers had tickets which entitled them to be landed at Boston; and on my representing this to Messrs. Wiggins and Son, the highly respectable owners of the "Speed," they at once forwarded these parties to Boston by steamer at their own expense.

About forty of the passengers also went to Boston, paying their own passage from hence, which was a great hardship upon them.

The residue of those who ought to have been forwarded by Mr. De Wolf were this morning sent to Boston by Messrs. Salter, his correspondents here on his account. During their detention here part of these emigrants were supported in the almshouse, and the expense thus incurred Messrs. Salter have promised to refund.

The conduct of Mr. De Wolf in this matter appears to be highly reprehensible. He seems to have lent himself to Messrs. Rippard and Son, who for former frauds and misconduct have been deprived of their license and prevented from acting as passage brokers. The fact that Mr. De Wolf allows persons so notorious as Messrs. Rippard to pursue their fraudulent practices under cover of his name, should be sufficient to deprive him also of a license as a passage broker; and I trust the gross misconduct in this case will be brought under the especial notice of the Land and Emigration Commissioners.

It is proper for me to remark that the contract tickets in the case of the "Speed" that were properly filled up for Boston, and which enabled me to call upon the owners of the vessel to forward the persons bearing them to that port, were chiefly issued by Wm. Maurne, passage broker, of 6, Regent Road, Clarence Dock, Liverpool. Those tickets issued by the Rippards expressed that the passengers were to be landed at St. John, after which they were left to obtain a passage to Boston through the order on Mr. M'Grath, of which that gentleman disclaimed all knowledge whatever.

I have, &c.
(Signed) M. H. PERLEY,
Her Majesty's Emigration Officer.

(Copy.) No. 66. St Patrick Emigration Office, 134, Waterloo Road,
Liverpool, March 24, 1851.

	Age
Michl. Ahern -	20
Johannah Ahern	30
Lawrence Ahern	8
Ellen Ahern -	6
Mary Ahern -	5

WE engage that the parties herein named shall be provided with a steerage passage to Boston from St. John, New Brunswick, by the emigration line, with fifty pounds of baggage on the canal and railroads, and one hundred pounds on the rivers and lakes, free to each full passenger.

For GEORGE RIPPARD AND SON,

J. M'Grath, Esq., St. John. (Signed) CHARLES RIPPARD.

NEW BRUNSWICK.

Enclosure 2 in No. 1.

Encl. 2 in No. 1.

Government Emigration Office, St. John,
May 10, 1851.

SIR,

I HAVE to report the arrival of the barque "Londonderry," from Londonderry, with 162 passengers, and enclose a ship return.

Among the passengers is a deaf and dumb girl, whom Dr. Harding certifies is likely to become a parish charge. A bond will therefore be given to indemnify the province under the Provincial Act of 1850.

The wisdom of the provision which requires such a bond in certain cases is apparent ir this case, as in several previous instances.

I have, &c.

The Hon. J. R. Partelow,
Provincial Secretary.

(Signed) M. H. PERLEY.

(No. 34.) No. 2.

No. 2.

COPY of a DESPATCH from Lieut.-Governor Sir E. HEAD to Earl GREY.

Government House, Fredericton, N.B.,
June 6, 1851.

MY LORD,

(Received June 23, 1851.)

I HAVE the honour to transmit the enclosed copy of a letter from the emigration officers at St. John, together with the usual ship return for the ship "Pomona," arrived at that port from Liverpool.

May 27, 1851.

I have, &c.

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) EDMUND HEAD.

Enclosure in No. 2.

Encl. in No. 2

Government Emigration Office,
St. John, May 27, 1851.

SIR,

I HAVE to report the arrival of the ship "Pomona" from Liverpool, with 315 passengers, and enclose ship return.

Return No. 5.

During the voyage a child died of what was supposed to be scarlet rash.

When the ship arrived at the quarantine ground, another child of the same family was found to be very ill with smallpox, of which it died a few hours after the ship came to anchor. In consequence the whole of the passengers on board were landed at Patridge Island, where they were very comfortably accommodated, and underwent a thorough cleansing and purification.

No sickness having appeared among them, about 150 were discharged yesterday, and embarked at once in the steamer "Maid of Erin," to proceed to the United States.

A large proportion of those who remain will also proceed to Boston, to which place their passages were paid before leaving England.

The passengers by this vessel were nearly all from Ireland, and their passages were chiefly paid by remittances from friends and relations in the United States.

I have, &c.

The Hon. J. R. Partelow,
Provincial Secretary.

(Signed) M. H. PERLEY,
H.M. Emigration Officer.

(No. 35.) No. 3.

No. 3.

COPY of a DESPATCH from Lieut.-Governor Sir E. HEAD to Earl GREY.

Government House, Fredericton, N.B.,
June 11, 1851.

MY LORD,

(Received July 3, 1851.)

I HAVE the honour to enclose, for your Lordship's information, a copy of a letter from Mr. Perley, reporting the arrival of the emigrant vessels "Field Marshal Radetzky," "Barbara," and "Garland," at St. John.

June 5, 1851.

I also transmit the usual returns for these ships.

I have, &c.

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) EDMUND HEAD.

NEW BRUNSWICK.

Enclosure in No. 3.

Encl. in No. 3.

Government Emigration Office, St. John,
June 5, 1851.

SIR,

I HAVE to report the arrival of the "Field Marshal Radetzky" from Cork, the "Barbara" from Londonderry, and the "Garland" from Berehaven, with passengers, and now enclose a ship return for each.

The passengers by these vessels were all in good health, except three persons in the "Field Marshal Radetzky" who were landed at Patridge Island, and are now recruiting.

In the "Barbara" from Londonderry there were two male idiots, of the respective ages of 26 and 29 years, for whom bonds have been required under the provisions of the Act of Assembly; but as those bonds are only in the penalty of fifty pounds currency, they will afford very inadequate security if these idiots become chargeable upon the province during the rest of their lives.

I have, &c.
(Signed) M. H. PERLEY.
H.M. Emigration Officer.

The Hon. J. R. Partelow,
Provincial Secretary.

No. 4.

(No. 38.)

No. 4.

COPY of a DESPATCH from Lieut.-Governor Sir E. HEAD to Earl GREY.

Government House, Fredericton, N. B.
June 20, 1851.

MY LORD,

(Received July 8, 1851.)

June 16, 1851.
June 19, 1851.

I HAVE the honour to transmit copies of a correspondence between myself and Mr. Perley on the subject of emigration.

I enclose these letters, in order that the propositions contained in them may be brought under the consideration of the Commissioners for Emigration.

I have, &c.
(Signed) EDMUND HEAD.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure 1 in No. 4.

Government Emigration Office, St. John's,
June 16, 1851.

SIR,

Encl. 1 in No. 4.

I HAVE the honour to state that, up to this date, about 1,700 emigrants have arrived at this port the present season, nearly the whole of whom have proceeded, or are about to proceed, to the United States.

1,700.

In this city labourers are in demand and wages high; for female servants the inquiries are unceasing.

The applications from the country for farm labourers and domestic servants, both male and female, are numerous, and constantly increasing, but up to this moment I have not been able to persuade a single emigrant to proceed to the rural districts.

Very many inquiries are made for young persons from fourteen years of age upwards, and I believe that decent families would be willing to take healthy children even younger than fourteen, and bring them up properly.

It has occurred to me that the want of domestic servants, now beginning to be felt both in town and in country, might be supplied from the great numbers of pauper children who are being supported at the public expense in the workhouses of England.

Healthy English children of sufficient age might at present be sent to this province with the almost absolute certainty of their being engaged immediately as domestic servants; and I venture to suggest for his Excellency's consideration the propriety of informing the Poor Law Commissioners for England of the demand for the labour of young persons in New Brunswick, with the view of arrangements being entered into for sending to this province a reasonable number of such persons before the close of the present season.

I have, &c.
(Signed) M. H. PERLEY.

R. T. Pennefather, Esq.
&c. &c. &c.

Encl. 2 in No. 4.

Enclosure 2 in No. 4.

Government House, Fredericton, N. B.
June 19, 1851.

SIR,

HIS Excellency the Lieut.-Governor has perused your letter with reference to emigration with great interest, and with every desire to aid in promoting the objects suggested by you.

It appears to his Excellency that an especial demand exists in this colony for female servants of good character and industrious habits. It is probable that girls from fourteen to

sixteen years of age might, as you suggest, readily find places. It may be doubtful whether those under fourteen would be easily disposed of, or would be taken into families on advantageous terms.

In order to commence an emigration of this kind with success, it would be essential in the first place to ascertain whether a definite number of persons at St. John and Fredericton, as well as in the country, would be ready to receive into their families female children of this description. It would also be necessary to organize at St. John a "ladies' committee," who would undertake to receive and attend to the girls thus brought out, until arrangements were made for forwarding them to their destinations.

His Excellency would be glad to receive from you any suggestions as to the possibility of thus carrying out the proposed scheme. If a sufficient number of persons would engage to take on certain definite terms one or more female children, an experiment on a moderate scale might be made for sending out, under proper guarantees for their fitness, and under proper control, a number sufficient to meet the first demand. The success of such an experiment would certainly lead to its renewal; and the interest taken in emigration is such at this moment, that his Excellency believes good to all parties on a large scale might be the result. On the other hand, the unfavourable issue of such a trial would inevitably embarrass any future attempt of the kind.

It would be essential to settle beforehand what would be fair terms to be agreed upon by those receiving children of this description, and on what principles they were to be selected, and distributed to persons agreeing to take them.

I am authorized to say that Lady Head would be quite prepared to assist in organizing any committee at Fredericton in connexion with such an object, and would lend her best aid to promote the success of such arrangements.

With regard to boys, his Excellency doubts whether it would be equally possible to make arrangements for their reception and permanent employment; but of this you are a better judge than he can be.

A copy of your letter and of this answer will be forwarded to Earl Grey by the next mail, for the information of the Commissioners for Emigration, and of others to whom his Lordship may see fit to communicate them.

I have, &c.

M. H. Perley, Esq., &c. &c. (Signed) R. T. Pennefather.

(No. 39.) No. 5. No. 5.

Copy of a DESPATCH from Lieut.-Governor Sir E. Head to Earl Grey.

Government House, Fredericton, N. B.
June 20, 1851.
(Received July 8, 1851.)

My Lord,

I have the honour to enclose copies of three letters from Mr. Perley, reporting the arrival of the emigrant vessels "Queen Pomare," "Perseverance," "Lord Fitzgerald and Vesci," and "Charles," at St. John, from Ireland, and mentioning the proceedings taken in the cases of the "Perseverance" and "Charles." June 17, 1851. June 18, 1851. June 19, 1851.

I also transmit the usual returns for these ships.

I have, &c.

The Right Hon. Earl Grey, &c. &c. &c. (Signed) EDMUND HEAD.

Enclosure 1 in No. 5. Encl. 1 in No. 5.

Sir, Government Emigration Office, St. John, June 17, 1851.

I have to report the arrival of the ship "Queen Pomare" from Liverpool, for which vessel, although not under the "Passengers' Act," I enclose a ship return.

On the arrival of this vessel at the quarantine station, it was found that five passengers and one of the crew were very ill with ship fever.

The whole of the passengers and the sick sailor were immediately landed on Partridge Island, where two of the passengers (a woman, aged 70, and a man, aged 24,) died a few hours after landing, the disease having advanced too far to admit of anything being effected for their relief. The rest, I am happy to say, have improved rapidly under Dr. Harding's skill and good management, and are now nearly convalescent.

The passengers, in this case, appear to have contracted the fever at the low lodging-houses in Liverpool frequented by emigrants, and the vessel not coming under the "Passengers' Act," they were not inspected before sailing. The disease appeared five days after the vessel put to sea.

I have, &c.

The Hon. J. R. Partelow, Provincial Secretary. (Signed) M. H. Perley, H. M. Emigration Officer.

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Encl. 2 in No. 5.

Return, No. 10.

Enclosure 2 in No. 5.

SIR, Government Emigration Office, St. John, June 18, 1851.

I HAVE to report the arrival of the barque "Perseverance" from Cork, with 303 passengers, and enclose a ship return.

On inquiry as to water, I found that the supply on the voyage had been ample, and of good quality. The oatmeal was excellent, the rice and the tea good, but the bread was below the standard of navy bread; the flour was musty, and the sugar of the most inferior description.

The passengers stated, that when Lieutenant Friend, the emigration officer at Queenstown, came on board to inspect the provisions, the samples exhibited to him were all of good quality, but after they had been at sea a short time those of worse quality were served out to them. All the flour issued was musty. The bread was said to be baked by Gregory O'Neill, the passage broker who shipped these emigrants at Cork, and it was worse than the ship bread furnished by the master to the crew of the vessel, and that was admitted to be inferior to navy bread.

Of the passengers by the "Perseverance," one hundred and sixty had contract tickets which bound the ship to take them to Boston, viâ St. John. The ship came into port on the 11th instant, and on the 12th was brought to the wharf, and began to discharge cargo and ballast. On the 13th the passengers became clamorous to be forwarded to Boston, and I gave the master notice to proceed with them without delay. He thereupon gave me the letter, copy of which is annexed*, engaging to send the passengers next morning by steamer.

The next morning, the 14th, he failed to do so, and alleged as an excuse that he had been forbidden by Mr. Lewis Burns, the agent here for Gregory O'Neill, the broker, who had written him a letter*, copy of which is annexed.

I then took out a summons for the master, requiring him to show cause why he did not proceed with the passengers to Boston. He was not served with the summons, but a legal gentleman appeared at the police office, read the letter from Mr. Burns, and said that Mr. Burns would forward the passengers by steamer on the following Tuesday. With this they were obliged to be content; and meantime I furnished them with clean straw, saw that the ship was properly cleaned, and that a sufficiency of provisions was issued to them.

On Tuesday, the 17th, they were not forwarded, as promised. In the evening of that day, the steamer "Creole" was brought alongside the ship, and they were told to embark. They declined doing so until they had assurance that they would be landed free of expense at Boston (as the "Creole" only proceeds to Portland,) and were paid for the time they were unnecessarily detained.

The master then gave me a written undertaking that they should be placed in Boston free of expense or charge, and paid to each passenger five shillings currency, detention money. This morning they all left in the "Creole," quite satisfied. I gave them a letter to Captain Grignon, Her Britannic Majesty's Consul at Portland, requesting him to aid them, if necessary, and advise me if any difficulty occurred.

I am bound, in justice to Captain Morris, of the "Perseverance," to say that his conduct throughout this troublesome business was most satisfactory to me, and also to the passengers, to whom he was very kind on the voyage. All of the difficulties have arisen from the acts of Mr. O'Neill himself, or of Mr. Lewis Burns, his agent here.

I have, &c.

The Hon. J. R. Partelow, Provincial Secretary.

(Signed) M. H. PERLEY, H. M. Emigration Officer.

Encl. 3 in No. 5.

Enclosure 3 in No. 5.

SIR, Government Emigration Office, St. John, June 19, 1851.

I HAVE to report the arrival of the "Lord Fitzgerald and Vesci" from Galway, and "Charles" from Youghal, with passengers; a ship return is enclosed for each.

I have commenced a prosecution against the master of the "Charles," for the excess of passengers, the result of which will be reported hereafter. This vessel had a very small supply of water left on her arrival yesterday, and if she had been longer at sea the consequences might have been serious.

I have, &c.

The Hon. J. R. Partelow, Provincial Secretary.

(Signed) M. H. PERLEY. H. M. Emigration Officer.

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* No. 1, not received with this despatch.
† No. 2, not received with this despatch.

(No. 40.) No. 6.

NEW BRUNSWICK.

No. 6.

Copy of a DESPATCH from Lieut.-Governor Sir E. Head to Earl Grey.

Government House, Fredericton, N. B.
June 30, 1851.
(Received July 21, 1851.)

My Lord,

In my despatch of June 20, No. 39.,* I informed your Lordship that proceedings had been taken against the master of the emigrant ship "Charles," for violation of the Passengers' Act.

* Page 45.

I have now the honour to enclose copies of papers received from Mr. Perley, containing the details of the action, and the result of the trial.

21 June 1851.

I have, &c.

The Right Hon. Earl Grey, &c. &c. &c.

(Signed) EDMUND HEAD.

Enclosure 1 in No. 6.

Encl. 1 in No. 6.

Government Emigration Office, St. John,
June 21, 1851.

Sir,

With reference to my letter of the 19th instant, reporting the arrival of the "Charles" from Youghal, with an excess of passengers, I have now to state that the master of that vessel was summoned to appear before the police magistrate on my complaint for having on board such excess.

At the hearing yesterday, the master pleaded guilty of having on board five passengers more than the legal number, the rest of the excess being made up of his crew, nine in all. He stated in mitigation, that the officer of customs at Youghal cleared out the "Charles" with the persons on board, as the proper number the vessel was entitled to carry. The master had not sailed in that capacity before, and had no suspicion until his arrival here that he had violated the law. There was no complaint against him on the part of the passengers, who were satisfied with his conduct.

Under these circumstances, I did not press for the extreme penalty, and the magistrates inflicted the lesser penalty of 2*l.* sterling per head for each of the five passengers in excess, amounting in all to 10*l.* sterling, with the costs of the prosecution.

The penalty is not to exceed 5*l.* sterling and not less than 2*l.* sterling for each passenger in excess. See 10th section Passengers' Act.

The "Charles" had deck space for ninety passengers, but was restricted by her tonnage to eighty-five persons in all. The customs officer at Youghal appears to have overlooked the tonnage check altogether, and hence the difficulty.

Deck space 1080 feet, equal to 90 passengers.

It appears that when the "Charles" arrived there was a supply of water on board equal to about eight days consumption, but much had been used by the passengers in washing after the vessel made the land, which accounted for the small quantity on arrival.

I have, however, to object to the bad quality of the water casks in this vessel, several of which leaked out entirely. I fear they had not been carefully examined at Youghal before being filled and stowed.

Tonnage, 170 tons, equal to 85 persons, including master and crew.

I enclose, as customary, a certified copy of the proceedings and conviction in this case. The fine will be remitted by the police magistrate to the Receiver General.

I have, &c.

The Hon. J. R. Partelow, Provincial Secretary.

(Signed) M. H. Perley, H. M. Emigration Officer.

Enclosure 2 in No. 6.

Encl. 2 in No. 3.

Province of New Brunswick.
City and County of Saint John } to wit.

Information and complaint made this nineteenth day of June in the year of our Lord one thousand eight hundred and fifty-one, before Benjamin L. Peters, police magistrate, one of Her Majesty's justices of the peace in and for the said city and county, by Moses H. Perley, Esq., Government emigration agent at the port of Saint John in the province of New Brunswick, against John Kines, master of the ship or vessel called the "Charles," for a breach and violation of an Act of Imperial Parliament known as the "Passengers' Act, 1849," in having on board such ship or vessel, at and after the time of clearance from Youghal in Ireland, and during the voyage to this port, fourteen persons more than is permitted by the said Act of Parliament, whereby the said John Kines hath incurred the payment of a penalty not exceeding five pounds nor less than two pounds sterling for each person constituting such excess.

(Signed) Benjamin L. Peters,
Justice of the Peace.

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Whereupon I, the said Benjamin L. Peters, did issue my summons to the said John Kines, requiring him to appear on Friday the twentieth day of June instant, at two o'clock in the afternoon, at the police office in the city of Saint John, before two of Her Majesty's justices of the peace in and for said city and county, to answer such complaint, and show cause, if any he has, why the penalty awarded by the said Act should not be imposed upon him.

(Signed) Benjamin L. Peters,
Justice of the Peace.

Friday, June 20, 1851.

The said John Kines having been served with summons, and being now present in hearing before Benjamin L. Peters and Henry Chubb, Esquires, two of Her Majesty's justices of the peace in and for the city and county of Saint John, and the said Moses H. Perley, Esq., Government emigration agent, being also present, the charge made by him as above set forth having been stated to the said John Kines, he saith that he did come to sea with greater number of passengers than is allowed by the Act of Parliament; that he was not at the time aware of the circumstance; that the fault rests with the custom-house officer at Youghal, and not with him, defendant; and that he was not aware that he was violating any provisions of the Act of Parliament, and that he did not proceed to sea with a greater number than the Act allowed wilfully or in violation of the Act, but in ignorance, and trusting to the custom house-officer at Youghal; and he the said defendant pleads guilty to the charge of having five passengers above the number allowed by the Act of Parliament, and makes the above statement in explanation of his having so brought five passengers above the number allowed.

Mr. Perley hearing this statement, says, that under the circumstances as they have appeared before him, he will withdraw the complaint respecting any number of passengers over the five mentioned by the defendant.

Whereupon, considering the statement made by the said defendant, and under the circumstances as shown before us, we do convict the said John Kines of the said charge made against him, for having on board the ship or vessel called the "Charles," whereof he is master, at and after the time of clearance from Youghal in Ireland, and during the voyage to this port, five persons more than is permitted by the Act of Parliament known as the "Passengers' Act, 1849;" and we do adjudge that the said John, for his said offence do forfeit and pay the sum of two pounds sterling money for each of the said five passengers constituting such excess, and the further sum of thirteen shillings costs in this behalf.

Given under our hands and seals, at the city of St. John, the twentieth day of June in the year of our Lord one thousand eight hundred and fifty-one.

(Signed) Benjn L. Peters,
Justice of the Peace, Police Magistrate.
Henry Chubb,
Justice of the Peace.

Encl. 3 in No. 6.

Enclosure 3 in No. 6.

City and County of Saint John } to wit.

I do hereby certify that the foregoing is a true copy of proceedings had before Benjamin L. Peters and Henry Chubb, Esquires, two of Her Majesty's justices of the peace in and for the said city and county of Saint John, on a charge made by Moses H. Perley, Esquire, Government emigration agent at this port, against John Kines, master of the ship or vessel called the "Charles," for having on board such vessel, at and after clearance from Youghal and during voyage to this port, a greater number of passengers than is allowed by the "Passengers' Act, 1849."

Given under my hand, at the city of Saint John, the 20th day of June 1851.

(Signed) Benjamin L. Peters,
Justice of the Peace, Police Magistrate.

No. 7.

(No. 45.)

No. 7.

Copy of a DESPATCH from Lieut.-Governor Sir E. Head to Earl Grey.

Government House, Fredericton, New Brunswick,
July 11, 1851.

My Lord, (Received July 30, 1851.)

I have the honour to enclose copies of letters from Mr. Perley, reporting the arrival of the vessels "Gipsey," "Princess Royal," "Ocean," and "Lesmahagow" at St. John with passengers.

I also transmit the usual returns for the three first-named ships. The emigrants brought by the "Lesmahagow" were picked up at sea from the "Taff," which vessel was in a sinking state.

I have, &c.

The Right Hon. Earl Grey, (Signed) EDMUND HEAD
&c. &c. &c.

Enclosure 1 in No. 7. Encl. 1 in No. 7.

Government Emigration Office, St. John,
July 7, 1851.

SIR,

I HAVE to report the arrival of the ship "Gipsey" from Liverpool, with 326 passengers, and brig "Princess Royal" from Cork, with 98 passengers. A ship return for each is enclosed.

The passengers by these two vessels were all Irish. Of those by the "Gipsey" no less than fourteen were reported by Dr. Harding as likely to become a public charge, for whom bonds were required. There were two aged women in the "Princess Royal" of the ages of seventy-five and fifty-five years respectively, without friends, for whom bonds were also required.

I have, &c.,
(Signed) M. H. PERLEY,
H. M. Emigration Officer.

The Hon. J. R. Partelow,
Provincial Secretary.

Enclosure 2 in No. 7. Encl. 2 in No. 7.

Government Emigration Office, St. John,
July 9, 1851.

SIR,

I HAVE to report the arrival of the brigantine "Ocean" from Beerhaven, with eighty-three passengers; and enclose a ship return.

There were four persons in this vessel likely to become a public charge, for whom bonds have been required.

I have, &c.
(Signed) M. H. PERLEY.
H. M. Emigration Officer.

The Hon. J. R. Partelow,
Provincial Secretary.

Enclosure 3 in No. 7. Encl. 3 in No. 7.

Government Emigration Office, St. John,
June 8, 1851.

SIR,

I HAVE to report the arrival at this port of the ship "Lesmahagow," 741 tons, Gimber master, from Greenock, having on board forty-seven emigrants, picked up at sea.

They were taken from the ship "Taff," 516 tons, Henry Gillespie master, which sailed from Cardiff on the 28th May last, bound to New York. The "Taff" was loaded with railroad iron, and having sprung a leak was fallen in with by the "Lesmahagow" on the 14th June, in lat. 46° 58′ N., long. 35° 31′ W., in a sinking state.

The captain and crew of the "Taff" were also taken off, and the greater part of the effects of the passengers, with a tolerable supply of provisions, but only a small supply of water, owing to a storm springing up.

The "Lesmahagow" is a fine ship, and the emigrants had ample accommodation on board her. They were most kindly treated by Captain Gimber, and they arrived here in excellent health, without suffering the least privation.

Of these emigrants thirty-four were English and Welsh; the remaining thirteen were Irish. They all left here this morning in the steamer for Portland, furnished with railroad tickets for New York, and a week's provisions, the whole expense being defrayed by Captain Gillespie, late of the "Taff," whose conduct throughout has been most kind, considerate, and generous.

The emigrants have published a card, expressing their gratitude and thanks to Captain Gillespie, and also to Captain Gimber, of the "Lesmahagow," which those gentlemen well deserve; and it might, perhaps, be proper to notice their kindness and humanity in a public manner.

I have, &c.
(Signed) M. H. PERLEY,
H. M. Emigration Officer.

The Hon. J. R. Partelow,
Provincial Secretary.

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No. 8.

(No. 47.) No. 8.

Copy of a DESPATCH from Lieut.-Governor Sir E. Head to Earl Grey.

Government House, Fredericton, N.B.,
July 25, 1851.
(Received, August 18, 1851.)

My Lord, (Answered, September 22, 1851. No. 289, Page 58.)

July 24, 1851. July 14, 1851.

I have the honour to enclose a copy of a letter addressed to my private secretary by Mr. Perley, the emigration officer at St. John, covering a report from Thomas Jones, Esq., assistant emigration officer for the port of St. Andrew's.

These papers relate to the case of the "Susan," referred to in your Lordship's despatch of May 19*, No. 258. I would particularly direct attention to the cases of Murphy, Rogers, and Connell.

There is no doubt very serious hardship will be inflicted on the town of St. Andrew's by the maintenance of these parties.

I have, &c.

The Right Hon. Earl Grey, &c. &c. &c.

(Signed) EDMUND HEAD.

Encl. in No. 8.

Enclosure in No. 8.

Government Emigration Office, St. John, N.B.
July 24, 1851.

Sir,

With reference to your letter of 11th June, enclosing copies of a despatch, and annexed report, on the subject of the emigrants by the ship "Susan" at St. Andrew's, I have now the honour to enclose a communication from Captain Jones, assistant emigration officer at St. Andrew's, in reply thereto.

I beg that the misapprehension in the communication of the Poor Law Commissioners, Dublin, arising from their having confused information from Mr. Buchanan of Quebec with other information from myself, supposing us to be one person, may be corrected.

I have, &c.

R. T. Pennefather, Esq. &c. &c.

(Signed) M. H. Perley,
H.M. Emigration Officer for New Brunswick.

Sub Encl. to Encl. in No. 8.

Sub-Enclosure to Enclosure in No. 8.

Emigration Office, St. Andrew's,
July 14, 1851.

Sir,

I have received your communication of the 21st June, accompanied by a copy of Earl Grey's despatch to his Excellency the Lieutenant-Governor, respecting emigration, and the emigrants that arrived here last September in the ship "Susan," and a copy of the Poor Law Commissioners in Ireland's report on them, with a list attached to it of the emigrants whom the Guardians of the Cork Union "proposed to assist to emigrate," signed by Mr. Can, the master of the workhouse.

You will observe that that list does not exactly correspond with the one subscribed by Mr. Friend, the Government emigration officer at Cork, and handed me by the master of the "Susan."

In Mr. Can's list are mentioned the following persons, who did not arrive here, viz.:—

Hackett, Mathew	aged	21
Canol, Mary	„	20
Desmond, Jeremiah	„	34
Dudley, Christopher	„	19
Dudley, James	„	17
Dudley, Margaret	„	14
Yearley, Jeremiah	„	25
Buckley, Michael	„	18

And in Mr. Friend's list are the following persons, who did arrive here, viz.:—

Geary, John	apparently aged	19
Geary, Ellen	„	17
Sullivan, Hannah	„	22
Preston, George	„	25
Leary, Hannah	„	52
Shea, John	„	9
Ryan, Margaret	„	42
M'Carthy, Daniel	„	18

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* Page 51 of House of Commons Paper, No. 348—1851, "Emigration—North America."

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I notice this discrepancy, because two persons in it are older than the two that were to have been sent, and because the Poor Law Commissioners informed Earl Grey, on the authority of the guardians of the union, that the four following emigrants were the only ones whose ages exceeded forty years, viz. :—

Coughley, Patrick	said to be	41
Driscol, Patrick	„	59
Leary, Thomas	„	50
Leary, Johanna	„	50

Now, judging from appearance, from the opinions of others, and in some cases from their own admissions, I would set down the ages of the following to be as opposite their respective names:—

Coughlen, Patrick	41
Driscol, Patrick	62
Leary, Thomas	76
Leary, Johanna	61
Leary, Hannah	52
Ryan, Margaret	42
Duggan, Edward	41
Murphy, Mary	50
Conder, Hugh	41
Downy, John	45
Doody, Honora	42
Magner, Eliza	50
Smith, Johanna	41
Noonan, Mary	50

Thus making fourteen, instead of four, to be over forty years of age.

In making this statement, although I am satisfied of its truth, I do not mean to impute any intention on the part of the guardians of the Cork Union to mislead the Poor Law Commissioners. They obtained their information, probably, from the master of the workhouse, who got his from the entries in its registry, compiled with the usual accuracy of such records.

The Poor Law Commissioners seem to consider the circumstance of old Thomas and Johanna Leary being attended by a family of six persons, as a set off to their age and infirmity. You may judge what advantage to them and to us that accompaniment was, when I acquaint you that one of the six was a child, no connexion of the family, eleven years of age, another, thirteen years, (John and Patrick Leary,) though stated in the Commissioners' report to be respectively twelve and sixteen; another was a widow, Margaret Leary, alias Margaret Barrett, consumptive, who died after a long and expensive illness, of consumption, in the hospital; another was Ellen Leary, no connexion of the family, though passed off as a daughter, and who left them as soon as she landed; and the remaining two were unable to take care of themselves.

I regret that I did not, in my report of December last, name those parties whom I characterised as aged and infirm or diseased. I alluded to many in the foregoing list; for instance:—

To *Patrick Driscol*, who is aged and infirm, and very drunken.

To *Thomas Leary*, who was aged, infirm, and consumptive. He is now dead.

To *Johanna Leary* his wife. She is aged, infirm, and diseased with prolapsus uteri of long standing.

To *Hannah Leary*, who is old and infirm, and very drunken and worthless.

To *Mary Murphy*, who is old, infirm, and the most incorrigible termagant, perhaps, in the Cork Union. She was, I understand, always subject to sore eyes. She is now stone blind, and helpless.

To *Eliza Magner*. She was old, infirm, and diseased. She was very drunken and very worthless. She is now dead.

To *Margaret Barrett*. She was consumptive, and is since dead.

To *Patrick Coughlan*. He was insane. He is now dead.

To *Daniel M'Carthy*, who had a tendency to consumption. He since died of consumption.

To *Honora Duggan*, who has her spine injured, and is incapable of hard work.

To *Jane Duffy*. Long standing menorrhagia.

To *Ellen Daly*, who is subject to fits.

To *Timothy Shea* who has lost one, and is subject to sore eyes. He is a widower, and was accompanied by a helpless child, whom he robbed and abandoned.

John Burkley, George Preston, and Patrick M'Govan, by the testimony of the rest, had all weak and sore eyes before they came here. When you add to this list, the many women sent out who were shameless and profligate, and the men dissolute and worthless, you must admit that a worse set of emigrants was never discharged on our shores. I am very desirous to see emigrants select our province, for I am convinced few countries present a better opening for a poor man, and that any number almost of that class, provided they were healthy, moral, and industrious, and arrived at a proper season, might find certain employment, and, with common luck and perseverance, a comfortable living; but these colonists

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must be reared in a better school than an Irish workhouse. Did it not look like impeaching the discrimination of those gentlemen who inspected these emigrants before they sailed, I should say the eulogium they passed on their appearance, as reported by Mr. Can, was extorted by the new clothes, and the gay shawls and smart caps, presented to the men and women by the guardians of the union, previous to their embarkation, if worn on that occasion.

I feel grateful to the Poor Law Commissioners for having done me the justice to suppose, that if I had held in hand "to meet the general necessities of the whole body, instead of "distributing it among them individually," any part of the 70*l.* sterling furnished by the guardians of the Cork Union for the use of these emigrants by the ship "Susan," that I had done so "with the best possible intentions." However, I beg to assure you that the Commissioners were quite wrong in conjecturing that any part was so held back. Each individual received, as soon as it could be paid to him, the sum set opposite to his name, according to the list sent me by you, and in conformity with your own instructions. I entirely agree with the Commissioners in the impolicy of an opposite course, and never thought of adopting it.

Most of these emigrants have now dispersed. Some have gone to the United States, some to St. John's, and a few young men have returned to Ireland. A few still linger about the town, and will unavoidably, in the winter, become chargeable to the parish. In the temporary hospital provided for the sick are now only Edward Duggan, who was injured on the railroad, and his wife, Honora, with the injured spine; Cornelius Desmond, the man who had his hand cut off in a saw-mill, and his wife (formerly Ellen Daly), who is subject to fits; Johanna Leary, the old woman with prolapsus, &c.; Jane Duffy, with menorrhagia, is just out for a short time; Mary Murphy, more turbulent than ever, and now stone blind; and the two blind boys, Owen Rogers and William Connell.

I wish particularly to direct your attention to these three blind persons, Murphy, Rogers, and Connell, with the hope that you will represent the circumstance to his Excellency the Lieutenent Governor, in such a manner as to induce him to order them to be shipped to whence they came. I should like also to see included in the same order Mrs. Leary and several others. You are aware that the 23d September next is the anniverary of their arrival, after which period they will become no longer chargeable on the emigration fund. Is it just that this parish should be saddled with their maintenance for life? At the expiration of the year, these emigrants by the "Susan" will have cost the province nearly 350*l.*, and, to balance the account, it has not gained in reality one good settler. I perceive, by Mr. Merivale's report, that the Poor Law Commissioners have under their consideration the policy of sending out again such emigrants; and I hope you will urge on his Excellency the expediency of using such representations to Earl Grey as will cause them to desist from this mode of forcing emigration.

The guardians of the Cork Union have now tried an experiment, which, as far as we are concerned, has most signally failed, and I, and all the inhabitants of this town, sincerely deprecate the renewal of the imposition. They have shifted the burden from off their own shoulders on to ours.

I append a communication from Dr. Bayard, the medical man who has charge of the emigrant hospital, which, you will perceive, confirms many of the statements I have made.

I have, &c.

Moses H. Perley, Esq.,
H. M. Emigration Officer,
St. John's.

(Signed) Thomas Jones,
Assistant Emigration Officer.

Sub-Encl. 2 to Encl. in No. 8.

Sub-Enclosure 2 to Enclosure in No. 8.

Dear Sir, Saint Andrew's, July 14, 1851.

In reply to your communication respecting the emigrants who landed here from the ship "Susan" in September last, I have to state, that Thomas Leary and Margaret Barret (his daughter) both died of pulmonary consumption, which disease, from their own statements, on examination, and the symptoms which presented themselves when they were first placed under my charge immediately after their arrival, I should say had been existing for a long time. Indeed, Barret told the nurse that she had been sick in the hospital for some weeks before leaving Ireland.

Johanna Leary has been suffering from prolapsus of the uterus, which she says is of several years standing. She has been quite incapable of working since her arrival. Jane Duffy has been under treatment for menorrhagia (excessive menstruation) from October until within a few days. During that period she went out several times to service, but was obliged to return to the hospital in a few days, quite unfit for work.

In conclusion, I have merely to add, that I fully agree with the estimate you have made of the ages of the fourteen persons mentioned in your list.

Believe me,
Yours, &c.

Thomas Jones, Esq.,
Assistant Emigration Officer,
St. Andrew's, N. B.

(Signed) Edwin Bayard,
Physician in charge of the Emigrant Hospital,
St. Andrew's.

(No. 49.) No. 9.

COPY of a DESPATCH from Lieut.-Governor Sir E. HEAD to Earl GREY.

Government House, Fredericton, New Brunswick,
July 31, 1851.

MY LORD, (Received August 18, 1851.)

I HAVE the honour to enclose copies of two letters from Mr. Perley, reporting the arrival of the emigrant vessels "Blanche" and "Virginia" at St. John. *July 23, 1851. July 26, 1851.*

I also transmit the usual returns for these ships.

I have, &c.

The Right Hon. Earl Grey, (Signed) EDMUND HEAD.
&c. &c. &c.

Enclosure in No. 9. Encl. in No. 9.

Government Emigration Office, St. John,
SIR, July 23, 1851.

I HAVE to report the arrival of the schooner "Blanche" from Donegal, with fifty-two passengers, and enclose a ship return.

The passengers by this vessel were very clean tidy people, and the vessel was in very good order on her arrival, after fifty-two days' passage.

The "Blanche" was built at Hopewell in this province, in the year 1834, and is now owned in Sligo. As regards sailing properties, she is a mere tub, and altogether is a very unfit vessel to carry passengers across the Atlantic.

Some of the finest ships belonging to this port, after being fully iron-kneed, and classed A 1 at Lloyd's for six years, have been refused permission to bring passengers on their first return trip from Great Britain, while a miserable little tub like the "Blanche," now in her eighteenth year, receives that permission. *Ship "Pilgrim," Ship "Onward."*

It would be desirable to bring this matter under the notice of the Emigration Commissioners, with the view of securing uniformity and impartiality in the decisions as to the proper vessels for carrying passengers.

I have, &c.
(Signed) M. H. PERLEY,
H. M. Emigration Officer

The Hon. J. R. Partelow,
Provincial Secretary.

Enclosure 2 in No. 9. Encl. 2 in No. 9.

Government Emigration Office, St. John,
SIR, July 26, 1851.

I HAVE to report the arrival of the ship "Virginia" from Liverpool, with 292 passengers, and enclose the usual ship return.

Among the passengers by this vessel were four families from the parish of Bishop Itchington in Warwickshire, sent out by the guardians of the Southam Union, under the sanction of the Poor Law Commissioners. There were twenty-three souls in all, clean, healthy, able-bodied people. I paid over to them their landing money, one pound sterling for each adult, and made arrangements for sending them to Sussex Vale, where I have reason to believe they all will find permanent employment at good wages.

All the rest of the passengers by the "Virginia," except two, were Irish, some of them of the better class.

There were four women for whom bonds were required.

I have, &c.,
(Signed) M. H. PERLEY,
H. M. Emigration Officer.

The Hon. J. R. Partelow,
Provincial Secretary.

NEW BRUNSWICK.

No. 10.

(No. 1.) No. 10.

Copy of a DESPATCH from Lieut.-Governor Sir E. Head to Earl Grey.

Government House, Fredericton, New Brunswick,
January 3, 1852.

My Lord, (Received January 19, 1852.)

I have the honour to enclose the annual abstract of immigration into this province, with the emigration officer's report for 1851.

I also transmit a copy of a paper on the climate of this province, which Mr. Perley has forwarded to the Commissioners of Colonial Lands and Emigration. With regard to this document, the annexed table of temperatures, taken by my private secretary during the year 1850, tends to show that Mr. Perley has somewhat under-rated the rigour of the winter in the interior of the province.

I have, &c.,

The Right Hon. Earl Grey, (Signed) EDMUND HEAD.
&c. &c. &c.

Encl. in No. 10.

Enclosure in No. 10.

To his Excellency Sir Edmund Head, Bart., Lieut.-Governor and Commander-in-Chief of the Province of New Brunswick, &c., &c., &c.

May it please your Excellency,

Herewith I have the honour to submit the annual abstract of immigration to this province for the year 1851.

	Souls.
In 1851 -	3,470
In 1850 -	1,507
Increase -	1,963

The whole number of immigrants landed during the year was 3,470, being an increase on the year 1850 of 1,963 souls.

It is gratifying to state that the number of deaths on the voyage and in quarantine was only seven, being one fifth of one per cent. on the numbers embarked.

There was but one prosecution under the "Passengers' Act" during the past season, which was for an excess of passengers, and has been fully reported. The Act appears to work admirably. As it becomes better understood by all parties, few disputes or difficulties arise.

Master of the brigantine "Charles" from Youghal fined £10 sterling and costs.

The emigrants of the past season were nearly all from Ireland, either direct or by the way of Liverpool. Many proceeded at once to the United States, to join friends there who had paid their passage money to America. A large proportion of those who remained obtained immediate employment from the water company, the timber merchants, and others, at three shillings and fourpence sterling per day. In consequence of this high rate of wages in the town, very few of the labourers went into the country, where the want of labour is beginning to be felt.

The crops of all descriptions having been good and abundant the past season, there is a growing demand for farm labourers, at fair wages. Female labour is exceedingly scarce in the rural districts, and some hundreds of women, accustomed to farm and dairy work, could readily obtain employment at five pounds sterling per annum. The inquiries at this office for female farm servants are incessant.

Young persons are also much sought after by respectable farmers; and I have already stated to your Excellency, that from two hundred to four hunndred boys and girls, of the age of fourteen years and upwards, from the workhouses of England, might be placed comfortably in this province, under proper regulations and fitting arrangements.

The system of selling Crown lands in this province is such as effectually to deter persons recently arrived in the country from becoming purchasers. Lord Stanley, when Secretary of State for the Colonies, recommended to the Legislature of Newfoundland to insert a clause in their Land Bill, "declaring, that if lands should be once, or oftener than once, "exposed to auction, and not sold, the Government might be afterwards at liberty to dispose "of them, without competition, at the last upset price at which they had been offered. An "enactment of this nature," says Lord Stanley, "has been found useful in other colonies, in "order to prevent the delay of which parties complain, when they have in all cases to wait "for periodical and public sales."

If a diagram of one or more settlements had been lodged at this office during the past season, with authority to sell any vacant lot which had been once offered at auction and not then sold, I feel assured that a very considerable quantity of land could have been disposed of to persons who would soon have become actual settlers. The staple business of the province having been good during the current year, and the crops abundant, the rates of

wages generally were high. The labouring classes saved much money, which they would willingly have invested in land, in order to make for themselves a permanent home.

If arrangements could be made for carrying out this mode of selling vacant lands during another season, it might be tried at first at St. John, St. Andrew's, Miramichi, Fredericton, and Woodstock. The purchaser should in all cases, deposit the purchase money in a bank or branch bank, to the credit of the Receiver General, the deposit receipt to be forwarded by the local agent to the Crown Land Department, when the grant would issue. This mode would obviate the necessity of taking security from the agents employed, and greatly simplify the accounts.

In the event of railways being commenced in this province, there would immediately spring up a demand for vacant land, and the necessity for a convenient and speedy mode of selling such land to persons desirous of commencing the process of clearing and improvement without delay would be quickly felt. But under any circumstances the acquisition of land by persons able and willing to purchase for immediate settlement should be rendered as easy and simple as possible.

All which is respectfully submitted.

(Signed) M. H. Perley,
H. M. Emigration Officer.

Government Emigration Office, St. John, N. B.
December 31, 1851.

Sub-Enclosure 1 to Enclosure in No. 10

Abstract Return of Immigration to New Brunswick during the year ended 31st December 1851.

Quarters.	Number of vessels arrived.	Number of deaths on board or in quarantine.	Number of births on board or in quarantine.	Adults.		Between 14 years and 1 year.		Under one year.		Totals.		Whole number of souls.
				M.	F.	M.	F.	M.	F.	M.	F.	
Quarter ending March 31	—	—	—	—	—	—	—	—	—	—	—	—
Do. ending June 30	20	6	—	819	764	274	273	38	37	1131	1074	2205
Do. ending Sept. 30	14	1	3	347	326	181	149	21	24	549	499	1048
Do. ending Dec. 31	9	—	—	73	72	32	33	4	3	109	108	217
Totals	43	7	3	1239	1162	487	455	63	64	1789	1681	3470

Recapitulation.

	M.	F.
Adults -	1239	1162
Between 14 and one year -	487	455
Under one year -	63	64
Totals	1789	1681

Total, three thousand four hundred and seventy souls.

(Signed) M. H. Perley,
Her Majesty's Emigration Officer.

Government Emigration Office, St. John, N. B.
December 31, 1851.

Sub-Enclosure 2 to Enclosure in No. 10.

Sub-Encl. 2 to Encl. in No. 10.

The Climate of New Brunswick.

Although the winters of New Brunswick are somewhat severe (less so, however, than Lower Canada), yet the climate is exceedingly healthy.

On the shores of the Bay of Fundy there is much fog during the summer season, but this extends a short distance only into the interior. The city of St. John is frequently wrapped in a dense sea-fog, while the days are bright and cloudless at the distance of a few miles only.

There are no fogs on that coast of New Brunswick which is within the Gulf of St. Lawrence; the air there is particularly dry and bracing.

In the interior of the province the air is much warmer in summer than on the coast, and there is a greater degree of cold in winter.

The ranges of the temperature may be thus stated :—

At St. John, in the Bay of Fundy, from 15° below to 88° above zero.

At Richibucto, on the Gulf of St. Lawrence, from 16° below to 90° above zero.

At Fredericton, in the interior, from 20° below to 95° above zero.

Course of the Seasons.

The winter is fairly established at Christmas. In January, as in the other North American colonies, there is the usual thaw. In February is the deepest snow, which seldom exceeds

NEW BRUNSWICK.

four feet in the average on the northern portion of the province, and three feet in the southern portion. In March the sun acquires much power, and the snows begin to melt. In the cleared country the snow disappears in April, and spring ploughing commences. Seed time continues according to the season, from the last week in April until the end of May. In June the apple trees are in full blossom. In July wild strawberries, of fine flavour, are ripe and in abundance; haying then begins. In August early potatoes are brought to market, as also raspberries and other wild fruits. In September oats, wheat, and other cereal grains are ready for the sickle; these are generally secured before October. The autumn is long, and the weather then is delicious; this is decidedly the most pleasant portion of the year. There are usually heavy rains in November, but when not wet the weather is fine and pleasant. The rivers generally close during the latter part of this month, and in December winter again sets in.

NOTES of the WEATHER in 1850.

From Obervations made at an altitude of 132 feet above high-water mark in the city of Saint John, N. B. Latitude 45° 16′ N. Longitude 66° 4′ W.

Temperatures, taken in winter at 8 A.M., 1 P.M., and sunset; in summer, at 6 A.M., 1 P.M., and sunset.

Months.	Highest Temp.	Lowest Temperature.	Average.	Snow in inches.	Rain in inches.
January	44	— 6	22·28	24·50	3·
February	45	3·	28·54	6·75	5·
March	49	1·	28·	28·	1·
April	70	20·	39·63	7·	1·37
May	78	38·	49·87	-	3·33
June	76	43·	59·05	-	2·17
July	82	52·	64·40	-	4·50
August	86	54·	67·	-	2·75
September	84	48·	65·15	-	5·
October	52	31·	52·40	-	3·80
November	57	20·	39·21	3·	2·
December	42	— 3	21·26	48·	-
			Total	117·25	33·92

SUMMARY of the WEATHER in the years 1848 and 1849.

Years.	Highest Temp.	Lowest Temp.	Clear Days.	Cloudy Days.	Stormy Days.	Snow in inches.	Rain in inches.
1848	87·	— 14	178	116	72	89	48·
1849	88·	— 15	200	124	41	46	37·66

In England, nine inches of snow, "melted," average one inch of water; in New Brunswick, seventeen inches "melted," average one inch of water. The snow is therefore twice as light, or dry, as in England. There are not more than four storms in one year, at which over one foot of snow falls at one time; and snow storms rarely last more than two days.

(Signed) M. H. PERLEY.
H.M. Emigration Officer for New Brunswick.

Government Emigration Office, Saint John, N. B.,
December 9, 1851.

Enclosure 2 in No. 10.

TABLE of MINIMUM TEMPERATURES during the year 1850, taken at Government House, Fredericton, N.B.

January	1	— 20·5	February	2	— 10°	March	5	— 7·5
„	2	— 12°	„	3	13·			
„	3	— 8°	„	4	— 6·5	December	1	20°
„	4	7°	„	5	— 30·5	„	2	24°
„	5	2°	„	6	— 28°	„	3	23·5
„	6	— 16°	„	7	— 24°	„	4	25°
„	7	— 19·5	„	8	— 7·5	„	5	23°
„	8	9°	„	9	10°	„	6	16°
„	9	— 11°	„	10	35°	„	7	11·25
„	10	— 10°	„	11	28°	„	8	11°
„	11	— 6°	„	12	19·5	„	9	2°
„	12	·0	„	13	15·5	„	10	12°
„	13	14°	„	14	10°	„	11	— 2·5
„	14	— 5°	„	15	26°	„	12	3°
„	15	— 11°	„	16	12·5	„	13	— 13
„	16	6°	„	17	— 4°	„	14	— 17
„	17	15°	„	18	12°	„	15	·0
„	18	17·5	„	19	27°	„	16	2°
„	19	25°	„	20	20°	„	17	18°
„	20	14°	„	21	25°	„	19	— 12·5
„	21	·0	„	22	19°	„	20	— 7·5
„	22	— 7·5	„	23	— 1·5	„	21	8
„	23	23°	„	24	— 5°	„	22	— 10·5
„	24	0·5	„	25	10·5	„	23	— 12
„	25	— 5°	„	26	23°	„	24	0
„	26	10°	„	27	2°	„	25	— 3°
„	27	— 7°	„	28	4°	„	26	— 2°
„	28	10°				„	27	6°
„	29	16°	March	1	— 4°	„	28	10°
„	31	— 1°	„	2	15°	„	29	— 7°
			„	3	5°	„	30	— 7·5
February	1	—1·5	„	4	— 14°	„	31	— 14

Remarks.—The accompanying table was taken from a register kept by me since November 1848; and the year 1850 has been selected as one of average temperature. The thermometer occasionally sinks considerably lower. Thus, on January 6, 1851, the mercury froze, the spirit standing at — 33°. The instruments used were self-registering, made by Newman, and the mercury in extreme cold always stood lower than the spirit. The greatest heat in the shade that I have observed was August 3, 1849, when the thermometer ranged to 105°.

R. T. PENNEFATHER.

Despatches from the Right Hon. Earl Grey. Secretary of State.

NEW BRUNSWICK.

No. 1.

(No. 289.) No. 1.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir E. HEAD.

SIR, Downing Street, September 22, 1851.

* Page 50.

I HAVE to acknowledge the receipt of your despatch, * No. 47, of the 25th July, enclosing the copy of a Report from the assistant emigration officer at St. Andrew's, on the case of the emigrants by the ship "Susan."

I have communicated your despatch to the Poor Law Commissioners in Ireland; but I regret to inform you that there are no funds at the disposal of Her Majesty's Government out of which relief could be granted to the three persons to whom you refer, either for their further maintenance in the colony, or for defraying the cost of their return to Ireland.

I have, &c.

Sir Edmund Head, &c. &c. (Signed) GREY.

No. 2.

(No. 294.) No. 2.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir E. Head.

SIR, Downing Street, November 1, 1851.

* Page 53.

I HAVE to acknowledge the receipt of your despatch, No. 49, of the 31st July last,* enclosing copies of two letters from the emigration officer at St. John's, reporting the arrival of the emigrant ships "Blanche" and "Virginia" at that port.

23 Oct. 1851.

Having called on the Commissioners of Emigration for a report on this subject, I transmit herewith a copy of their reply, for your information.

I have, &c.

Sir Edmund Head, &c. &c. (Signed) GREY.

Encl. in No. 2.

Enclosure in No. 2.

SIR, Colonial Land and Emigration Office, October 23, 1851.

49. 31 July 1851.

1. WITH reference to Mr. Merivale's letter of the 25th of August last, enclosing the copy of a despatch from the Lieutenant-Governor of New Brunswick, with a letter from the immigration agent on the emigrant vessels "Blanche" and "Virginia," we have the honour to submit the following report:

2. The passengers by these vessels were, it appears, generally of a description likely to prove useful in the colony, and the voyages were made without any mortality or complaint of any kind on the part of the emigrants.

3. With regard to the observations in Mr. Perley's letter of the 23d of July, on the eligibility of the ships "Pilgrim" and "Onward," which were refused permission to carry passengers, and on the small size and dull sailing of the "Blanche," which had just arrived with emigrants, we may remark, that the objections urged against the last-named ship would not be such as of themselves to justify the Government emigration officers in rejecting any vessel. The "Blanche" was in conformity with the law as to sea-worthiness and height between decks, and when duly fitted and provisioned was entitled to carry a proper number of passengers according to her tonnage and the space allotted to them. She could not, therefore, be legally rejected by the emigration officer.

4. The port at which the "Onward" and "Pilgrim" were proposed as passenger ships is not stated in Mr. Perley's letter; but we addressed a circular to our officers at the out-ports, and have now ascertained that these two vessels sailed from Liverpool.

5. It appears from Captain Patey's report, in answer to our inquiries, that a part of the bottom of the "Pilgrim" having been found upon examination to be worm-eaten, the consignees declined to subject her to the stricter survey in graving dock, which was thought necessary by the surveyors, and the ship could not therefore be approved for the carriage of passengers.

6. The "Onward," upon her first examination in May last, was found to be defective in construction in some important particulars for a passenger ship; but the necessary improvements having been made, the ship was duly approved, and sailed from Liverpool with emigrants in the month of August last.

7. We do not therefore perceive that in any of these cases there has been, as suggested by Mr. Perley, a want of impartiality in deciding on the eligibility of these vessels for the carriage of passengers.

We have, &c.

(Signed) C. ALEXANDER WOOD.
FREDERIC ROGERS.

PRINCE EDWARD ISLAND.

PRINCE EDWARD ISLAND.

(No. 47.) No. 1.

Copy of a DESPATCH from Lieut.-Governor Sir A. Bannerman to Earl Grey.

Government House, Prince Edward's Island,
October 13, 1851.

(Received October 27, 1851.)

My Lord, (Answered No. 33., November 28, 1851, Page .)

The Emigration Act referred to in your Lordship's despatch, No. 21*, dated the 2d September, to several of the provisions of which your Lordship has objections, was to renew the expiring Act of 1848, and was introduced with the view of diminishing rather than increasing the tax on emigrants, which the Act of 1851 really does The penalty on the master of 5*l.* per head for allowing emigrants to land, &c. is the very same as contained in the Act of 1848, to which no objection was made. It is very desirable that greater uniformity should exist in the different provinces on this subject; but, with the exception of the suggestions which your Lordship offers, as to a lower rate of head money, and to which I am sure the Legislature will readily attend to, and amend, when they again meet, I think the Prince Edward's Island Act less stringent in its provisions than those of some of the neighbouring provinces; and your Lordship's attention seems to have been directed to one provision, as appears by the despatch of August 1, 1849,* No. 185, addressed to Sir John Harvey.

* Page 61.

* Page 55. House of Commons' Paper, No. 348, 30th May 1851. "Emigration, North America."

I have, &c.

The Rt. Hon. The Earl Grey, &c. &c.

(Signed) A. BANNERMAN.
Lieut.-Governor.

Despatches from the Right Honourable Earl Grey.

(No. 21.) No. 1. No. 1.

Copy of a DESPATCH from Earl Grey to Lieut.-Gov. Sir A. Bannerman.

Sir, Downing Street, September 2, 1851.

I have had under my consideration the Act* relating to emigrants which has recently been passed by the Legislature of Prince Edward Island. * See Appendix.

Some of the provisions of this Act are, I conceive, open to much objection. I refer to the clause imposing a tax on emigrants of an amount so much higher than the similar tax in the neighbouring provinces or in the United States, and also to the clause subjecting masters of vessels to a penalty for allowing emigrants to land until the requisite lists are given in,—a provision with which it would be very difficult at all times to comply.

The tendency of legislation of this nature must clearly be to discourage emigration to the island; and I entertain so much doubt whether this result would be consistent with the true interests of the colony that I shall abstain from advising Her Majesty to assent to the Act, until I shall have received from you a further report on the subject.

You will therefore invite the attention of the Legislature to the provisions of the Act to which I have adverted, with a view to their amendment, unless you should be of opinion that no advantage would arise from your taking this course.

I have, &c.
(Signed) GREY.

No. 2. No. 2.

(No. 33.)

Copy of a DESPATCH from Earl Grey to Lieut.-Gov. Sir A. Bannerman.

Sir, Downing Street, November 28, 1851.

I have to acknowledge the receipt of your despatch, No. 47*, of the 13th of October last, explanatory of the provisions of the "Act relating to Emigrants," to which objections were raised in my despatch of the 2d of September. * Page 60.

I transmit, for your information, the copy of a report of the Colonial Land and Emigration Commissioners, to whom I have referred the subject; and concurring with the Commissioners as to the tendency of the amendments made in this Act, as compared with the provisions of the law of 1848, I can only repeat the opinion I expressed to you in my former despatch, that nothing would contribute so much to the advancement of the colony as its being chosen as a place of Settlement by an eligible class of emigrants, a result which cannot reasonably be expected while the restrictions imposed upon emigrants arriving there are more onerous than in other parts of North America. Nov. 20.

Although, therefore, I shall advise Her Majesty that the Act should be left to its operation in its present form, I consider it highly desirable for the interests of Prince Edward's Island that the subject should be reconsidered by the Legislature.

I have, &c.
(Signed) GREY.

Enclosure in No. 2.

Colonial Land and Emigration Office,
20th November 1851.

Sir,

We have to acknowledge the receipt of your letter of the 4th instant, accompanied by a despatch from the Lieutenant-governor of Prince Edward Island, on the subject of the Act passed in the last session of the Legislature of that island, intituled "An Act relating to Emigrants." 47. Oct. 13, 1851.

2. We infer from this despatch that Lord Grey had pointed out to the Lieutenant-governor the objections to this Act suggested in our report of the 19th of August last, to the effect, first, that the amount of the tax imposed on emigrants was unusually high, and therefore calculated to discourage immigration, and, secondly, that the 4th clause imposed on the master a duty which he would not always be capable of performing. To this Sir A.

PRINCE EDWARD ISLAND.

Bannerman has replied, that the object of the Act was to diminish rather than increase the tax on emigrants, and that the duty imposed on the master, of preventing the landing of any passengers until certain conditions had been complied with, was also enacted in the Act of 1848, and was not then objected to.

3. In respect to the first point we would beg to observe, that the tax imposed by the Act of 1848 was,—

	s.	*d.*	
On every passenger or emigrant - - - -	8	4	sterling.
If placed in quarantine for 5 days - - - -	16	8	—
If placed in quarantine for 10 days - - - -	25	0	—

For indigent or impotent emigrants, or men over 60 and women over 50 years of age, either double tax or a commuted tax of 10*s.* each. All these taxes were doubled on emigrants arriving after the 1st of September, and trebled on those arriving after the 1st of October.

4. The tax imposed by the Act of the last session was on every passenger or emigrant (including cabin passengers) arriving between 1st April and 1st of October, 12*s.* currency, equal to 10*s.* sterling; on those arriving between 1st of October and 1st of April, 18*s.* currency, equal to 15*s.* sterling, with an addition of 5*s.* currency, or 4*s.* 2*d.* sterling on emigrants placed in quarantine for five days, and 10*s.* currency, or 8*s.* 4*d.*, on those placed in quarantine for ten days. The additional tax on emigrants arriving between the 1st of October and the 1st of April may, however, be commuted for a bond to repay any expenses incurred within twelve months on account of such emigrants. We subjoin a comparison of the two Acts in a tabulated form, as the readiest means of bringing the difference between them clearly into view.

General Tax.		If placed in quarantine for 5 days.		If placed in quarantine for 10 days.		If arriving after the 1st of October.	
1848.	1851.	1848.	1851.	1848.	1851.	1848.	1851.
8*s.* 4*d.* sterling.	10*s.* sterling.	16*s.* 8*d.*	14*s.* 2*d.*	25*s.*	18*s.* 4*d.*	25*s.* and 16*s.* 8*d.* between 1 Sept. and 1 Oct.	15*s.* or bond for 12 months.

5. We should hardly ourselves take the same view as Sir A. Bannerman has expressed of the effect of these alterations, because, although the tax of 1851 is less heavy on emigrants placed in quarantine or arriving after the 1st of September and 1st October, and upon indigent and impotent and aged emigrants, it is heavier on healthy emigrants arriving between 1st April and 1st September, which in every emigration must be expected to constitute the bulk of the emigrants. We should have little doubt that the aggregate sum received on an average of years would be greater under the tariff of 1851 than under that of 1848. And it is to be remarked, that the Act of 1848 did not contain the special clause making cabin as well as steerage passengers liable to the tax. But it was not only or principally with reference to the previous Act of Prince Edward Island that we questioned the policy of so high a tax, but rather, as we intimated, with reference to the similar tax in the adjoining provinces and the neighbouring states of the Union. We annex an extract from our last colonization circular, showing the amount of the tax in the other British North American provinces; and we may add, that in the state of New York the tax is 1½ dollars or 6*s.* 3*d.* sterling.

6. Secondly, in regard to the penalty imposed on the master for allowing passengers to land until certain conditions have been complied with, it is no doubt true that a precisely similar clause was contained in the Act of 1848, and not then objected to. It will be remembered, however, that the Act of 1848 was passed in Prince Edward Island, as similar Acts were passed in the other British North American provinces, under peculiar circumstances. The frightful mortality which had occurred among emigrants during the preceding year, and the contagion which they had imported with them into the countries which received them, joined to the apprehension, then general, of a return of the sickness and mortality in 1848, appeared to justify and require measures of unusual strictness for the protection of the settled inhabitants of the colonies. Accordingly precautionary Acts were passed by the Legislatures of Canada, New Brunswick, and Nova Scotia, as well as Prince Edward Island, and were allowed to go into operation. These Acts, however, have since been modified in Canada and New Brunswick in those parts which were most calculated to restrict emigration. It appeared to us, that the clause to which we referred, though justifiable when there was a risk that a large number of destitute emigrants might be thrown into Prince Edward Island, was scarcely required now that emigration has returned to its ordinary course; and considering the importance to Prince Edward Island of obtaining an accession to its population and capital, we thought our duty, in considering the Act of last session, to point out this as one of the clauses which seemed calculated in some degree to discourage the resort of emigrants to the island.

We have, &c.

T. W. C. Murdoch.

C. Alexander Wood.

Sub-Enclosure to Enclosure in No. 2.

PRINCE EDWARD ISLAND.

8. Colonial Tax on Emigrants:—

Canada.—By a Colonial Law of 1849 the capitation tax of the previous year has been modified and reduced. It is now 7*s.* 6*d.* currency, payable by the master for every passenger of 15 or upwards, and 5*s.* currency for each person between 5 and 15; children under 5 are exempted. If embarked, however, without the sanction of Her Majesty's Government, ascertained by a certificate from an officer of customs at the port of embarkation, the tax is 10*s.* currency for every passenger.

By the Colonial Act 13 & 14 Vict. c. 4., to encourage emigrants from Europe to proceed to the United States *viâ* the St. Lawrence, one half the present tax, viz. 3*s.* 9*d.* each adult, is remitted on crossing the frontier.

New Brunswick and Novia Scotia.—The following is the emigrant tax in these colonies by the Act of 1850:

	New Brunswick.		Nova Scotia.	
	s.	*d.*	*s.*	*d.*
On emigrants arriving between 1st April and 1st September -	5	0	10	0
Ditto ditto between 1st September and 1st October -	7	6	15	0
Ditto ditto between 1st October and 1st April -	10	0	20	0
On emigrants arriving in vessels placed in quarantine, except for cleaning or observation, an additional sum of - - -	2	6	5	0
On emigrants in quarantine more than 10 days, further sum of -	2	6	5	0

APPENDIX.

No. 1.

CAP. III.

An Act to provide for the Commutation of certain Bonds required under the Emigrant Act. [Passed August, 2 1851.]

Preamble.

WHEREAS it is expedient to provide for the commutation of the bonds required in certain cases under the Act herein-after mentioned: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, that whenever any vessel arriving in this province from sea shall have on board one or more passengers in respect of whom the master would otherwise, under the tenth section of the Act passed in the twelfth year of Her Majesty's reign, and intituled "An Act to repeal certain Acts therein mentioned, and to make further Provision respecting Emigrants," be bound to enter into a bond to Her Majesty in the manner therein provided, it shall be optional with the master of such vessel, either to enter into such bond, jointly and severally with sufficient sureties, according to the requirements of the said Act, or to pay to the collector or chief officer of the customs who might otherwise require such bond such sum of money as the emigrant agent at Quebec (under any general instructions he may receive from the Governor) shall have fixed in that behalf as being just and equitable, and sufficient to indemnify the province, or any municipality, village, or city, town or county, or charitable institution within the same, against the risk of expense for the care, support, and maintenance of such passenger or passengers during the then next ensuing three years; and the money so paid shall form part of the emigrant fund.

The master of any vessel may, instead of giving bond under section 10 of 12 Vict. c. 6, pay a sum of money, to be fixed by the emigration agent.

Application of sum so paid.

No. 2.

CAP. LXVIII.

An Act to amend the emigrant Act, by reducing the Tax on Emigrants coming into this Province, and for other Purposes. [Passed August 30, 1851.]

Preamble.

WHEREAS it is expedient to reduce the rate of duty imposed by the Act herein-after mentioned, and otherwise to amend the said Act: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, that the rate or duty imposed by the second section of the Act passed in the twelfth year of Her Majesty's reign, and intituled "An Act to repeal certain Acts therein mentioned, and to make further Provision respecting Emigrants," shall be and is hereby reduced, so that the same shall be five shillings currency for every adult passenger or emigrant, and three shillings and nine-pence currency for every other passenger or emigrant between the ages of five and fifteen, who shall have embarked for any port in the United Kingdom under the sanction of Her Majesty's Government, ascertained as in the said Act provided, and seven shillings and sixpence currency for every passenger or emigrant who shall have embarked without such sanction; to which duties so reduced all the provisions and enactments of the said Act shall apply as fully as if such reduction had not been made.

Rate or duty imposed by 12 Vict. c. 6. reduced.

II. And be it declared and enacted, that it was and is the intention of the said Act that the monies raised under the authority thereof should be applied, under the authority of the Governor of this province, as well as in defraying the expenses of forwarding destitute emigrants to their place of destination, and in otherwise aiding, relieving, and providing for them, as in defraying the expenses of medical attendance and examination of destitute emigrants on their arrival; and that it shall be lawful for the Governor in Council to apply any surplus which may now or shall hereafter at any time remain out of the said monies, after defraying the expenses aforesaid, in aid of any charitable institution affording relief to destitute emigrants and their children.

To what purposes the monies raised under the said Act may be applied.

III. And be it enacted, that the foregoing provisions of this Act shall have force and effect on the first day of November next, and not before.

Commencement of Act.

No. 3.

An Act relating to Emigrants. [Passed May 5, 1851.]

Preamble.

WHEREAS the laws now in force relating to emigrants will shortly expire, and it is deemed expedient to make other provisions in lieu thereof: Be it therefore enacted by the

Lieut.-Governor, Council, and Assembly, That from and after the passing of this Act there shall be levied, paid, collected, and raised in the manner herein-after prescribed, from the master, owner, or person in charge or command of any vessel hereafter arriving in any of the ports of this island with passengers or emigrants, a pecuniary rate or head duty of twelve shillings currency for every emigrant passenger landed between the first day of April and the first day of October in every year, and of eighteen shillings currency (being the additional sum of six shillings) for every emigrant passenger landed in any year subsequent to the first day of October, such duty to be paid by the said master or owner to the collector of impost of the port at which such vessel shall have first entered, at the time of making her first report and entry, when it shall also be the duty of the said master or owner or commander to furnish to the said collector a true and correct list and description of every emigrant and passenger on board such vessel, in the manner and form as is herein-after directed by this Act, together with the manifest or list of emigrants made out at the time of clearing such vessel from the port from which such vessel sailed, and at the time of delivering such list produce to and deposit the register of such ship or vessel with the collector of impost, who shall and he is hereby authorized to retain the same in his possession until such master, owner, or commander shall produce a certificate from the chairman of the district board of health, stating that the provisions of this Act have been complied with by such master, owner, or commander, and directing such collector to deliver up the register to him; and no such report or entry shall be deemed to be valid, or shall have any legal effect whatsoever, unless such rates or duties be thereupon paid as aforesaid: Provided always, that if upon the arrival of any such emigrant vessel it shall be deemed necessary by any board of health or other competent jurisdiction by virtue of the laws of this island made for preventing the spreading of infectious distempers or relating to quarantine, that such vessel be kept at quarantine for a period not less than five days, then and in such case the rates of head duty herein-before imposed shall be severally increased; and there shall be levied, paid, and collected in the manner and form above directed the additional sum of five shillings currency for every such passenger or emigrant as aforesaid; and further, that if it be deemed requisite by the said board of health or other competent jurisdiction as aforesaid that such vessel be kept at quarantine for a period not less than ten days, then, and in such case, in addition to the said original rates or head duties herein-before imposed, there shall be levied, paid, and collected in the manner and form herein-after directed the further sum of ten shillings currency for every such passenger or emigrant.

Imposes tax of twelve shillings per head on immigrants landed between 10th October and 1st April, and six shillings additional per head if landed subsequent to 1st October, &c.

List of passengers, &c. to be furnished to collector of impost.

Register of vessel to be deposited with collector of impost, &c.

No report or entry deemed valid unless tax be paid.

If vessel be kept at quarantine for five days, five shillings additional per head to be paid;

if for ten days, ten shillings additional.

II. And be it enacted, That upon the refusal or neglect of the master or person having charge of any ship or vessel arriving with passengers and emigrants as aforesaid to pay the sum or sums for each and every passenger and emigrant as aforesaid, it shall and may be lawful to and for the collector of impost to sue for and prosecute the same before any two of the justices of the peace of the county where the vessel may be and on conviction the said justices shall and may levy the same by warrant of distress under their hands and seals, directed to the sheriff or constable at or near the place where the said vessel may be, and by sale under the said warrant of the guns, boats, tackle, apparel, and furniture of such ship or vessel; and the overplus, if any, of such distress and sale, after deducting the costs, shall be paid to the master or person having charge of such ship or vessel.

Tax may be sued for before two justices of the peace.

Mode of recovery.

Overplus, how disposed of.

III. Provided always, nevertheless, and be it enacted, That it shall be lawful for the master, owner, or commander of any vessel arriving in any of the ports of this island with passengers and emigrants as aforesaid, subsequent to the first day of October in any year, instead of paying the said additional rate or head duty of six shillings by this Act in such case imposed, over and above the original rate or head duty of twelve shillings, to give and execute to the collector of impost at such port (before permitting any such passengers or emigrants to land), with one good and sufficient surety, to be approved of by such collector, a bond in substance and effect according to that in the schedule to this Act annexed marked (A.), in which said bond there shall be set out a list of the names of all the passengers and their respective ages as aforesaid, which list shall mention the heads of families and the children of each, males and females; and the penalty of the bond shall be in a sum double the aggregate amount of rates or duties by this Act imposed on the passengers named therein, such bond being conditioned as in the said schedule marked (A.) is mentioned; and the sum of ten shillings, and no more, shall be paid by the said master, owner, or commander, to the said collector of impost, for taking such bond; and the entering into such bond shall obviate the necessity of paying the said additional rate or head duty of six shillings, and shall be taken in lieu thereof, at the option of the master, commander, or owner.

Vessel arriving subsequent to 1st October, master may give bond, &c.

Form of bond.

Requisites of bond.

Penalty.

Fee to be paid for bond.

IV. And be it enacted, That before the master, owner, or commander of any such ship or vessel shall permit any passenger to leave such vessel on her arrival at any port or place in this island, or on the coast or islands thereof, he shall deliver to the said collector of impost a correct list and return of all the emigrants or passengers on board such vessel at the time of her arrival, which shall contain the name of each passenger, and shall mention therein the heads of families, and the children of each, males and females; which said list shall be in form according to that in the schedule to this Act annexed marked (B.), and which form shall be furnished to the said master, owner, or commander by the said collector, free of charge; and the said master, owner, or commander, having exhibited his said manifest, and furnished such correct return of his said passengers, and having deposited his register in the hands of the said collector as herein-before directed, shall attest to the same on oath before the said collector, which said oath such collector is hereby empowered to administer, and having paid

Immigrants not permitted to land until list of passengers, &c. shall have been deposited with collector of impost.

Form of list.

Master shall attest to manifest, &c. on oath, &c.

or secured all the rates and duties by this Act imposed, and having received his receipts and vouchers therefor, and also a permit or authority from the said collector to land his said passengers, it shall and may be lawful for him to allow the said passengers or emigrants to leave the vessel; and should the said master, owner, or commander land or permit or attempt to land any of his said passengers without having strictly fulfilled all the conditions required by this Act, he shall forfeit and pay a penalty of five pounds for every passenger leaving his vessel contrary to the provisions of this Act.

Penalty for neglecting to comply with conditions of this Act.

Cabin passengers liable to head duty.

V. And be it enacted, That the master, owner, or commander of any packet, ship, or vessel arriving from any part of the world after payment of the several rates and head duties imposed by this Act, or any of them, shall be entitled to demand and receive from each and every of the cabin passengers on board of such ship or vessel the sum or amount of rate or head duty paid for him or her under the provisions of this Act, or which he or she may be liable to pay in manner as herein-after mentioned; and if any such cabin passenger shall, after demand, refuse or neglect to pay the same, it shall and may be lawful for the said master, owner, or commander thereupon to sue for and recover the same before any two of the justices of the peace of the county where the vessel may be, and on conviction the said justices shall and may levy the same, by warrant of distress or execution under their hands and seals, directed to any sheriff or constable, against the goods and chattels of the party convicted, and in the event of no goods and chattels being found whereon to levy, then to imprison the party against whom the warrant of distress or execution shall be issued for the term of ten days, unless the amount of such execution and costs be sooner paid. And for the purposes of this section the following shall be the rules of the liability of such passengers to pay the amounts of the several rates and head duties paid by the master, owner, or commander of any vessel; (that is to say,) each person above the age of twenty-one years shall be liable to pay for himself or herself, the husband shall be liable to pay for himself and his wife, and the parent of a family shall be liable to pay for himself or herself, and also for all his or her children under the age of twenty-one years.

Master may sue for such duty before two justices, &c.

Rules of liability of such passengers.

No tax to be paid for immigrants not intended to be landed in this island.

Bond to be given in such cases.

VI. And be it enacted, That, notwithstanding anything in this Act contained to the contrary, whenever any such vessel shall arrive at any port in this island having passengers or emigrants on board, and who are not intended to be landed in this island, then no rate or duty whatsoever shall be exacted or paid for any such passenger; provided the master or owner of any such vessel do and shall, upon reporting and entering his ship with the collector of impost for the port or district at which he shall have arrived, and after first having delivered into the hands of such collector the register of such ship or vessel in manner aforesaid, give and execute to such collector a bond according to the form in the schedule to this Act annexed marked (C.), with one or more good and sufficient surety or sureties, to be approved of by the said collector, in a penalty of double the amount of the rate or duty which by this Act would be imposed in case such passengers were landed, with a condition that if none of the said passengers shall either directly or indirectly be landed or escape on shore on this island, before all and every the rates, taxes, and duties imposed by this Act shall be fully paid and satisfied in the manner and form aforesaid, then that the same shall be void; and the sum of ten shillings and no more shall be paid by the said master for such bond; which said bond shall afterwards be delivered up to be cancelled, on the said obligors, or any person on their behalf, filing with such collector a certificate, properly authenticated by any collector of customs or imposts for any place out of this island, that such passengers have been landed and left there by the said master or owner or his consignee: And provided also, that nothing in this Act contained shall prevent the master, owner, or person having the command of any vessel so having on board passengers or emigrants as aforesaid from permitting any passenger to leave the vessel, at the request of such passenger, before the arrival of the vessel at this island or the coasts thereof; but in every such case the names of the passengers who may have so left shall be entered in the manifest or list of emigrants names made out at the time of clearing the vessel from the port from which she has so sailed, and the same shall be certified under the signature of the passenger or passengers so having left the vessel; and if the number of passengers remaining on board on the arrival of the vessel at this island do not correspond with that mentioned in such manifest, after deducting those who shall have so left the vessel, and also any that may have died on the voyage, the master or person having the command shall forfeit and pay a penalty of five pounds for each and every passenger short of the number not found on board, unless he can account for the same to the satisfaction of the said board of health; but infants born on the voyage shall not be included in the account for this purpose to be taken.

Form of bond.

Penalty.

Condition.

Fee to be paid for bond.

Bond how to be cancelled.

Immigrants permitted to land at any port not within this island.

Duty of master in such cases.

Penalty on master offending herein.

Infants under eighteen months exempt from all taxes.

VII. And be it enacted, That all infant emigrants and passengers who have not attained the age of eighteen calendar months at the time of their arrival at this island as aforesaid shall be free and exempt from all the taxes and duties imposed by this Act.

Immigrants may remain on board vessel forty-eight hours after completion of entry.

VIII. And be it enacted, That every passenger on board any ship or vessel arriving in any harbour of this island to which the master or person commanding such vessel shall have engaged to convey him shall he entitled to remain and keep his baggage on board during forty-eight hours after the master shall have duly made and completed his entry, and complied with the provisions of this Act relating thereto; and every such master who shall compel any passenger to leave his vessel before the expiration of the said term of forty-eight hours shall incur a penalty not exceeding two pounds currency for every passenger he shall so compel to leave his vessel; nor shall any master or person commanding such vessel remove

Penalty on master compelling immigrants to leave vessel, &c.

or cause to be removed before the expiration of the said forty-eight hours any berthing or accommodation used by his passengers, under a like penalty.

Duty of pilot in charge of immigrant vessel.

IX. And be it enacted, That any pilot who shall have had charge of any vessel having passengers on board, and who shall know that any passenger has been permitted to leave the vessel contrary to the provisions of this Act, and shall not within twenty-four hours after the arrival of such vessel in any harbour of this island to which he may have engaged to pilot her inform the collector of impost at such port or place that a passenger or passengers has or have so left the vessel, shall incur a penalty not exceeding five pounds currency for every passenger with respect to whom he shall have wilfully neglected to give such information.

Penalty on pilot offending herein.

Monies collected under this Act, how applied.

X. And be it enacted, That the monies levied under the authority of this Act shall be paid by the collector of impost by whom they shall have been received into the treasury of this island, for the purposes herein-after mentioned.

Sums of money may be advanced by Lieutenant-Governor, &c., and expended under direction of boards of health.

XI. And be it enacted, That it shall be lawful for the Lieut.-Governor or other administrator of the government for the time being, by and with the advice of Her Majesty's Executive Council, by order under his hand, at any time after the passing of this Act, to advance to the boards of health in the several counties such sums of money as may be required for the purposes of this Act, out of the monies paid into the treasury, under the authority of this Act, to be applied and expended under the direction of the said boards of health.

Money advanced by Government, how to be appropriated.

XII. Provided always, and be it enacted, That no part of the said money paid and received by the said respective boards of health shall by them be employed in making advances in money to any emigrant, but shall be expended in forwarding poor and destitute emigrants to the place of their destination in this or the adjacent provinces; and in no case shall any grown person in good health, and unincumbered with a family, except unmarried females, who may be unable otherwise to join their friends or relatives, receive assistance out of the said monies: Provided nevertheless, that medical aid, house-rent, fuel, and other unavoidable expenses may be paid out of the said monies so received by the said boards of health as aforesaid, together with a reasonable allowance to the secretaries to the said boards of health respectively, to be determined by the Lieut.-Governor and Council.

Boards of health to render an account of their expenditure to the Legislature within fifteen days of time of meeting, &c.

XIII. And be it enacted, That the said boards of health into whose hands the monies shall be paid under the authority of this Act shall, within fifteen days after the meeting of each session of the Legislature during the continuance of this Act, lay before each of the branches thereof a faithful and detailed account of the expenditure of such monies, and a correct list of the emigrants by them respectively relieved, distinguishing the nation and country of each emigrant, the place to which he or they shall have been forwarded, and his or her age, and the amount expended in affording such relief, and in what manner expended to every grown person, and his or her name and trade.

How such accounts are to be made up.

XIV. And be it enacted, That the persons composing the board of health to whom shall be intrusted the expenditure of any portion of the monies hereby appropriated shall make up detailed accounts of such expenditure, showing the sum advanced to the board of health, the sum actually expended, the balance, if any, remaining in their hands; and every such account shall be supported by vouchers, therein distinctly referred to by numbers corresponding to the numbering of the items in such account.

All penalties may be sued for in supreme court, &c.

XV. And be it enacted, That all penalties and forfeitures in this Act mentioned or imposed may be prosecuted, sued for, and recovered in the supreme court of this island, or in case of any penalty being for twenty pounds or under, before any three justices of the peace for the counties respectively in this island, by action of debt, bill, plaint, or information, by the chairman of any board of health in this island who shall prosecute for the same within forty-five days after the offence, and when recovered shall be paid, after deducting the costs and charges of the prosecution, into the treasury of this island, for the use and support of the government thereof; and if no person shall so sue and prosecute within the said forty-five days, then the said penalties and forfeitures may be sued for and recovered by information of Her Majesty's attorney-general, and when recovered to be paid, after deducting the costs and charges of prosecution, into the treasury of this island, for the use aforesaid; and all and every person and persons who may become liable to pay any such penalty or penalties, forfeiture or forfeitures, shall and may be arrested and held to bail, according to the practice of the said court, for such penalty or penalties, forfeiture or forfeitures, at the suit of the persons herein-before mentioned and entitled to sue for the same, by virtue of an order for that purpose, to be obtained under the hand of any judge of the said court, on proper affidavits being laid before him, satisfactorily establishing the liability to pay the penalty or penalties, forfeiture or forfeitures aforesaid; which order any one of the judges of the said court is hereby authorized to grant; and in default of giving such bail such person or persons so as aforesaid ordered to be held to bail shall be committed to prison as in other cases is accustomed: Provided always, that any judgment given by the said justices of the peace may be appealed against to the supreme court in like manner and subject to the like rules and regulations as are prescribed by the laws relating to the recovery of small debts; and where the judgment of the said justices appealed from shall exceed the sum of ten pounds, no person shall be admissible as sureties on any such appeal until they shall have duly justified each in double the amount and costs, upon oath before some one or more of the justices before whom such judgment shall be given, in like manner as special bail in the supreme court now justify.

Penalties to be prosecuted for within forty-five days after offence.

Penalties may be sued for by information of Attorney-General, &c.

In default of bail, persons liable to penalties may be committed, &c.

Judgment of justices of the peace may be appealed from.

Security required in such cases.

Taxes, &c. declared a specific lien on vessel.

XVI. And be it enacted, That for the better effectuating the purposes of this Act the several taxes, duties, and penalties imposed by this Act shall be and the same are hereby declared a specific lien on the said ship or vessel, notwithstanding the master or owner's

general liability therefor: And the said supreme court, in term time, or any two justices thereof in vacation, also any three justices of the peace, as herein-before mentioned, are hereby empowered, on the application of the said board of health for that purpose, and on affidavit of the chairman thereof for the time being, or on the application and affidavit of any collector of impost for the port at which such vessel shall arrive, that the said master or owner has, in the opinion of the said board or collector of impost, become liable for any of the said taxes, duties, or penalties, to issue a process to arrest the person of the said master or owner or owners, and require bail for his or their appearance to answer the said suit, or to attach the ship or vessel by any process of attachment, in their discretion, until security be given to the satisfaction of the said court or justices for the forthcoming of the said vessel to answer the said suit, or to proceed as above directed against both master or owner or owners and ship at the same time, at the discretion of the said board or collector of impost, with power to the said courts to hear and determine said suits, and to enforce their judgments therein by all lawful and customary means; and no plea or exception taken to the jurisdiction of the said courts or either of them, in proceeding as herein-before directed, shall be held valid or tenable.

Master, &c. may be held to bail, or vessel attached to answer such lien.

No exception taken to jurisdiction of courts deemed valid.

Exempts certain parties from payment of tax.

XVII. And be it enacted, That no tax or duty imposed by this Act shall be paid by any master or owner of any ship or vessel for and on account of any native or inhabitant or person belonging to any of the neighbouring British colonies, coming to or returning from this island, or by any person who shall have previously resided in this island on his returning to the same, but all such persons are hereby declared exempt from the duties and taxes aforesaid.

Who shall be deemed an inhabitant of any other colony.

XVIII. And be it enacted, That for the purposes of this Act no person shall be deemed an inhabitant of any other colony unless such person shall have resided in such colony for a period of twelve months, or shall have been a housekeeper therein for the space of six months next before his or her departure for this island, or unless such person shall have resided or kept house for any periods of time in more than one colony, which periods of time shall amount together to either of the said terms of twelve months or six months respectively as aforesaid.

Printed copies of Act to be furnished to licensed pilots, &c.

XIX. And be it enacted, That printed copies of this Act shall be furnished by the Government of this colony to all licensed pilots in the respective harbours of this island; and it shall be the duty of such pilots, on boarding or calling alongside of any vessel having emigrants on board, to deliver to the master or person in command of such vessel one of the said copies of this Act, free of charge; and any pilot having had such copies duly furnished him shall be liable to a penalty of two pounds if he neglect or refuse to deliver a copy as aforesaid.

Penalty on pilot for neglect of duty.

Continuance of Act.

XX. And be it enacted, That this Act shall continue and be in force for the space of three years from the passing thereof, and from thence to the then next session of the General Assembly, and no longer.

Schedules to which this Act refers.

Schedule (A.)

SCHEDULE (A.)

Bond to be given after 1st October, in lieu of paying increased duty.

Know all men by these presents, That we *A. B.* and *C. D.*, at present of in Prince Edward Island, are held and firmly bound unto *E. F.*, collector of impost for the port of in the said island, in the sum of current money of Prince Edward Island, to be paid to the said *E. F.*, his heirs or successors in office, for which payment well and truly to be made we bind ourselves, jointly and severally, and our respective heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated this day of in the year of our Lord one thousand eight hundred and

Whereas the above-bounden *A. B.*, the captain (*or* owner, *as the case may be*,) of the ship or vessel called the , has received permission from the said collector to land from the said ship or vessel the following passengers (who arrived therein at the said port of in the present year, subsequent to the first day of October, and for whom the said *A. B.* is liable to pay an increased rate of head duty, or to enter into the above-written bond or obligation, with condition as hereunder stated, by virtue of the provisions of the Act 14 Vict. cap. , intituled *An Act relating to Emigrants*):

[Here follow the emigrants' names, and whether over or above eighteen calendar months, or fourteen years of age.]

Now the condition of the above obligation is such, that if the above-bounden *A. B.* and *C. D.*, their executors and administrators, do and shall well and truly pay or cause to be paid to the said *E. F.*, or his successors in office, all such sum or sums of money as shall or may at any time or times within the space of twelve calendar months from the date hereof be paid, laid out, or expended by the Government of this island, or any of the competent local authorities, now or at any time hereafter authorized to afford aid or assistance to the emigrants or persons above named, either for supplying them or any of them with food, clothing, house-rent, fuel, medical aid, or means to defray their travelling expenses to any place for which at the time of their embarking in such vessel they may have been destined, and do and shall further save harmless and indemnify the said Government or authorities

from and against all other charges, damages, expenses, and outlays which may have been incurred by the said Government or authorities for the space of twelve calendar months aforesaid, for or in respect of the said emigrants or persons above named, then this obligation to be void; otherwise to be and remain in full force.

A.B. (L.S.)
C.D. (L.S.)

Signed, sealed, and delivered in the presence of

SCHEDULE (B.)

Schedule (B.)

List of passengers.

Number of Heads of Families.	Names of all Passengers or Emigrants on board.	Trades or Occupations.	Ages.	Number of Impotent Persons.	Total Number.

Oath.

the captain (*or* owner, *as the case may be*,) of the ship or vessel called the maketh oath and saith, That the foregoing is a true and correct list and return of each and every the passengers or emigrants on board the ship or vessel called the of which deponent is master, and that no other passenger or passengers hath or have been landed in this island, or on the coasts thereof, from the said vessel, with deponent's knowledge and consent.

Sworn before me

SCHEDULE (C.)

Schedule (C.)

Bond to be given when immigrants are not intended to be landed in this colony.

KNOW all men by these presents, That we at present of in Prince Edward Island, are held and firmly bound unto collector of impost for the port of in the said island, in the sum of pounds current money of Prince Edward Island, to be paid to the said , his heirs or successors in office, for which payment well and truly to be made we bind ourselves, jointly and severally, and our respective heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated this day of in the year of the reign of Her Majesty Queen Victoria, and in the year of our Lord one thousand eight hundred and

Whereas the above-bounden the captain (*or* owner, *as the case may be*,) of the ship or vessel called the now arrived from the port of in having on board passengers or emigrants, and now bound for the port of as appears, has stated that it is not his intention to land his said passengers or any of them on this island or the coasts thereof, but intends proceeding with his said vessel and passengers to the said port of

Now the condition of the above obligation is such, that if none of the said passengers or emigrants on board the said vessel shall either directly or indirectly be landed or escape on shore in this island or the coasts thereof, before the respective rates and duties imposed by the Act of the 14th Victoria, cap. , shall have been fully paid and satisfied, then the above obligation shall be void and of none effect; otherwise it shall be and remain in full force and virtue.

Signed, sealed, and delivered in the presence of

(L.S.)
(L.S.)

CHARLES YOUNG,
Attorney General.

House of Assembly, 11th April 1851 — (Signed) ALEX. RAE, Speaker.

Council Chamber, 21st April 1851 — RT. HODGSON, President.

Passed 5th May. — A. BANNERMAN, Lieutenant-Governor.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
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For Her Majesty's Stationery Office.

FURTHER CORRESPONDENCE

RELATIVE TO THE

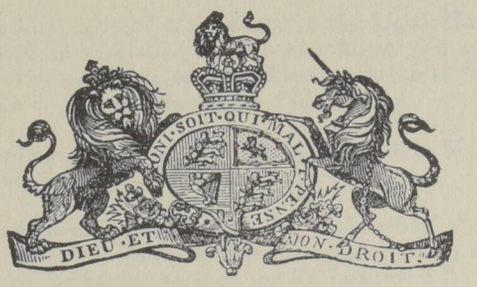
PROJECTED RAILWAY

FROM

HALIFAX TO QUEBEC.

(*In continuation of Papers presented by Command of Her Majesty,* 16*th June* 1851.)

Presented to both Houses of Parliament by Command of Her Majesty.
June 14, 1852.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1852.

SCHEDULE.

CANADA.

DESPATCHES FROM GOVERNOR-GENERAL THE EARL OF ELGIN AND KINCARDINE.

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1	28 Aug. 1851 (104.)	Forwarding a letter from Mr. Archibald, containing a proposal for carrying out the contemplated plan of Railway Communication - - - - -	3
2	26 Feb. 1852 (15.)	Enclosing a minute of the Executive Council, advising that Mr. Hincks, Inspector General, should proceed to England to confer with Her Majesty's Government on the subject of the aid to be granted to British American Railways - - - - - -	7
3	1 April 1852 (29.)	Forwarding a communication from Mr. Joly, chairman of the Quebec and Montreal Railroad Committee, praying that the north shore of the St. Lawrence from Quebec to Montreal be adopted for the main trunk line to form a portion of the great provincial railway to be executed by the North American provinces, with the aid of an Imperial guarantee - - - - -	8

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2	27 Nov. 1851 (664.)	Forwarding copy of a despatch to the Lieut.-Governor of Nova Scotia, relative to the remarks on the subject of Imperial assistance contained in his speech to the Legislature on the 4th November 1851 - - -	17
3	20 Feb. 1852 (689.)	Forwarding the copy of a letter addressed to Mr. Hincks, dated 20th February 1852 - - - -	17
4	27 April 1852 (15.)	Acknowledging a letter from the Chairman of the Quebec and Montreal Railroad Committee, advocating the adoption of the north shore of the St. Lawrence for the main trunk line of railway - - - - - -	17
5	20 May 1852 (25.)	Communicating the decision of Her Majesty's Government on the proposals of the provincial delegates with reference to the Imperial aid required for the construction of the Halifax and Quebec Railway - - -	18
6	26 May 1852 (31.)	Relative to the course to be followed with certain Railway Acts of the Provincial Legislature of the past session -	19

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1	F. Hincks, Esq., to Earl Grey, 5 Feb. 1852.	Stating the results of a Conference at Halifax of the several Delegates from the provinces interested in the construction of the proposed Halifax and Quebec Railway - Objections to the line proposed by the Government officers who conducted the survey in 1848.	20
2	F. Peel, Esq, M.P., 20 Feb. 1852.	In reply to the preceding communication, and adverting to the suggestion that a deputation from the several provinces should visit England, with a view to personal conference with Her Majesty's Government - - -	22
3	F. Hincks, Esq., to Secretary Sir J. Pakington, 31 March 1852.	Submitting a statement concerning the proposed line for the consideration of Her Majesty's Government, and with a view to concluding final arrangements - -	23
4	Ditto, 1 May 1852	The final decision of Her Majesty's Government on the pending question required by the 15th instant. Intended withdrawal from negotiations in the event of not receiving such decision - - - - -	29
5	Earl of Desart to F. Hincks, Esq., 6 May 1852.	Acknowledging the foregoing letter - - -	30
6	Ditto, 20 May 1852	Communicating the copy of a despatch addressed to the Governor General of British North America, conveying the decision of Her Majesty's Government on the subject of the Imperial aid required for the construction of a railroad from Halifax to Quebec - - -	31

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2	18 Sept. 1851 (16.)	Forwarding a communication to the Government of New Brunswick on the proposed legislative measures respecting railways - - - - - -	37

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5	11 Dec. 1851 (38.)	Forwarding copy of speech delivered on the close of the Legislative Session, together with a joint address to Her Majesty from the Legislative Council and Assembly, for aid for the construction of the inter-colonial railway from Halifax to Quebec - - - - -	43
6	11 Dec. 1851 (40.)	Transmitting a report from Mr. Howe, dated 11th December 1851, respecting a misinterpretation of the views of Her Majesty's Government relative to the aid to be afforded towards the proposed railway - - -	45
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3	13 Oct. 1851 (288.)	Acknowledging Lieutenant-Governor's despatch, No. 16, of 18th September, forwarding copy of a communication to the Government of New Brunswick - - -	58
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5	17 Jan. 1852 (2.)	Forwarding copies of speech on opening the Legislature, and of addresses presented in reply thereto, having reference to the Railway question	69
6	23 March 1852 (8.)	Notifying the appointment of the Hon. E. B. Chandler as a delegate to England on the Railway conference	71
7	April 1852 (12.)	Governor's speech on closing the Legislative Session	72
8	8 April 1852 (16.)	Referring to the several enactments connected with Railways; the Act respecting the European and North American line, &c.	72
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10	10 April 1852 (19.)	Forwarding copy of resolutions adopted at meeting held at Dalhousie, county of Restigouche	77
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9	25 May 1852 (6.)	Acknowledging the addresses to Her Majesty from the Inhabitants of Gloucester and Northumberland, enclosed in Sir E. Head's despatch, No. 18, 9 April 1852 - -	82
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1	B. Sharpe, Esq., to the Right Hon. Earl Grey, 11 Feb. 1852.	Containing a proposal for combining a section of the European and North American line with the railroad under construction between St. Andrew's and Quebec, and extending communication with Quebec and the United States. Proposed "Albion" settlement - -	86
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4	B. Sharpe, Esq., to the Right Hon. Sir J. Pakington, 2 March 1852.	Submitting on behalf of the St. Andrew's and Quebec Railway Company a plan for the construction of an entire line of railway between Halifax and Quebec - - -	89
5	Earl of Desart to B. Sharpe, Esq., 13 March 1852.	In reply to the preceding communication - - -	92
6	B. Sharpe, Esq., to Right Hon. Sir J. Pakington, 4 May 1852.	Containing a statement of the views of the directors of the St. Andrew's and Quebec Railroad Company in reference to the proposed line from Halifax - - -	92
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RELATIVE TO THE

PROJECTED RAILWAY FROM HALIFAX TO QUEBEC.

CANADA.

Despatches from the Governor General the Right Hon. the Earl of Elgin and Kincardine.

(No. 104.) No. 1.

CANADA.
No. 1.

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to Earl GREY.

Government House, Toronto, August 28, 1851.
(Received September 15, 1851.)

MY LORD, (Answered No. 644, October 3, 1851, page 17.)

IN compliance with the request of Mr. Archibald, I have the honour to transmit to your Lordship the copy of a communication which that gentleman has addressed to me on the subject of the contemplated railways in British North America.

I have, &c.

The Right Hon. Earl Grey, &c. &c. &c. (Signed) ELGIN AND KINCARDINE.

Encl. in No. 1.

Enclosure in No. 1.

MY LORD, Toronto, June 21, 1851.

WITH your Lordship's permission I will now proceed to put in writing the proposals in reference to the contemplated railways in British North America which I have already had the honour of personally submitting, accompanied by such views and explanations as may be calculated to place the whole subject matter in its proper light.

In order to carry out a complete railway system commensurate with the prospective requirements of the British North American provinces provision must be made for the construction of a grand trunk line from Halifax to the American frontier at Detroit. Of this line the only part now actually in progress is the Great Western, between Hamilton and Windsor; and it is supposed that the same company will construct the link between Hamilton and Toronto. If all the provinces were to agree to accept the terms proposed by the Imperial Government provision would be made for the whole line from Halifax to Quebec or Montreal; but whilst it is not quite certain that either province will accept those terms, New Brunswick has actually rejected them. Assuming for the present, however, that Canada and Nova Scotia will concur in accepting the offer of the British Government, it remains to be considered by what means the New Brunswick section can be carried through, and how the great trunk line can be extended from Montreal to Toronto. It may be that the Legislature of New Brunswick, upon reconsideration of the whole subject, may be induced to come into the general arrangement, or that Canada and Nova Scotia may agree to assume a part of her burden. But should neither of these alternatives avail, I hope to be able to suggest a plan that shall eventually accomplish the whole object, without pressing unduly upon the resources of that province.

The configuration and geographical position of New Brunswick render it necessary to the completion of a perfect railway system that the province should be traversed its entire length by two main lines; and in the present condition of its finances the people appear to be unwilling to assume the burden of constructing *both*, even with the liberal proffer of aid from the British Government. In view of the construction of *one* only of these lines great differences of opinion and angry discussions have arisen as to their comparative importance. The northern section of the province naturally contends for the northern line, whilst the southern division, including the commercial capital, as strongly advocates its favourite scheme. For my own part, I regard them both as of equal importance, and each indispensable to the requirements of its particular district. It is to the all-prevailing

CANADA.

sense not in New Brunswick alone of the importance of the European and North American line that we owe the revival of the Halifax and Quebec project, which had been all but abandoned; and if this latter line should now weigh heavier in the general scale, it is due not so much to any special provincial object that it serves as to its bearing upon emigration and colonization, which are questions rather of *national* concern. I do not mean to say that these questions do not very nearly touch New Brunswick; on the contrary, what she most wants is a sound system of colonization and the progressive influx of people of steady habits and some means.

It is estimated that there are in New Brunswick from twelve to fourteen millions of acres of ungranted lands, which, however, are at the present moment comparatively worthless. In case of urgent necessity the province could hardly realize 100,000*l.* from the whole of this vast territory; and at the rate at which the lands are now taken up several centuries must elapse before they will be fully occupied. If I am rightly informed, the sales of Crown lands barely realize sufficient to defray the current expenses of the department, and it would appear that in fact they are virtually given away.

At certain periods the lands are put up for sale at public auction, and sold generally to the poorest class of transient emigrants, upon condition that the purchase money is *to be worked out in labour* on some road nearest to the land, and if, as often happens, there is no road to the lot, the purchaser makes one, and so pays for his freehold by a few days labour upon it. It is evident that under such a system a body of settlers will be introduced who can contribute nothing to the public wealth or weal; but on the contrary, it is easy to imagine that when these enfranchised paupers shall become greatly increased in numbers they may form a class capable of being influenced prejudicially to the character of the Legislature and the best interests of the province.

It is one of the main features of the plan that I am to propose, to make these wilderness lands available for the completion of the railways, and at the same time the field of a system of colonization that cannot fail to be productive of the greatest benefits to the province as well as to the mother country.

The parties whom on this occasion, in the absence of their more able representative, it falls to my lot to personate, are an association of British capitalists and contractors, limited in point of numbers, but powerful from their influence, combinations, and means. The chief among them are the men who have taken the foremost lead in the construction of those great lines of railway and other public works which have been undertaken in Great Britain and upon the continent of Europe during the last five-and-twenty years. It will readily be believed that men of this stamp are not at all under the necessity of seeking employment for their capital or connexions in North America. On the contrary, they are precisely the parties upon whom the largest enterprises in Europe are continually pressed, and at this moment they are pausing upon very inviting offers, on the part of the French Government, until the fate of these Anglo-American railways shall be decided. In the course of their gigantic operations, an army of dependents and retainers, amounting to several thousands, has sprung up, and for these they feel bound to provide employment. A large division of this veteran force, consisting of artizans and skilled labourers, regularly organized under their clerks of works, architects, surveyors, and foremen, &c. &c., were upon the point of being removed and domiciled in France, when influences were brought to bear upon their employers which induced them to turn their attention to British North America. Upon certain conditions, which I do not think will appear at all unreasonable, these parties are willing to make these countries, upon which British capitalists have hitherto turned their backs, the exclusive field of their future operations, and to transfer here the whole of that disciplined force which has carried them triumphantly through so many great undertakings. Such an opportunity of securing a combination of every thing essential for the construction, equipment, and management of our great railway system may never occur again, and ought not to be left unimproved. The very first detachment of this army of peaceful operatives would introduce more realized wealth than all the thousands of emigrants who have straggled into New Brunswick during the last twenty years. But it is not their worldly possessions, after all, that will prove of most importance. All the various mechanical arts which railway enterprise brings into requisition would be introduced in the highest state of perfection; and the various necessary establishments and factories for purposes of the works would form normal schools for training the rising youth in the knowledge and practice of arts and manufactures, hitherto entirely unknown in the country.

The construction of these great lines of railway, under such auspices and by such means, cannot fail to be productive of the most beneficial effects upon the social, moral, and political condition of the people of these colonies; whilst the mother country will at the same time be greatly relieved by the sound and healthy system of emigration and colonization which they will necessarily promote. The advantages both to the parent state and the colonies are so great and so obvious, that they need not be laboured; but I cannot pass by this part of the case without desiring to strengthen the argument, by referring to your Lordship's poweful reasoning, conveyed in the communication to Earl Grey, under date of the 20th December 1848.*

Having said so much, perhaps unnecessarily, with a view of demonstrating the expediency of carrying out these great works by means of British skill and labour, and, by

* Page 58, Parliamentary papers presented to both Houses of Parliament by command, February 1849,—"Halifax and Quebec Railway."

consequence, of British capital, I proceed to consider the case of New Brunswick, as it stands at present. So far from joining in the censure which has been unduly attached to that province, I feel bound to say, that she has done much, and done it well, towards the encouragement of the common object. I discover in her legislation and other proceedings a liberal spirit, which I have no doubt will still further expand itself before a certain prospect of the realization of all their wishes. With respect to the European and North American line, New Brunswick has already granted a liberal charter of incorporation, accompanied by facility bills, which concede a tract of the ungranted lands along the line, and provide for the subscription, on the part of the province, of 250,000*l.* sterling to the capital stock of the company. Towards the Halifax and Quebec, or Northern line, the province has appropriated 20,000*l.* currency per annum for twenty years ; has agreed to provide the breadth of way and stations ; and has conceded a tract of land along the line, estimated to contain about 2,000,000 acres.

Supposing that all other plans for obviating the difficulties that have arisen in New Brunswick should miscarry, I propose, on the part of the association to which I have referred, to construct the European and North American line, through New Brunswick, agreeably to the charter of incorporation and the conditions of the facility bills, and to subscribe for this purpose all the capital not already taken up. I therefore provide for the accomplishment of this project upon the precise terms already arranged by the Legislature.

With respect to the Halifax and Quebec, or Northern line through New Brunswick, I propose that an Act, corresponding as nearly as circumstances will admit with the charter of the other company, shall be passed, for the purpose of incorporating a company with a capital of 3,000,000*l.* sterling ; and all I ask the province to do, in addition to what she has already pledged herself, is to double the quantity of wilderness lands on both lines, and to subscribe 250,000*l.* sterling to the stock of the Northern Company, or, at her option, to divide that amount between that northern and southern lines. In either case, the province to be entitled to add two directors to the board of the Northern Company. This being done, I propose in like manner, on the part of the association, to organize the company by subscribing all the capital that shall not be taken up in New Brunswick. It is understood that the people of the province are to have the privilege of subscribing to any extent they please to the stock of both companies. These offers pre-suppose that the Legislature will pass facility bills, securing the pecuniary grant, and conferring all needful powers and privileges for the settlement, disposal, and management of the conceded territory, which, it is understood, is to be vested in the company in fee-simple, with the timber, mines, minerals, and appurtenances, subject, of course, to such restrictions and conditions as shall prevent the company from disposing of the lands, except in a ratio proportionate to the progress of the railway.

It is quite clear that, with all that New Brunswick is expected to do, a very large amount of capital will remain to be provided by the company, and that too for the construction of a line of railway which it is generally believed will not for an indefinite period pay its working expenses. The great national objects, however, to be attained, justify the expectation of liberal aid and encouragement on the part of the Imperial Government ; but this is a part of the case upon which it is not my province to enter. So far as New Brunswick is concerned, she must begin to derive *immediate* benefit from the proposed arrangements ; *ex necessitate*, the company must expedite by every possible means the sale and settlement of their lands, and the development of their resources. The coal-fields will be opened up ; iron mines will be worked ; foundries, machine shops, and factories established. Every first-class station along the line will become the *nucleus* of a town, and every stopping place will form the centre of an agricultural ambit, and a rallying point for the poor and unskilled emigrants, who will be cheered and instructed by the well-regulated operations they will witness on every side. The expenditure upon the works will facilitate the settlement of the lands along the line, and the improvement of these lands will bring traffic to the railway. It is not too much to expect that the population and revenue of the province will be doubled within ten years, and long before the 20,000*l.* a year guaranteed to the northern line shall become payable, the amount will be anticipated in the exchequer from the effect of these operations, and thus the end, in advance of its accomplishment, will furnish the means to this extent. This is no fancy picture, nor does it foreshadow half the realities of such a future as New Brunswick may now command.

I come now to another very important part of the general scheme ; namely, the section of the grand trunk line from Montreal to Toronto. The capital required for this portion of the work may be estimated at about 1,600,000*l.* sterling, one half of which would be advanced by the province under the provisions in the Act in this behalf. It is assumed that at least 300,000*l.* would be provided by the municipalities along the line, leaving about 500,000*l* to be subscribed by other parties. In the event of a favourable charter of incorporation being granted, I have no doubt that, as a part of the general plan, the whole stock that shall not be taken up in the province will be immediately subscribed. It would appear only a reasonable stipulation in this case, that the provincial advance, which will be secured by the first mortgage on the line and its tolls, shall not bear more than four per cent. interest until the line shall pay a clear dividend of four per cent. upon the whole paid-up capital ; the amount subscribed by the company to form the second

charge on the line, and (after payment of the provincial interest) to be entitled to six per cent. before any interest shall become payable upon the contingent of the municipalities, which however shall, in their turn, be entitled to a like interest of six per cent. when the profits will allow. The surplus *ultra*, if any, after payment of six per cent. on all the charges, to be received by the company, or appropriated to form a sinking fund towards the extinction of the provincial debt. It is understood that the municipalities have already agreed to some such arrangement, and I see no difficulty in organizing a company on the above basis, so soon as an Act of incorporation shall be passed by the Legislature.

It is assumed that the whole line, from Halifax to its extreme western *terminus*, is to be carried out upon a uniform plan, and that all the provinces will readily allow Her Majesty's Government to nominate the engineer in chief, who will of course be assisted by other engineers to be appointed in behalf of the respective provinces.

It is not too much to suppose that, for the reasons above stated, both the Imperial and Provincial Governments would prefer that these great works should be undertaken by British contractors; and it is assumed that the associated contractors, whose names have been submitted to Her Majesty's Government by Wm. Jackson, Esq., M.P. are to have the entire contracts for all the contemplated lines, upon such fair and equitable terms as may be agreed upon. These parties do not expect or desire any pecuniary preference, but as they and their associated capitalists are about to incur heavy risks, not ordinarily undertaken by contractors, they feel that they are justified in seeking to guard themselves against competition that might have the effect of enhancing the price, labour, and materials to a ruinous extent. The lines to be made by funds provided under the imperial guarantee could be constructed agreeably to estimates to be furnished by the board of engineers, or they might be constructed under inspection, upon terms of allowing the contractors a certain commission to be agreed upon. At all events it will not be difficult to settle the " fair and equitable terms " upon which they are willing to engage the whole scheme.

In undertaking works of such magnitude and importance, it will be wise to look beyond the present, or even the immediate future. Already an enormous traffic awaits these lines; but who can form a notion of the proportions to which it may expand within the next ten or twenty years? Already the knell of protection is sounding along the fertile vallies and boundless prairies of the far west, and those barriers to free trade which we should vainly assail from without will soon be prostrated by the pressure from within. The productions of that vast region, consisting for the most part of the bulky articles of human subsistence, will, in spite of all restraints, flow through the most natural and facile channels, to be exchanged for the products of other countries. But I cannot bound my view by these remote territories, or even the more distant region stretching to the Pacific, or by the ocean itself. A great arc of the globe passing through Halifax and Toronto, if projected on the one hand into Asia, and on the other into Europe, will bisect the richest, most populous, and most civilised countries under the sun. On the one side are the countless millions of the Indian Archipelago, China, and Hindostan; on the other, the over-crowded, busy marts of Europe. The interchange of the commodities of Europe and Asia has, in all ages, constituted the most lucrative commerce of the world. Since the days of Solomon, if not before, it has been the desire of nations to possess or control this trade, with which the highest state of prosperity and great power have ever been associated. The track of this commerce has built up cities of palaces in the desert; its diversion has marked the decline of empires. Once lost, it has never been regained; and although the great nation we most affect now controls the trade of the far east, it is deserving of serious consideration whether the route is not yet capable of one further change. We have the authority of the spirited and intelligent originator of the great Atlantic and Pacific railroad, who more than any other man has studied the intercommunications of the globe, for the fact that there is a practicable line across the continent of North America that shall shorten the distance between England and the East Indies by more than 5,000 miles in comparison with the route by the Isthmus of Panama. The British possessions in North America lie midway between those great countries occupying that zone of the earth upon which, in the other continents, three fourths or more of the whole human family are congregated. Within our borders there is a vast unoccupied food-producing territory capable of absorbing a population equal to that of the whole of Europe. In addition, I believe that we hold the keys and the track of the future communication between the two grand divisions of the human race; and who shall say that a large share of that enriching traffic which has gilded every former path shall not, ere many years, glide along those very channels which it is our present business to open up?

The day is not far distant when this great highway of nations will traverse our now neglected territory as surely as that a straight line is the shortest distance between two given points.

To descend, however, from these speculations, I would beg to suggest that the pending negotiations between the several provinces should be brought to issue as speedily as possible. The parties on whose behalf I submit these proposals, and to whom the magnitude of the enterprise is its chiefest recommendation, are abundantly able to accomplish the whole design, and upon the conditions and with the encouragement I have indicated, I believe that they will be willing to undertake the task immediately. The most urgent

parts of the work seem to be the section through Nova Scotia, the European and North American line through New Brunswick, and the line from Montreal to Toronto, which might *all* be commenced simultaneously, so soon as the needful legislative action shall have taken place.

I have thus, my Lord, in great haste, endeavoured to convey the impress upon my own mind of the importance of the great objects to which the foregoing refers, and of the best means of accomplishing them. If these proposals shall be found acceptable, and the needful measures be speedily adopted by the Imperial and Provincial Governments, the leaves shall not begin to fall before the approach of the coming winter ere the staff and pioneers of a powerful force shall be upon the ground, prepared to commence operations along the whole line.

If, on the contrary, these offers shall be rejected, the present generation, I fear, may abandon all hope of witnessing the attainment of these great and important national objects, for I believe the day of their accomplishment will then be too deep in the womb of time to be sounded by the span of any life in being.

I have, &c.
(Signed) C. D. ARCHIBALD.

(No. 15.) No. 2. No. 2.

COPY of a DESPATCH from the Right Hon. the Earl of ELGIN AND KINCARDINE to Earl GREY.

Government House, Quebec,
February 26, 1852.
(Received March 17, 1852.)

MY LORD,

I HAVE the honour to enclose the copy of a Minute of the Executive Council of this province advising that the Inspector General should proceed to England as early as possible, to confer with Her Majesty's Government on the subject of the aid to be granted to British American Railways.

Mr. Hincks proceeds accordingly to England with the mail which carries this despatch. He has the advantage of being already known to your Lordship, and I am sure I need not add anything to secure for him your kind consideration.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure in No. 2. Encl. in No. 2.

EXTRACT from a Report of a Committee of the Honourable the Executive Council on matters of state, dated 20th February, 1852, approved by his Excellency the Governor General in Council on the same day.

"ON the Report, dated 18th instant, of the Honourable Messrs. Hincks, Taché, and Young, relative to the proceedings during their late mission to Fredericton and Halifax, on the subject of the Halifax and Quebec Railway, and suggesting that a member of the Canadian Government should be despatched to London without delay to co-operate with members of the Governments of the sister provinces in procuring the assent of Her Majesty's Government to the line by the valley of the St. John, and to use his best endeavours to obtain the Imperial aid in such a manner as that it shall apply to the main trunk line as far westward as possible:

"The Committee concur in the recommendation of the deputation, and advise that the Inspector General should proceed to England, as early as possible, in company with members of the Governments of Nova Scotia and New Brunswick, to confer with Her Majesty's Government on the subject of the aid to be granted to British American Railways, and to obtain that aid in the manner most advantageous to Canada and consistent with the Act of Parliament relating to the main trunk line of railway.

(Certified) WM. H. LEE,
Act^{g}. C. E. C.

CANADA.

No. 3.

(No. 29.) No. 3.

Copy of a DESPATCH from the Right Hon. the Earl of Elgin and Kincardine to Secretary Sir J. Pakington.

Government House, Quebec,
April 1, 1852.

(Received April 19, 1852.)

Sir, (Answered April 27, 1852, No. 15, page 17.)

I have the honour to enclose a memorial to you, signed by M. Joly, seigneur of Lotbiniere, as Chairman of the Quebec and Montreal Railroad Committee, by the north shore, praying that the north shore of the St. Lawrence, from Quebec to Montreal, be adopted for the main trunk line to form a portion of the great provincial railway to be executed by the North American provinces with the aid of an Imperial guarantee. Mr. Joly waited upon me in person, accompanied by a deputation comprising the Mayor of Quebec, several members of the Provincial Parliament and other influential citizens, for the purpose of placing this memorial and the documents enclosed with it in my hands. He requested that I would both support the prayer of the memorial, and use such influence as I might possess to prevent a decision adverse to the memorialists from being taken before the next meeting of the Provincial Parliament. I replied, that with reference to the former portion of this request it would be well that they should address themselves to the Commissioners appointed by the Act of the last session of the Provincial Parliament, 14 & 15 Vict. cap. 73.*, to whom Parliament had expressly delegated the authority to decide between conflicting railway lines; and that as to the latter, I could not take on myself the responsibility of tendering any advice which might have the effect of embarrassing the negotiations already entered into by this Government acting in concert with the Governments of the lower provinces with the Imperial authorities for the execution of a work so important to all the colonies. I ventured, however, to assure them that their representations in favour of the north line would not fail to receive your full consideration.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Sir J. S. Pakington, Bart.
&c. &c. &c.

Encl. 1 in No. 3.

Enclosure 1 in No. 3.

Sir, Quebec, March 24, 1852.

The period seems to have arrived for a decision on the part of Her Majesty's Government whether a guarantee, the granting of which is now in question, for the construction of a railroad from Halifax to Quebec, shall be extended as far as Montreal.

In case the plan last mentioned should be adopted, the undersigned believes that he represents correctly the wishes of a large majority of the population of the two Canadas in requiring that the north shore of the St. Lawrence, from Quebec to Montreal, should be adopted for the main trunk line, and that the guarantee of the Government should be afforded to it in preference to a line which passing through Richmond on the south of the river St. Lawrence would leave Quebec without a railroad.

In support of this application the undersigned has the honour to transmit—

Page 9. 1st. A prospectus showing some of the advantages which the country would derive from a road having its course on the north of the St. Lawrence.

Page 11. 2d. A statement of the resolutions passed at a general meeting of the citizens of Quebec on the ninth of the present month of March.

The undersigned requests further the permission to urge the following considerations, which appear to him of a nature to make an impression on the mind of Her Majesty's Ministers.

A railroad from Quebec to Montreal on the north shore of the St. Lawrence would throughout its entire extent be protected by the river, and these two large cities would be united by an uninterrupted line, rendering unnecessary any breaking of bulk, even if continued to the extremity of Upper Canada.

If, on the contrary, this railroad passes upon the south shore of the St. Lawrence, by Richmond, it will approach very nigh to the frontier of the United States, without any natural defence being afforded in case of war, a danger which Major Robinson has endeavoured to avoid in his plan of a railroad between Halifax and Quebec. It would then be necessary to cross the St. Lawrence twice in order to go from Quebec to Montreal or

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* This Act will be found printed in the Appendix to the present Paper.

Upper Canada, which is often impracticable in the spring of the year, in autumn and in winter, when the river ice is in motion.

By passing on the north shore of the St. Lawrence this railroad will supply the wants of Quebec, a city which has always been loyal and well affected to the British Government; and it will traverse the most populous and the richest part of the country, including the oldest settlements.

If the British Government were to give a preference to the line of road upon the south of the St. Lawrence it would ruin comparatively the city of Quebec, which would be for ever deprived of a railroad, and the trade belonging to her would be transferred to the opposite shore; it would render discontented the dense population upon the north shore of the river, and be forgetful of the interest of Upper Canada, which evidently require a means of communication with Quebec by railroad, without any breaking of bulk. For this the Government would receive no other return than that of having advanced the interests of a sparse population and those of a few extensive landowners, whose uncultivated land by means of this railroad would be raised in value.

A railroad upon the north shore presents no difficulty in the making, and the land could not be more favourable than it is throughout the whole extent. Experienced engineers are about proceeding to the exploration of this route, and the result of their labour will be submitted to Her Majesty's Government within the shortest possible delay.

The undersigned deems it useless to enter into larger details to exhibit the advantages which the northern line has over that of the south in a commercial, political, and military point of view.

If there remain any doubts upon this head the undersigned is authorized, by the committee named by the citizens of Quebec to represent their interest in this matter, to pray that Her Majesty's Ministers will suspend their decision upon the course to be chosen for a railroad in continuation of that from Halifax to Quebec until the wishes and the interests of this colony be better known by their organ, the Legislative Assembly, at the approaching session of the Provincial Parliament.

The undersigned has the honour to be, &c.

G. Joly,

Chairman of the Quebec and Montreal Railroad Committee, by the North Shore.

The Right Hon. Sir J. Pakington,
&c. &c. &c.

Enclosure 2 in No. 3.

Encl. 2 in No. 3.

Railroad on the North Shore.

At a preliminary meeting of citizens favourable to the construction of a railroad from Quebec to Montreal, held in this city on Saturday last, a project was submitted and approved of, and is as follows:—

Project of a Railroad from Quebec to Montreal, on the North Side of the River St. Lawrence.

Never was the question of railroads more agitated than at the present moment. The press of our own and every other country devote the greater portion of their columns to its advocacy. Everywhere those discussions are followed by results. Quebec only has as yet done almost nothing. The public mind is divided upon this grand question; instead of advancing, we retrograde. One day sees destroyed that which the preceding one accomplished. Whence this hesitation? Does it proceed from indolence, from want of capital, from ignorance of the true interests of the country? No; it proceeds from none of these.

The citizens of Quebec are fully sensible of the advantages which must necessarily accrue to their city from the establishment of a railroad which will put it in direct communication with the rest of the world; but they are also aware that all will depend upon the first direction given to it. That if the point of departure be not established in the proper locality, they will have expended their energy and resources uselessly; that if, on the contrary, their first efforts be properly directed, their city must become the depôt of the riches of the west, and one of the greatest seaport towns in the world, as its harbour already is by nature one of the most magnificent.

Who can doubt, witnessing what occurs elsewhere, that before the lapse of many years we shall have, not only a railroad from Halifax to Quebec, and from Quebec to the extreme limits of Upper Canada, but also one extending to the very shores washed by the Pacific Ocean? Time and money will of course be necessary to the execution of this magnificent enterprise; but events follow each other in such rapid succession on this young continent, and credit may to so great an extent be substituted for money, that, in a growing country, where in the course of a man's life population and the value of property increase tenfold, we need not be afraid to draw upon the future. In order that this future may prove productive of advantage to Quebec, it is necessary that the railroad, to which attention is now called, should terminate in Quebec itself.

It has frequently been asserted, that our city is situate on the wrong side of the St. Lawrence. This is an error. If she were situate on the opposite side, we should frequently have occasion to wish her on this. We are on the same side as Montreal,

Kingston, and Toronto, as the whole of Upper Canada, and the greater part of Lower Canada. We can communicate without transhipment with nearly the whole of our country, and this is highly important for a railroad. In a military and commercial point of view, few cities in North America are more advantageously situate than Quebec. Let us avail ourselves of this.

From the foregoing, it would appear evident that the principal efforts of the citizens of Quebec ought to be directed to the construction of a railroad from their city to Montreal, on the north side of the river. It is the only means of having the terminus in Quebec. It is the only means of causing our markets to be plentifully supplied, in winter as well as summer, with a quantity of articles of too cumbersome a nature to admit of long carriage, or of being conveyed across the St. Lawrence in canoes,—such as firewood, timber for the construction of ships and houses, building stone, hay, cattle, and numerous other necessaries absolutely required to supply the demands of a large city. Population would be vastly increased by the greater facility that would be afforded of procuring the means of subsistence; and the value of property in the city, as well as in the country, would be enhanced in equal proportion. The magnificent rivers which intersect the north side of the St. Lawrence would be employed in working innumerable manufactories, which cannot now be established for want of such an easy and economical means of transport as the railroad would afford them. The St. Maurice forges, and divers other manufactories already in existence, experience considerable inconvenience and loss from the want of conveyance for their products during the six winter months.

Happily, an enterprise of such great utility as this does not present any serious engineering difficulties. It is generally admitted that the ground is eminently favourable to the establishment of a railroad; it would intersect the richest and most populous portion of Lower Canada; the inhabitants on the south side would be extensively benefited on a large portion of its route, as well as those on the north side.

The distance between Quebec and Montreal, on the north side, is estimated at about 150 miles. It is to be supposed that the Government would do for this route that which they have done for others of less importance—they might guarantee the funds to complete half the road. There would then remain seventy-five miles to be completed by the subscriptions of private individuals and corporations. The probable cost of the road would be 3,000*l.* per mile.* It is easy to prove that, in the States, a large extent of railroad (single track) did not cost more. We have here the ground, the iron, the wood, and manual labour, at a rate cheaper than our neighbours pay for them.

Taking, then, seventy-five miles, at 3,000*l.* per mile, as a basis, it would amount to 225,000*l.*

	£
The corporation of Quebec would certainly not refuse to contribute	100,000
The divers parishes and corporations between this and Montreal, inclusively - - - - -	90,000
Individual subscriptions at Quebec and elsewhere - -	35,000
Total -	225,000

If the different parties interested would come to an understanding among themselves, it would be easy to construct a branch line to connect the St. Lawrence and Atlantic railroad, at the most advantageous point, with that running between Quebec and Montreal.

The population on the north side of the river between Quebec and Montreal, that of these two cities included, is estimated at 250,000 at least. According to statistical information, generally admitted, it has been found that each individual comprehended within the territory intersected by a railroad, contributed, on an average, about 10*s.* annually to the total revenue derived by the conveyance of merchandise and travellers over such railroad; therefore, 250,000 persons would occasion traffic to the amount of 125,000*l.* The expenses of working the railroad are estimated at one half of the gross receipts; which would leave the sum of 62,500*l.* as interest and profit upon a total expenditure of 450,000*l.*, being equal to about 14 per cent. Supposing, now, the road to cost 4,000*l.* per mile, the total cost of 150 miles would be 600,000*l.*, and the interest even then would be over TEN per cent. This would justify the expenditure of a much larger sum, especially if we take into consideration the supplementary traffic that would be supplied by Upper Canada, and by the south side of the River St. Lawrence.

It is to be supposed that the Imperial Government would be as favourably disposed towards the present enterprise, and to extend to it the same facilities which it intends to accord to the Quebec and Halifax railroad; that is to say, money at 3½ per cent. It is impossible for it not to appreciate the advantages, in a military point of view, which would be derived from the establishment of a railroad which would link together the principal cities of Canada, and which would have, as a natural protection, on the only side on which it is vulnerable, a river such as the St. Lawrence.

The moment has arrived when it is necessary to pronounce in a definite manner upon these great questions, under the penalty of seeing other localities enjoy the advantages due to the city of Quebec. A public meeting of the citizens will shortly be convened

* In Pennsylvania the Schuylkill Valley Railroad costs £5,500 per mile (double track); the Schuylkill Railroad (double track) costs £7,000 per mile; the West Branch Railroad (double track) costs £10,000 per mile; in New York the Saratoga and Schenectady Railroad costs £12,000 per mile.

which will be the moment to put an end to all hesitation, and to enter at once upon all such measures as shall be deemed necessary to carry into execution the present proposition, should it meet with public approbation.

Quebec, 9th February, 1852.

Enclosure 3 in No. 3. Encl. 3 in No. 3.

EXTRACT from The Quebec Mercury, dated 11th March 1852.

RAILROAD on the NORTH SHORE from QUEBEC to MONTREAL.

Public Meeting.

A numerous and respectable meeting of the citizens of Quebec was held in the City Hall, St. Louis Street, on Saturday evening, the 9th instant, at seven o'clock.

His worship the Mayor, N. F. Belleau, Esq., presided, and Hector L. Langevin, Esq. was requested to act as secretary.

The Chairman having explained the object of the meeting, read the following letter received from G. O. Stuart, Esq., M.P.P., then absent at Montreal:—

" Sir, Quebec, 5th March 1852.

" I have to express my regret that absence upon professional business at Montreal prevents my attending the meeting of the citizens of Quebec, on Tuesday next, having for its object the establishment of a railroad on the north shore, between this city and Montreal. Concurring as I do in the opinion entertained by a large number, if not the mass, of my fellow citizens, that this measure is one of vital importance, and without which not only this city, but the whole north shore of the St. Lawrence, will be most injuriously affected, I beg that you will do me the favour to mention to the meeting that I shall heartily concur in any proceedings which may advance the measure, and afford such co-operation in the matter as the citizens of Quebec may desire.

" His Worship the Mayor of Quebec. G. O. STUART."

Apologies were also made for the absence of H. Dubord, Esq., M.P.P.

Mr. Belleau said, that the number of persons who were assembled before him, while a Canadian snow storm raged without, was to him (the mayor) conclusive evidence of the interest taken in the railroad. He felt that the charge of apathy, which had been made so often against the city of Quebec, was going to be disproved; that those whom he addressed would soon have an opportunity of proving their sense of the paramount importance of the subject, and of the incalculable advantages to be derived from railroads. Some encouragement to those zealous and energetic individuals who had set the project on foot was needed; they had succeeded to a certain point, they had made the road popular; but a constitutional agitation among the people was required, in order to induce the Government to examine this route, and decide whether it should form part of the great trunk line from Halifax. He reminded the meeting that on the resolutions to be then adopted depended in some measure the action of the administration; he concluded by saying that, for his part, he entertained no doubt of our gaining the victory for the whole line.

The following resolutions were then adopted, after animated speeches from the movers and seconders:

Moved by G. Joly, Esq., seconded by J. E. Turcotte, Esq., M.P.P.,—

1. That, in the opinion of this meeting, it is of the highest importance to the commercial interests of these provinces in general, and to the prosperity of this city in particular, that a railroad be constructed which shall unite the two great cities of Lower Canada, intersect the numerous municipalities and parishes on the north shore of the St. Lawrence, and have its terminus in Quebec.

Moved by Angus M'Donald, Esq., seconded by U. J. Tessier, Esq., M.P.P.,—

2. That a railroad, traversing the most populous portion of British North America, presenting no difficulties in its construction, and offering greater promise of immediate advantage than any other line in the province, ought to form part of the great line of communication which is destined to unite Halifax with the remotest districts of Upper Canada, intercepting, as it would, all those canals and railroads which are now diverting and conveying to the ports of the United States an immense and increasing commerce, which ought to be and might be retained in our own hands.

Moved by J. Cauchon, Esq., M.P.P., seconded by M. Scott, Esq.,—

3. That one of the causes which have heretofore prevented the city of Quebec from enjoying a larger share of the export business to Europe and the lower provinces from Upper Canada and the Western States, has arisen from the tardiness of travel on the lakes, rivers, and canals, and the consequent uncertainty and irregularity of arrivals before the close of the navigation; whilst if the transit from the Lakes Erie and Huron to Quebec were accomplished (as it would be with a railroad), in two or three days, the produce of the West, now turned into other channels, might reach this port with the greatest ease before the shipping season has closed, and the Quebec route would be preferred to every other, as the shortest, the cheapest, and the only one on which there need be no breaking of bulk.

Moved by W. Lampson, Esq., seconded by Thos. Gordon, Esq.,—

4. That, considering the vast importance of this line of communication, not only to the city of Quebec, but also to the several parishes lying between this city and Montreal, the different corporations and municipalities therein interested be invited to contribute, to the utmost of their ability, towards the success of an undertaking which is calculated to secure to them and the country at large such lasting and extensive benefits.

Moved by J. P. Rheaume, Esq., seconded by Dr. Rousseau.,—

5. That a committee of seventy-five persons, with power to add to their number, be now appointed by this meeting, authorized to adopt all necessary measures towards the formation of a company under an Act of incorporation for the construction of a railroad from Quebec to Montreal, on the north shore, to seek the concurrence and support of the Government, and to procure such amount of subscription as shall guarantee the completion of this important enterprise with all possible despatch, and that the following persons do compose said committee ; viz.—

In the City of Quebec,—

Messrs. N. F. Belleau, Mayor of Quebec, G. O. Stuart, M.P.P., H. Dubord, M.P.P., J. Joly, U. J. Tessier, M.P.P., James Gibb, Joseph Cauchon, M.P.P., Jeffery Hale, Joseph Légaré, George Hale, F. X. Paradis, Capt. Boxer, R.N., E. Chinic, Weston Hunt, W. Lampson, Jos. Tourangeau, Augus M'Donald, A. Stuart, J. P. Rheaume, George Alford, T. C. Lee, J. Hamel, Thos. Cary, A. Dorval, Henry Benjamin, Dr. Robitaille, J. H. Oliver, L. Bilodeau, Ronald M'Donald, Germain Guay, J. H. Joly, jr., John Childs, W. S. Henderson, &c., in all 80.

In the Country Parishes,—

Ancienne Lorette.—J. Hamel.
St. Augustin.—D. Watters.
Pointe-aux-Trembles.—Capt. Chateauvert, C. Larue, J. Angers.
Ecureuils.—L. Dussault.
Cap-Santé.—E. Thibaudeau, Hon. E. Hale, J. Poliquin, H. Smith, A. Logan.
Deschambault.—F. Hamelin, P. Benoit, E. Defoy, A. C. De Lachevrotière, V. Gariépy.
St. Catherine de Fossambault.—A. J. Duchesnay.
St. Anne Laperade.—A. Bochet.
Batiscan.—Ls. Guillet, A Marchand (mayor), T. Marchildon (M.P.P.), L. E. Lanouette.
Three Rivers.—A. Polette (M.P.P.), J. E. Turcotte (M.P.P.), J. M'Dougall (M.P.P.). P. B. Dumoulin (M.P.P.), J. Ogden (Sheriff), L. Gordon, J. Dickson.
Ste. Anne d'Yamachiche.—F. L. Desaulniers, L. L. Desaulniers.
St. Paulin.—T. Kimpton.
Rivière-du-Loup.—The Hon. M. Mayrand.
St. Joseph de Maskinonge.—F. Boucher.
Assomption.—P. H. Archambault, A. Archambault, G. Chagnon.
Berthier.—D. M. Armstrong, Dr. Moll, L. A. Olivier.
St. Paul de Lavaltrie.—J. H. Jobin (M.P.P.).
Industrie.—Dr. Leodel, G. De Lanaudière.
St. Roch de L'Achigan.—L. Archambault (Mayor).

In proposing the first resolution, Mr. Joly, seignior of Lotbinière, addressed the meeting as follows :—

Gentlemen,—So much has been already said, and so much written, upon the subject of this railroad, that I should accuse myself of abusing your patience were I now to enter anew into the details of its importance to the city of Quebec. I conceive it to be more desirable to meet the principal objections that have been raised in opposition to this enterprise, which will enable me, at the same time, to convince you of its necessity.

Firstly, then, gentlemen, we have been frequently asked, in a contemptuous manner, "What will be the difference to the good people of Quebec, whether the terminus be in its port or on the south shore ? Have not New York, Albany, and Montreal, their termini on their respective opposite shores ? Do those cities complain of it, or do they believe themselves to have been ruined in consequence ?" It will be easy for me to prove to you the futility of such an argument.

The city of New York has so keenly felt the advantage of having a terminus in her centre, that, despite innumerable obstacles, and at an immense cost, she has just constructed a railroad of nearly 200 miles in length, for the greatest portion of its distance cut through solid rock, or carried upon piles in the bed of the Hudson river. This railroad connects New York with Troy, and from thence communicates with the greater number of those of New England and the West ; thus also placing the first-named city in direct communication with from 1,200 to 1,500 miles of railway.

Albany already possessed a gigantic canal, which bore to her the products of the great lakes. But this alone did not content her. She also desired her terminus ; and a railroad extending nearly 300 miles in length now connects her with Buffalo, and gives her communication with a large number of iron highways, over which tribute is brought to her from all directions. Accord us also a certain number of miles of railway on our own shore of the St. Lawrence, and Quebec will cordially extend her hand to Pointe Levi and St. Nicholas, and with unfeigned sincerity wish them all prosperity.

I had almost omitted allusion to Montreal. That city has, in reality, but a short trunk of railway, which unites her to Lachine. But you all are aware of what her citizens have effected. No sooner did they perceive in course of construction at Ogdensburgh, on the opposite bank of the river, a railway destined to intercept the produce they had expected to receive by the river than they resolved to accomplish one to Prescott. Let it be now proposed to the city of Montreal that in lieu of this road terminating in her port, it be crossed to Beauharnois, to run from thence to Laprairie and Longueuil, and you would instantly hear the just cry of indignation with which her citizens would respond.

It is, however, contemplated for the city of Quebec for ever to disinherit her, and the north bank of the St. Lawrence, from that railway upon which her future depends.

Was I not correct, gentlemen, in asserting the futility of those objections to which I have replied; or rather is not the example of the three cities I have cited, in favour of the project submitted to you?

Another objection to which I desire to reply might possess some force as emanating from the Honourable the Inspector-General, on the eve of his departure for England. "Gentlemen," said he, "in soliciting government aid for this railroad, while there are "already so many in course of construction and in contemplation, you will ruin the "credit of the province."

I conceive, gentlemen, that railroads which for a considerable distance on their line would be intended to traverse only swamps and virgin forests, and to serve but for a sparse population,—that undertakings which according to the general belief will yield their benefits only in a future more or less distant,—I repeat that I conceive such railroads might ruin, or at least compromise the credit of the province,—but that a railroad which shall intersect the richest and most populous tracts of British North America,—which shall unite together the largest towns and cities on the same river-bank,—which might eventually be considerably extended,—which in all probability will yield immediate and considerable benefits,—that such a road could ruin the credit of the province is what you will not more readily or better comprehend than I.

I will request your attention to an objection which more nearly concerns you; it regards the credit and resources of the city of Quebec. We cannot disguise from ourselves the heavy charges which already press upon the city; and when it becomes a question of a fresh appeal to its funds, I can imagine the hesitation it will encounter. You must, however, reflect, gentlemen, that with us it is

"To be, or not to be."

You will be of opinion with me, that our corporation ought not to fetter its liberality in favour of this enterprise with other restrictions than those which the duty (a duty which should be inviolable) of not entering into any engagements they cannot honourably fulfil shall impose. The earnest co-operation of a large majority of our fellow citizens will greatly tend to smoothen this difficulty.

Are you aware, gentlemen, of what is being done to this effect in other parts of the province? For example, look at what has been done for the Toronto and Simcoe Railroad. The municipality of the county of Simcoe subscribed 50,000*l.*, and the city of Toronto 35,000*l.* But that is not all. Toronto also gave (gave, not lent,) the sum of 25,000*l.*, nay, more, all the land neccssary for the establishment of the terminus in her port. And yet, gentlemen, our population is nearly double that of Toronto, and our position a much finer one. If I may so express it, although that city is at the source of produce we are at its outlet. Even as our noble river receives in its course the tribute of thousands of smaller streams, so shall the small train started from Toronto, on its way to us, receive its tribute from thousands of localities, until, of vast proportions, it arrives to pour upon our wharfs abundance, riches, and sources of labour for our entire population.

Well-intentioned persons, without foresight, perhaps, may say, since this railroad presents so many advantages it will undoubtedly be constructed some day or another; wait for more propitious circumstances. More treacherous advice could not be proffered you. You are already the last in the race. Can they cite a single city of the importance of Quebec in the United States, in France, or in England that has not already assured itself of a railroad? Not one. Wherever those iron arteries do not carry life there will be decay. The largest city without a railroad must infallibly dwindle into a small one. With the profoundest conviction I tell you, gentlemen, that if you neglect the existing occasion it will never again present itself. Interests and habits will rear themselves in opposition to you, which you will in vain strive to surmount. If, on the other hand, from this moment you declare unanimously and with energy, "we desire this road," you will get it.

I thank you, gentlemen, for the attention with which you have thus far listened to me, the more that I am unaccustomed to speak in public. It required for me to do so a full conviction of the importance and utility of the measures we are assembled to discuss. If by my feeble efforts I can aid in forwarding this noble enterprise I shall feel that I have repaid to the good city of Quebec the debt I owe her for the hospitality I have ever experienced at the hands of her citizens.

Mr. Turcotte, M.P.P., in seconding the resolution said, the little town of Three Rivers was ready to subscribe 10,000*l.*, and the citizens would take additional stock to the amount of 7,000*l.* or 8,000*l.* The farmers in the county of St. Maurice felt so keenly their position—laggards, while all the rest of the world was advancing—that they were ready to

take 30,000*l.* stock. From Grondines to Montreal there was not a serious obstacle to be met with. At Bout de l'Isle it was said the bridge required would be expensive ; but, if his memory was not at fault, 32,000*l.* had been voted by Parliament in 1842 for a bridge at Bout de l'Isle, and the money was now lying in the coffers of Government. As to the road paying, no one who knew the manufacturing establishments, the water-powers, and the mines on the north shore, could entertain any doubt on that head.

Mr. M'Donald, moving the second resolution, said,—

It affords me unmitigated pleasure to meet so many of my fellow citizens on this occasion. I think the number and respectability of this meeting is a guarantee that the project will be carried out with success. The resolution put into my hands asserts that the proposed railroad will pass through the most populous part of British North America. To those acquainted with the country, this requires no proof; but I believe I assert what is within the mark when I say that, independent of Quebec and Montreal, there are 200,000 people that are fairly within reach of this railroad, taking both sides of the St. Lawrence, and it will be as useful to those on the south side as to those on the north. In summer it is easy to establish ferries to meet the railroad at the points where it would touch the river, and in winter to drive over on the ice. I may observe that the St. Lawrence will not compete with the railway for the way travel, even in summer, because, from the natural form of the beaches and the disturbing influences of the tides, steamers cannot approach the shore except at few points, say at Three Rivers and Batiscan on the north shore, and Port St. Francis and Sorel on the south shore, so that the way travel and traffic would be secure to the railroad all the year round. This would alone be sufficient to justify us in making the railroad.

The resolution next asserts that the country to be traversed presents no difficulties to its construction. This is admitted ; and taking the length of the route, there is not in North America a line, either made or projected, presenting so few difficulties. It has been said that from Grondines to Quebec the ground is irregular and difficult, but by keeping at a reasonable distance from the St. Lawrence, we can escape the inequalities of the high lands bordering on the river, and make the road both straight and level Another reason why the road can be easily and economically built is, from the large population on the line, there would be no need to introduce crowds of strangers to pillage the farmers and disturb and demoralise the country. I have no hesitation in saying that, in my own parish, the people would make the road in one summer, and take stock for a good part of the rest. I could show many parishes on the north shore with as many inhabitants as are to be found from St. Nicholas to Richmond.

It is next asserted that this line, possessing so many advantages, ought to form part of the great trunk line that is to unite Halifax with the remotest districts of Upper Canada. This proposition requires no argument. If the Government is to advance money to build the road, or to give their guarantee to a company, they are bound to see that the said road is built where it would be most likely to pay, and where it would accommodate the greatest number of people. Now, as there can be no comparison between the south shore and the north, in this regard, it is clear, if the interest of the people or the credit of the province be consulted, the Government has no choice but to make the trunk line on the north shore from Quebec upwards. But, Sir, we do not depend on the Government to make this road ; I believe the people interested are both able and willing to make the road for themselves. The advantages are so numerous, that when properly understood, there will be no hesitation. Look, for instance, at our ship-building ; where does the material for their business come from ? Almost entirely from the north shore. You will find depôts for collecting knees, birch timber, and red spruce in every direction, some of them thirty miles from the city, and they have to be collected from perhaps eight or ten miles to those places. It is a wonder our ship-building can be carried on at all, in the face of such obstacles ; but once get the railroad, and at every concession road there would be a station to collect timber and firewood, and then it would be considered as in Quebec. Look, again, at building-stone ; it is well known that if a house or church is to be built in Quebec, we have frequently to send the plan to Montreal to get the stone cut, and then bring it to Quebec by barges, while we have quarries of far better stone at Point aux Trembles and Deschambault, directly on the line of the proposed railroad, which would be a source of great revenue to the road, and at the same time furnish means of employment to our own citizens at preparing the stone in winter for summer building. Mr. Turcotte has mentioned the iron mines of St. Maurice and Batiscan as sources of revenue ; but I beg to remind this meeting that it was from Portneuf the iron ore was taken that got the first prize at the Provincial Exhibition, and the quantity is inexhaustible. It would be a profitable business to bring this ore to Quebec, where coal can be got for fuel at a much cheaper rate than wood can be obtained even in the country, and thus open a new branch of industry, the manufacture of iron. It would tire this meeting if I were to go over all the advantages to be derived from making the railroad on the north shore. I might mention the water-power on the Jacques, Cartier, Portneuf, St. Ann's, and indeed all the rivers on the north shore. I am persuaded that, from the abundant water-power and the great population, that the country between Quebec and Montreal is destined to be the Massachusetts of Canada, and that we will supply not only our own markets, but those of Upper Canada, with all sorts of manufactured goods, but to be able to do so we must have means of communication in winter.

My resolution says a trunk line of railroad would intercept the commerce which the canals and railroads south of the St. Lawrence are now diverting to the United States, unless we stir ourselves to counteract our very intelligent and persevering neighbours in the United States, we will soon have no commerce at all. I confess I was surprised on turning my attention to this subject lately, to find that the great lakes and the River St. Lawrence are tapped at no less than eleven different places, thus, as it were, sucking the life's blood out of our commerce, and diverting our trade from its natural and legitimate channel. The trade of the west is a prize worth contending for; New York, Philadelphia, and Boston have each spent enormous sums in canals and railroads, to secure a portion of this trade, while Quebec has been idle. I hope we will now put forth energies worthy of the occasion, and press this business to a successful termination. If this road is once completed, I have not the least doubt but the population will be doubled in ten years, and the value of property increased in an equal or greater extent.

U. Tessier, Esq., M.P.P., seconded the resolution in a speech of some length. He said that Canada was waking up, and was about to lay out 4,000,000*l.* in railroads. The people of Quebec and the north shore would be called upon to pay their share of the interest on this sum, and they have a right to a share of the profits accruing from the road. The speaker entered into long details on the advantages of the proposed scheme.

Jos. Cauchon, Esq., M.P.P., entered at some length into the state of public feeling in Canada, on the subject of railways. He had always been in favour of the north shore route; and the more he thought of it, the more convinced was he that this new railroad must be built. He would appeal both to the sentiments and intelligence of his hearers. He would ask them if they meant to be dishonoured, by remaining supinely idle while every one around them was moving? He would observe, that the railroad would not only pay, but that every landowner on the line would find his property doubled and trebled in value. The annihilation of distance, and the removal of the obstacles which impede free communication, were the real signs of the progress of a country. He knew that it had never been the intention of the Government, last session, to make any portion of the Montreal and Portland line part of the great trunk road; it was true that a word existed in the Act which conveyed that impression; but that word had been slipped in surreptitiously, and would be explained or amended during next session of Parliament. He declared his intention of supporting the north shore line in the House, and moved *

* So in copy.

Mr. Michael Scott, on seconding the third resolution, said,—I am placed in rather a disagreeable position, nearly all I intended to say having been already said. It is with much pleasure I second the present resolution, because its contents exactly agree with my own ideas. The utility of railroads in other parts of the world, where they have been made, and their great benefit to the cities in which they terminate, and the places through which they pass, are well known. And what I am about to state in relation to the proposed line now under consideration is principally from my own personal knowledge and experience. The resolution proposed extends to operations beyond our own line of road; this is founded on the supposition that it will run in connexion with other lines extending south and west, from the city of Montreal; thereby giving to Quebec and the intermediate places the benefit of these other roads as well as of our own. Some people are of opinion that these railroads will not be able to compete with water transport; perhaps it may be so, and it would be well it should be so, because there is a great deal of capital invested in vessels on the lakes and river, both steam and sailing vessels; there is also a great deal of money laid out on canals and the improving of the river navigation, so that it would be a serious loss to the province, and private individuals, were this money entirely lost, or the revenue arising therefrom materially impaired; but I do not think that can arise, because as the means of transportation increases the production of transportable property will also increase, and there will be sufficient employment for every means of intercommunication. But whatever rivalry there may be between land and water conveyance, this can exist but for a limited period every year, say, during the summer months; for when the fall sets in, and navigation becomes difficult, dangerous, and expensive, and during winter, when it ceases entirely, it is then railways will be in request, the trader will feel the benefits of the railroad. This period especially will be the railroad's harvest; thus will they make plenty of money without hurting or in any way injuring any other parties or enterprises. The lateness of the season, in which a great part of the trade of Upper Canada has to be transacted, is a great hindrance and drawback to that trade; this I have myself like many others often experienced. The system on which the Upper Canada farmer conducts his business is this: when his grain is ripe he cuts it down and secures it, he then turns to ploughing his land and sowing his fall grain, preparatory to next year's crop, and during these operations, nothing will induce the farmers (except very needy ones, of whom there are but few,) to thrash and carry their grain to market, rendering operations in grain late, so that it is only at great risk and outlay that grain can be carried to its destination the same year that it grows. This inconvenience has often been severely felt in Quebec. In those years when the navigation closes early, we are left short of breadstuffs, and the 6 lb. loaf has been known te be 1*d.* to 2*d.* higher here than in other parts of the province, even though elsewhere there was great abundance. All these evils will be remedied by railroads. Some people suppose that railroads will lower the price of agricultural produce in Quebec; I do not concur in this opinion; indeed it would be a great pity if it should be so, because it would benefit the consumer at

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the expense of the grower. All, in my opinion, railroads will do is to equalize prices, both as to time and place, prevent hazardous and frequently mischievous speculation, and cause a more steady and wholesome state of things. As to that section of the country through which our road will pass, I can speak of it with much certainty, and I think I am not arrogating too much when I say that there is not an individual in the whole province who knows it better than I do. I have lived forty-one years in Canada, and there have been but few years that I have not travelled once or oftener up and down the north bank of the River St. Lawrence from Quebec to Montreal, and frequently intersected the country at various places and at all seasons of the year, so that what I am about to state is from my own personal observation. Also, I have travelled a great deal in the northern and western States, and have no hesitation in saying that there are few places in Canada or on the whole continent of America that present greater advantages for a railroad than this locality. The face of the country is well adapted for the construction of the road, the ground being for the most part level, the soil good for that purpose, and materials handy. The only obstacle is the number of rivers to cross, and some of them pretty large ; but even if there should be a little extra expense incurred in bridging, compared with other roads, this will be counterbalanced by the very great facilities of making the road in other respects ; so that on the whole, with prudence and economy, it can be made at as low a cost, if not lower, than any road ever made in Canada. As to the support of the road when it is made, its prospects are great. In addition to the through trade, there will be a great deal of way traffic. The greatest part of the line will be through a dense and wealthy population. The country from Three Rivers upwards is rich and fertile, and abounds in agricultural productions. Below Three Rivers the soil is not quite so good, though it is by no means barren, and it abounds in other articles which will give much business to the road. There are rich beds of iron ore to be found here, and in the rear there are vast forests of timber ; and last, not least, an endless and vast water-power on the rivers which the road will cross. So that these rivers, though there may be some expense in bridging them, will be on the whole a real benefit to the road, as large manufacturing towns and villages will undoubtedly spring up on their banks. As to the means we have of constructing the road, our prospects are certainly not very flattering, other lines having got the start of us, and all the provincial and city aid that can well be expected to objects of this kind is already engaged, so that we will be in a great measure thrown on our own resources. But we must not succumb as our difficulties increase ; rather should we augment our energies, stare our difficulties in the face, and grapple with them, and we will be sure to overcome them. If we are only true to ourselves, there can be no doubt we will receive abundance of assistance, and that perhaps from a quarter whence we least expect it. We may yet get something from the corporations of the cities of Quebec and Montreal, and also from the provincial Government. Who knows but that the Imperial Government may come to our assistance, should this road be selected for military and other purposes. At all events there is one thing we are sure of ; that is, if we can only make it appear that money invested in this line will be safe, and yield a suitable return, capitalists will come to our assistance. The only way this can be done for the present is to show that we ourselves have confidence in the undertaking, by coming forward liberally and promptly in taking stock. Then parties will say to us as Jupiter said to the waggoner, "help yourselves, and we will help you." "Let us give a long pull, a strong pull, and a pull all together," and there is no doubt we will ultimately succeed.

Mr. M'Donald being called to the chair, on motion of J. Légaré, Esq., a vote of thanks was carried by acclamation to his Worship the Mayor, for his able conduct in the chair, and the meeting adjourned.

Despatches from the Secretary of State.

(No. 644.) No. 1. CANADA.

Copy of a DESPATCH from Earl Grey to the Earl of Elgin and Kincardine. No. 1.

My Lord, Downing Street, October 3, 1851.

I have the honour to acknowledge the receipt of your Lordship's despatch, No. 104,* of the 28th August, enclosing the copy of a letter from Mr. Archibald on the subject of the contemplated railways in British North America; and should Mr. Archibald be still at the seat of Government I request that you will thank him for the communication. * Page 3.

I have, &c.

The Earl of Elgin and Kincardine, (Signed) GREY.
&c. &c. &c.

(No. 664.) No. 2. No. 2.

Copy of a DESPATCH from Earl Grey to the Earl of Elgin and Kincardine.

My Lord,† Downing Street, November 27, 1851.

I transmit for your Lordship's information the copy of a despatch which I have had occasion to address to the Lieutenant-Governor of Nova Scotia on the subject of the assistance proposed to be rendered by the Imperial Government in the construction of a trunk line of railway through the British provinces in North America. No. 292. 27 Nov. 1851. See Page 58.

I have, &c.

The Earl of Elgin and Kincardine. (Signed) GREY.
&c. &c. &c.

(No. 689.) No. 3. No. 3.

Copy of a DESPATCH from Earl Grey to the Earl of Elgin and Kincardine.

My Lord,‡ Downing Street, February 20, 1852.

I have the honour to transmit for your Lordship's information a copy of a letter which I have caused to be addressed to Mr. Hincks, a member of the Executive Council of Canada, on the subject of the contemplated trunk line of railway through the British North American provinces. 20 February 1852. Page 22.

I have, &c.

The Earl of Elgin and Kincardine, (Signed) GREY.
&c. &c. &c.

(No. 15.) No. 4. No. 4.

Copy of a DESPATCH from the Right Hon. Sir John Pakington to the Earl of Elgin and Kincardine.

My Lord, Downing Street, April 27, 1852.

I have the honour to acknowledge the receipt of your despatch, No. 29,§ of the 1st instant, enclosing a letter from the chairman of the Quebec and Montreal Railroad committee, advocating the adoption of the north shore of the St. Lawrence for the main trunk line of railway; and I have to request that you will acquaint Mr. Joly that the representations which he has submitted to me will not fail to receive careful consideration at the proper time. § Page 8.

I have, &c.

The Earl of Elgin and Kincardine, (Signed) JOHN S. PAKINGTON.
&c. &c. &c.

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† Similar Despatch addressed to the Lieut.-Governor of New Brunswick.
‡ Similar Despatch addressed to the Lieut.-Governor of New Brunswick, No 313., Feb. 20, 1852.

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No. 5.

(No. 25.) No. 5.

Copy of a DESPATCH from the Right Hon. Sir John Pakington to the Earl of Elgin and Kincardine.

My Lord, Downing Street, May 20, 1852.

I have to inform you, that after mature consideration of the proposals laid before them on the part of the Legislatures of Canada, Nova Scotia, and New Brunswick, respecting the projected line of railway from Halifax to Quebec, Her Majesty's Government have arrived, though with sincere regret, at the conclusion, that it is not in their power to recommend to Parliament to guarantee the interest of the sum which will be required for the construction of the railway upon that line, being, as it appears, the only one to which the provinces by their representatives are prepared to consent.

2. Her Majesty's Government are not only anxious to act with the most perfect good faith towards the Legislatures and people of the provinces, and to fulfil every just expectation which may have been held out by their predecessors, but they also sincerely desire to adopt all measures by which the welfare of the British colonies in North America can be promoted, as far as they can do so consistently with their duties to the empire at large.

3. But on a reference to the correspondence which has already taken place on this subject, and especially to the letters addressed by direction of Earl Grey to Mr. Howe on 10th * March 1851, and Mr. Hincks on 20th † February last, it will appear evident that no pledge had been given of assistance to any line, except that originally proposed. Her Majesty's Government have, therefore, felt themselves free to consider this important question on the simple ground of general expediency.

† Page 22.

4. They are by no means insensible of the great national as well as local objects which are involved in the construction of a line of railway by which the three provinces should be united, and their communication with Great Britain promoted; but, however favourably inclined they might themselves feel towards any project of this character, they are satisfied that some more special ground would be required to justify them in proposing that security should be given to it to so great an extent by the Treasury of the United Kingdom, or to justify Parliament in acceding to such a proposal. There must be some distinct imperial interest for the sake of which alone Parliament could be called upon to pledge the national revenue on behalf of such an object.

5. While, therefore, Her Majesty's Government can readily understand the reasons which have induced the Colonial Legislature to prefer the line of the valley of St. John, as the most expedient for the local purposes of some if not all of the provinces, they cannot at the same time but perceive that those peculiar interests affecting the United Kingdom, on which alone public assistance from hence could be reasonably founded, are likely to suffer materially by the change.

6. Among the peculiar advantages in this point of view, which it was thought that the line selected on the report of Major Robinson and Captain Henderson would realize, were the opening up of a new tract of maritime country, easily accessible with the railroad, but almost unapproachable without it, to emigration from these islands; and the effecting a safe and continuous route through the province, which, both by its distance from the American frontier and its proximity to the sea, might be peculiarly available for military purposes. It is obvious that both these conditions are wanting to the line now proposed, which passes at a distance from the coast, and must necessarily run for a considerable distance close to the American frontier. As far, indeed, as can be judged from the plans at present proposed, there is no security but that the intended line may even pass along the right or American bank of the St. John's, and thus, though strictly within British territory, be exposed throughout its whole length to an unguarded frontier, and at the same time

* Page 63 of Papers relative to the Halifax and Quebec Railway, presented by Command, 8 April 1851.

separated by the river from all communication with the main portion of the British province. The project, therefore, however commercially valuable in itself, is no longer that which was favourably entertained by Her Majesty's Government in the first instance, differing from it not merely in detail, but substantially in its character and objects.

7. As it is upon the basis of this line only that the gentlemen now in this country, who represent the intentions of the provinces, are instructed to negotiate, Her Majesty's Government fear that their inability to extend to it the promised amount of support must, for the present at least, terminate this question. But desiring as they do to promote to the utmost of their power the interests of those important portions of the empire, they will be willing to give the most favourable attention to any modification of the proposals now before them which the Legislatures may on further consideration feel inclined to make.

8. I have directed a copy of this despatch to be furnished to Mr. Hincks and Mr. Chandler, who have been deputed on the part of Canada and New Brunswick to conduct this negotiation, and to whom Her Majesty's Government are much indebted for the assistance which those gentlemen have rendered them, although compelled to dissent from the views which they have been anxious to enforce.

I have, &c.
(Signed) JOHN S. PAKINGTON.

The Earl of Elgin and Kincardine,
&c. &c. &c.

(No. 31.) No. 6. No. 6.

Copy of a DESPATCH from the Right Hon. Sir John Pakington to the Earl of Elgin and Kincardine.

My Lord, Downing Street, May 26, 1852.

Certain Acts passed by the Legislature of Canada, in the session of 1851, having reference to the proposed construction of a trunk line of railway from Halifax to Quebec, being at present under the consideration of Her Majesty's Government, the operation of which Acts is made contingent upon the question of affording to the railway the pecuniary assistance of this country, I have to instruct you to report to me your opinion whether, since Her Majesty's Government have decided that it is impossible, under existing circumstances, to apply to the Imperial Parliament for the desired assistance, it would be proper that these Acts should be left to their operation in the usual manner by the Queen in Council, or whether Her Majesty should abstain from making any order thereupon.

I have, &c.
(Signed) JOHN S. PAKINGTON.

The Earl of Elgin and Kincardine,
&c. &c. &c.

Correspondence with Mr. Hincks.

CANADA.
No. 1.

No. 1.

Copy of a LETTER from F. HINCKS, Esq. to Earl GREY.

Halifax, N. S., February 5, 1852.

(Received February 16, 1852.)

MY LORD,

PRESUMING that your Lordship will be anxious to obtain early and reliable information as to the opinions of the Canadian Government with regard to the prospects of the Halifax and Quebec Railway, I take the liberty of addressing you from this city in anticipation of the communication which will doubtless be made to your Lordship by his Excellency the Governor-General of Canada after my return to Quebec. In order to place the present position of affairs fully before your Lordship, I shall have to revert to many circumstances with which you are doubtless well acquainted already. Your Lordship's despatch of the 14th March last* to the Earl of Elgin and Kincardine contained a suggestion that a deputation from the Executive Councils of the two lower provinces should proceed to the seat of Government in Canada, in order to confer with the Governor-General and his Council for the purpose of coming to some agreement upon the subject of the construction of the Halifax and Quebec Railway on the basis of the proposition contained in the letter of Mr. Under-Secretary Hawes to Mr. Howe of Nova Scotia, dated on the 10th† of the same month. In accordance with your Lordship's suggestion, the Governor-General communicated with the Lieutenant-Governors of the lower provinces, and the result was, that the Hon. Joseph Howe of Nova Scotia and the Hon. E. B. Chandler of New Brunswick arrived at Toronto in June last, and conferred on the subject of the railway with the Governor-General and his Council. Your Lordship is already aware that the favourite scheme both in Nova Scotia and New Brunswick was a line of railway to connect Halifax *viâ* St. John, N.B., with the lines in the United States leading to Portland and Boston. Such a line would connect all parts of Canada as far eastward as Quebec with the city of Halifax. In a commercial point of view, it is the general impression that such a railway, constructed with money borrowed at a moderate rate of interest, would be remunerative. On the other hand, the prevailing public opinion in all the provinces is, that the line recommended by Major Robinson is defensible only as a military road, that a large portion of it would not for a long time pay more than working expenses, and that great difficulties would be experienced in winter from the snow, owing to the length of that section of the road which passes through unsettled territory in Canada and New Brunswick. As it was distinctly laid down as a condition in Mr. Hawes's letter, that "any deviation from the line recommended by Major Robinson and Captain Henderson must, however, be subject to the approval of Her Majesty's Government," the negotiation at Toronto was conducted on the assumption that that line would be the one selected; and I think I am warranted in assuring your Lordship that a proposition for the three provinces to unite in constructing on joint account a railway from Halifax to Quebec by Major Robinson's route would have been unanimously rejected. It would indeed have been vain to bring such a proposition before any of the Legislatures. When, however, it was represented by Mr. Howe that it was the intention of Her Majesty's Government to extend the aid of the Imperial guarantee, and that such was the interpretation to be put on Mr. Hawes's letter, where it is stated that "Her Majesty's Government will by no means object to its forming part of the plan which may be determined upon,—that it should include a provision for establishing a communication between the projected railway and the railways of the United States," the difficulty was in a great degree removed. New

* Page 21 of Papers on the Halifax and Quebec Railway, presented to both Houses of Parliament by Command, 8 April 1851.

† Page 63 ibid.

Brunswick, in consideration of obtaining the aid of the Imperial guarantee for what was considered a paying line, was willing to take an interest of one-third in an unproductive one, believing that her loss on the one line would be compensated by the profit on the other. Nova Scotia, in consideration of securing both lines as feeders to her trunk, consented to take a third also in a line which as a separate speculation she would have refused to do. The inducement for Canada to join was, that under Mr. Hawes's letter the line was to terminate at "Quebec or Montreal." And as the intermediate line between those cities offered a fair prospect of being remunerative, she consented, though reluctantly, to co-operate in a work in which she had less interest than the other provinces. Such were the views of the parties to the conference at Toronto in June last, and your Lordship will therefore readily understand how completely your despatch of the 27th November* last destroyed all our calculations. Canada, of course, was not so much affected by that despatch as the lower provinces; and as it was important to ascertain with as little delay as possible what course the Governments and Legislatures of those provinces would be prepared to take under the altered circumstances of the case, it was deemed expedient by his Excellency the Governor-General and by his Council that a deputation should proceed at once to Fredericton, to confer with his Excellency the Lieutenant-Governor of that province and with his Council, as well as with a deputation from Nova Scotia, which it was hoped would be sent to that city. As it was well known that the consent of New Brunswick could not be obtained to Major Robinson's line as a separate proposition, and as under any circumstances the opinion of the Canadian Government was strongly in favour of a line through the country watered by the tributaries of the St. John, irrespective of merely military considerations, it was agreed that the deputation to be sent to Fredericton should be instructed to endeavour to obtain the joint action of the three Governments in favour of such a line. I was accordingly honoured with the commands of his Excellency the Governor-General to proceed to Fredericton, in company with the Hon. Mr. Taché, Receiver-General, and the Hon. Mr. Young, Chief Commissioner of Public Works, and was duly accredited by his Excellency to Lieutenant-Governor Sir Edmund Head, whose kind attentions and whose cordial co-operation in furthering the object of our mission I am bound gratefully to acknowledge. I left his Excellency fully impressed with the conviction that he and his Council had arrived at the same conclusion that we had come to in Canada, that the only feasible mode of constructing the trunk railway, with Imperial aid, was by adopting the line of the valley of the St. John, by which means an important section of the European and North American would be common to both lines. As no deputation had been sent from Nova Scotia, and as the Legislature of that province was on the eve of meeting, it was deemed advisable that we should proceed to Halifax, accompanied by the Hon. Mr. Chandler of New Brunswick. On our arrival here we put ourselves immediately in communication with Lieutenant-Governor Sir John Harvey, from whom we have received all the co-operation that we could have desired, and whose kindness and courtesy during our stay have been unremitting. We were put by his Excellency in communication with the members of his Council; and your Lordship will, I have been assured, receive by this mail copies of the various papers which have passed between the deputations from Canada and New Brunswick and the Councillors of Nova Scotia. Your Lordship will observe, that Nova Scotia conceives that Major Robinson's line, in connexion with the European, would be more advantageous to her local interests. She anticipated connexion with the United States by the latter; while if Major Robinson's had been adopted as the trunk, she relied not only on a trade with the seaports on the Gulf of St. Lawrence and Bay of Chaleurs, but also on a monopoly of the Canada trade which might be diverted by the valley of St. John line to the city of St. John. While, therefore, she was ready to incur a liability in proportion to the length of the road in Nova Scotia, she demurred to taking the interest of one third, which was the basis of the Toronto agreement. The Canadian deputation then proposed that New Brunswick should take five twelfths interest and Nova Scotia one fourth, leaving Canada to assume one third of the line to Quebec and the whole of the continuation to Montreal. This was at first refused, but I have been assured that within a day or two there has been a considerable reaction in public opinion. Among other proofs of this, I may mention that a requisition for a public meeting, most respectably signed,

* Page 17.

was sent to the mayor, in accordance with which he called a meeting of the inhabitants of this city, which was held yesterday, and most numerously and respectably attended. Having been invited, with my colleagues, to offer explanations of our views, we addressed the meeting, and obtained a unanimous vote of thanks; and I have been assured, on what I consider good authority, that the assent of Nova Scotia to the scheme is now a matter of certainty. The question now is, will any difficulty be made by Her Majesty's Government? I can conceive of no objection to the line agreed to, unless one based on mere military considerations; and I trust that your Lordship will excuse me for offering a few remarks on this point. It is first to be observed, that if a practicable line can be found on the left bank of the St. John river, traversing the country watered by its tributaries, all the provinces are willing to adopt it. It is believed in New Brunswick that such a line can be found, although it must be admitted that Major Robinson's opinion is unfavourable. Major Robinson, however, did not cause explorations to be made with a view to a line running from the city of St. John, viâ Fredericton or its neighbourhood, to the St. Lawrence. In case a practicable line on the left bank cannot be found, then it will be necessary to fall back on the right bank, which certainly would approximate nearer than could be desired to the frontier of the United States. It is, however, the settled opinion of the people of these provinces, that railroads should be constructed with a view to commercial advantages; and that great works, erected for merely military purposes, would inevitably prove a failure. The Rideau Canal may be adduced as an evidence of the inexpediency of constructing works of the description referred to. In a commercial point of view great hopes are entertained, as your Lordship will see by the official papers sent by this mail, of the line by the valley of the St. John proving remunerative. It would afford the means of conveying western produce into the lumbering regions of the St. John and its tributaries, both in British and United States territory. But I must further remind your Lordship, that, even with a view to military purposes, important sections of Major Robinson's line will be completed under the proposed arrangement. The Nova Scotia line and that in New Brunswick to the neighbourhood of the bend of the Peticodiac will be common to both, as will the line in Canada along the south bank of the St. Lawrence. In course of time, as population and commerce extend, Major Robinson's line will doubtless be completed, but your Lordship may rely on it that settlement must precede and not follow railroad communication. I have a strong hope that your Lordship will not allow this great national enterprise to be sacrificed to mere military considerations. It has been a work of great difficulty to obtain the concurrence of the three provinces, not only to the line, but also to the mode of dividing the responsibility for the cost of construction. All this, after much labour, has I hope been accomplished, although I fear that the steamer by which I must return with my colleagues to Quebec will arrive before the sense of the House of Assembly of Nova Scotia has been taken on this question. I will only state to your Lordship, in conclusion, that it is my settled conviction, that if the present arrangements should prove unsatisfactory, it will be vain to expect the concurrence of the three Legislatures to any new proposition.

I have, &c.

The Right Hon. Earl Grey, &c. &c. &c.

(Signed) F. HINCKS.

No. 2.

No. 2.

Copy of a LETTER from F. Peel Esq., M.P., to F. Hincks Esq.

Sir, Downing Street, February 20, 1852.

I am directed by Earl Grey to acknowledge the receipt of your letter of the 5th* instant, addressed to him from Halifax, upon the subject of the contemplated railway from that city to Quebec.

* Page 20.

His Lordship directs me to state that he much regrets to find from the contents of your letter and from the correspondence between the members of the three Governments interested in this question assembled at Halifax, that in the opinion of the members of the Executive Councils of Canada and New Brunswick so decided an objection would be entertained to the construction of the line of railway proposed by the officers who conducted the survey through

the three provinces in British North America in 1848. His Lordship feels that the views of gentlemen possessing great local knowledge, and well acquainted with the opinions of the most influential classes of society in British North America on this subject are justly entitled to great weight. He is, therefore, disposed to consider in the most favourable light the plan submitted in the printed correspondence, emanating as it does from parties intimately conversant with the subject. The establishment of the means of rapid and easy communication between the different British provinces, and from Canada to this country through Halifax, is an object of such extreme importance that it is the earnest desire of Her Majesty's Government to promote, if possible, the construction of a railroad by which such a communication could be maintained, even though it should not follow the line which appears to Her Majesty's Government as the most advisable. His Lordship directs me to state, that he is not insensible to the force of the reasons advanced in your letter for affording the assistance which is desired to the railroad, notwithstanding its passing through a different line of country from that originally proposed, and that he is even prepared to admit that in some respects the line now suggested would possess an advantage over the other, though on the whole it may be less desirable. But the proposal contained in your memorandum of the 29th of January, concurred in by Mr. Chandler on the part of New Brunswick, involves so important a deviation from the plan which Her Majesty's Government had signified their readiness to submit to Parliament, that until it has undergone further consideration it is out of his Lordship's power to say whether it may be judged expedient to recommend that assistance should be given to the project as now proposed. His Lordship directs me to state, that this question shall be taken into consideration as soon as possible; and, with a view to its satisfactory decision, his Lordship has learnt with pleasure that it had been suggested, and he hopes it may be determined, to send a deputation to this country from the Executive Councils of the three provinces for the purpose of personally conferring with Her Majesty's Government on this important subject.

Lord Grey directs me to add, that no proposal for obtaining the assistance of Parliament towards the construction of the proposed railway could be entertained by Her Majesty's Government, unless it can be shown that it would establish a complete line wholly on British territory.

I am, &c.,

F. Hincks, Esq. (Signed) F. PEEL.
&c. &c.

No. 3.

No. 3.

Copy of a LETTER from F. Hincks Esq., to the Right Hon. Sir John Pakington.

Morley's Hotel, Trafalgar Square,

Sir, March 31, 1852.

Having been honoured with the commands of his Excellency the Governor-General of British North America to proceed to London to endeavour to make final arrangements with regard to the terms on which a loan can be effected for the construction of a line of railway in the provinces of Canada, Nova Scotia, and New Brunswick, with the guarantee of the Imperial Parliament, and having had an opportunity of explaining personally the views entertained on the subject by the Governments and Legislatures of the three provinces respectively, I now, in accordance with your request, have the honour to place those views before you in a more formal manner, trusting that they will receive the early and favourable consideration of Her Majesty's Government. The scheme of uniting the three principal provinces of British America by means of a railway originated with the late Earl of Durham, who formed a strong opinion that Imperial interests would be largely promoted by such a work. No action however was taken in the matter for some years, nor until it was proposed to construct a great military road through New Brunswick at the expense of the mother country. The scheme of substituting a railway was then revived, on the supposition that, the necessity for a military road being superseded, Imperial assistance would be given in aid of such a work to a considerable extent. On application being made to the Secretary of State for the Colonies on the subject, it was proposed by him that a survey of the line should be made

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by officers of the Royal Engineers, and that the expense of such survey should be borne by the three provinces in such proportions as might be agreed on.

At this time Canada had taken little interest in the scheme, and I have no hesitation in saying that had it been announced that Imperial assistance was not to be expected in any shape, the provinces would, with one accord, have declined incurring the expense of a survey which would have been deemed wholly useless.

The Legislatures of the several provinces, fully convinced that if the result of the explorations should be satisfactory Imperial aid would be afforded in some way, did not hesitate to give a pledge to pay the expenses of the survey, which was accordingly ordered, and was in due course executed under the able superintendence of Major Robinson, R.E. That officer strongly recommended the execution of the work, and suggested that it should be undertaken at the risk, in certain proportions, of the Imperial Government, Canada, Nova Scotia, and New Brunswick. Major Robinson's report having been referred to the railway department of the Board of Trade, the measure was considered by that Board more with reference to the probability of an adequate revenue being derived from the tolls than to its importance in a national and intercolonial point of view, and they recommended that no Imperial assistance should be given to it. It is proper to state here, that in the expectation that the work would be constructed by the Imperial Government, the three provinces agreed to secure the right of way, the land required for stations, ten miles in extent of all ungranted land on each side of the line, and 60,000*l.* sterling per annum to cover any deficiency in revenue. Such an offer on the part of the three provinces is sufficient evidence of their anxious desire to co-operate as far as in their power in the construction of this great national work.

It is true that the people of British America are not insensible to the effect which this line of railway would have in promoting their material interests, but it is my duty to impress on Her Majesty's Government that all the provinces, and more especially Canada, feel strongly, that quite as much benefit would accrue to the mother country as to any of the colonies by its construction. The offer made by the three provinces conjointly having been rejected by Her Majesty's Government, no further action was taken in the matter until last year, when the Honourable Mr. Howe, Secretary of the Province of Nova Scotia, having come to England to promote the construction of local works, was invited to confer with Earl Grey, then Her Majesty's Principal Secretary of State for the Colonies, on a scheme of a more extensive character than his instructions contemplated. The result of this conference was a letter addressed to Mr. Howe by Mr. Under-Secretary Hawes, dated 10th March 1851, announcing that, on certain conditions, Her Majesty's Government were prepared to recommend to Parliament to afford its guarantee to a loan, or to advance the required sum from the Imperial Treasury, for the construction of a railway on British territory, between Halifax and Quebec or Montreal. Earl Grey's project was based on the supposition that the three provinces would be able to unite on some plan for dividing the responsibility which they were required to assume, and it of course became necessary that the Legislatures of the several provinces should be consulted. Prior, however, to any legislative action, the Governor-General, the Earl of Elgin and Kincardine, in accordance with the suggestion of Earl Grey, requested the attendance, at the seat of Government in Canada, of members of the Governments of Nova Scotia and New Brunswick. In accordance with his Excellency's request, the Lieutenant-Governors of those provinces directed the Honourable Messrs. Howe of Nova Scotia and Chandler of New Brunswick to proceed to Toronto, where, after much consultation, a satisfactory arrangement was effected as the basis of legislative action. It was agreed that the line from Halifax to Quebec should be constructed on joint account of the three provinces, each assuming one third of the risk, and that the extension to Montreal should be undertaken by Canada alone. On this basis Canada proceeded forthwith to legislate, the provincial Parliament being in session at the time, and on Mr. Howe's return to Nova Scotia a new Parliament for that province was summoned to consider the railway measure, and a Bill was passed in accordance with the Toronto agreement.

Before the meeting of the New Brunswick Legislature, however, a despatch was received from Earl Grey, by which it appeared that Mr. Howe had misunderstood his Lordship's intention and Mr. Hawes's letter in a very important

particular, viz., as to the Imperial guarantee being afforded to the Branch Line leading by the city of Saint John, New Brunswick, to the frontier of the state of Maine. This line being the one of the greatest importance to New Brunswick, no doubt was entertained in Canada, on the receipt of Earl Grey's despatch, that the Legislature of that province would abandon the scheme agreed to at Toronto. Under these circumstances I was deputed, with two of my colleagues, by the Governor-General to proceed at once to Fredericton to endeavour to effect a new arrangement. After conferring with Lieutenant-Governor Sir Edmund Head, and with the members of his council, it was deemed advisable that we should continue our journey to Halifax, having been joined by the Honourable Mr. Chandler, member of the Executive Council of New Brunswick. The negotiations which took place in that city have been officially communicated to Her Majesty's Government, and I need not enter here into any detailed statement of them. When, after much anxiety and trouble, the serious difficulties arising from conflicting interests were removed, it was deemed expedient that a member of each Government should proceed to London to arrange matters of detail finally with Her Majesty's Government. The Legislatures of Nova Scotia and New Brunswick being in session, Messrs. Howe and Chandler were unable to leave their respective provinces as early as circumstances enabled me to do, and they, therefore, requested me to do all in my power to arrange matters before their arrival, which my full knowledge of their views enables me to do.

I cannot too strongly impress on Her Majesty's Government the importance of coming to an early decision on this important subject. If a satisfactory arrangement of details can be made, it is highly desirable that no time should be lost in commencing the survey and location of the line, and in preparing the estimates. I am not without hope that Her Majesty's Government may consent to submit a measure to the present Parliament to authorize the guarantee, but it is my duty to anticipate a refusal to take such a step at the present juncture. I feel persuaded that Her Majesty's Government will be most anxious to prevent, if possible, the delay and vexation that will be caused by a refusal to adopt any measure to promote the great enterprise which I have been instructed to advocate, especially as in case the present opportunity of arranging difficult matters of detail with members of the several Governments be lost, so favourable a one may not occur again. I feel convinced that if the details can be agreed on with Her Majesty's Government, an assurance that the measure of granting the Imperial guarantee would be submitted during the first session of the next Parliament would answer every present purpose. On such an assurance surveys could be commenced and estimates prepared, and all other necessary arrangements effected.

The details to be arranged are few, and I shall now proceed to their consideration. First, the line: The result of the negotiations which have lately taken place between the Governments of Canada, Nova Scotia, and New Brunswick, and on which legislation has been based, has been the adoption of a different line from that recommended by Major Robinson, which was carried away from the most populous settlements of New Brunswick, and from her principal cities, St. John and Fredericton, through an unsettled country, to the St. Lawrence. The proposed line is to pass by the city of St. John, the commercial capital of New Brunswick, and thence, by the valley of the River St. John, to the St. Lawrence.

In a commercial point of view the two lines do not admit of comparison, but as the advantages of the valley of St. John line have been urged in papers already under the consideration of Her Majesty's Government, I feel that I should unnecessarily trespass on your time by discussing them here. It is admitted that the northern line is recommended principally on military considerations. It must, however, be borne in mind, that when Major Robinson made his report, the Oregon question had assumed a very threatening aspect, and such, perhaps, as to cause undue weight to be given to the advantage of the railway in a mere military point of view. It is further to be recollected that Major Robinson recommended that large Imperial assistance should be given to the work, and that consequently revenue was treated as a secondary consideration. My own conviction is, that in the improbable contingency of war with the United States, the section of the line on the south bank of the St. Lawrence, between Rivière du Loup and Quebec, distant less than thirty miles from the

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Maine frontier, would be nearly, if not quite, as much exposed to the enemy as that passing by the valley of the St. John. The Halifax and Quebec line is only a section of a great trunk line, which must very soon be completed to the western frontier of Canada, and which in many points would be equally assailable with the proposed line in New Brunswick; and it may be observed that the obstruction in time of war of any portion of this great line, extending from Halifax to the Detroit river, would be as injurious as that of the particular section between the city of St. John and the St. Lawrence. It must, I think, be sufficiently obvious that in time of war the section of the British railroads lying between such important posts as Quebec and Halifax, and having a large population in its neighbourhood which would be interested in its defence, would be less exposed to the attack of an enemy than any of the numerous lines in those parts of the United States bordering on British territory. I have, perhaps, dwelt too much on the subject of the proposed location of the line, especially as I had the honour of bringing the subject under the consideration of Her Majesty's Government in a letter dated* 5th ultimo, addressed to the Right Honourable the Earl Grey, and which was acknowledged by Mr. Under-Secretary Peel on the 20th† ultimo in terms which encouraged the hope that the decision arrived at in Halifax regarding the route would not prove a barrier to the carrying out of the liberal intentions of Her Majesty's Government. I ought, however, to state that the opinion expressed at the conclusion of my letter to Earl Grey, that "if the present arrangement should prove unsatisfactory, it will be vain to expect the concurrence of the three Legislatures to any new proposition," has only been confirmed by all that has since come to my knowledge. If the decision of Her Majesty's Government should unfortunately lead to the abandonment of this magnificent enterprise, the three provinces will be placed in the position in which they were two years ago, and will have to follow out separately their various schemes of railway communications, all of which, it is to be regretted, tend to foster intercourse with a foreign country rather than with that to which the people of British America are united both by ties of affection and interest. The second matter of detail is the amount of the guarantee and the principle upon which the aid of the Imperial Parliament is to be extended. Hitherto no definite sum has been named in the official communications, and it is rather to be inferred from Mr. Hawes's letter that the guarantee would be given for whatever sum should be found necessary to construct the line between Halifax and Montreal. I can readily understand that serious objections would be taken in Parliament to any proposition which would involve the guarantee of an indefinite amount, and it therefore seems to me that it would be the most satisfactory arrangement for all parties that the guarantee should be given for a specific sum, which should not be exceeded in case of its insufficiency, and that no objection should be made to the expenditure of this sum on the main line of railway as far west as it could be made available. If that principle, which appears to be both the most simple and most satisfactory be approved of by Her Majesty's Government, the only remaining point to be settled is the amount of the guarantee. Major Robinson's estimate of the line to Quebec was 5,000,000*l.* sterling. The proposed line may be fifteen to twenty miles longer, but the expense may be estimated at the same sum. For the extension to Montreal, which was contemplated by Earl Grey, as will be seen by a reference to Mr. Hawes's letter, taking Major Robinson's estimate as a guide, a million might be estimated, and I therefore consider that the minimum sum required to carry out the contemplated arrangements is six millions of pounds sterling. I desire, however, to submit for the serious consideration of Her Majesty's Government whether the security of the Imperial Government would not be strengthened and the great objects of the work promoted by authorizing a guarantee of seven millions instead of six. A glance at the map will show that the British line from the Detroit river to Halifax will have to compete with several great lines of the United States for the western trade. In this competition they will have several advantages. It will be the best road, will have the best gauge, and by far the best gradients of any line in America. The American lines are in the hands of a number of corporations, which have often conflicting interests, but a common object to obtain large dividends. The object of the three provinces would be to place the tolls at the lowest possible rate, even at the risk of causing a charge on their revenues, so as to secure not only the pas-

* Page 20.

† Page 22.

senger travel to and from Europe to the west, as well as between Halifax and Boston and New York, but likewise to obtain the passenger trade from the west to the principal Atlantic cities of the United States. This trade would diverge at various points along the line, such as Hamilton, Toronto, Kingston, Prescott, and Montreal, to the American railroads. It must be obvious that the line west of Montreal will be the best paying portion; and indeed the only reason urged for confining the Imperial aid to the section between Halifax and Montreal has been, that the western section being likely to prove remunerative, no necessity existed for granting Imperial aid. It may, however, be well worthy of consideration whether it is wise for the Imperial Government to abandon its lien on the section of the line admitted to be commercially the best, and to retain it on the section expected to be unproductive. It may be urged that in case the guarantee was extended to seven millions there would be no security for the completion of the line. In answer to this I have to state that eminent English capitalists have announced their readiness to construct the entire line from Halifax to the western frontier on the assurance that the Imperial assistance will be extended to seven millions. I am myself persuaded that if the principle of granting aid at all be admitted, it is the interest of the Imperial Parliament to grant seven millions and secure the completion of the entire line. I believe that the importance to Imperial interests of this great work is not sufficiently appreciated. I have reason to believe that were a line of railway completed from Halifax, and that port made the terminus of the voyage of the ocean steamers, fully 50,000*l.* per annum might be saved in the Atlantic mail service, independent of the saving of the sum now paid to the United States for carrying the Canada mails,—a service most unsatisfactorily performed and most extravagantly charged for. Instead of the British mails being carried over the American railways, it must be obvious that the mails and passengers destined for New York, Boston, and other American cities would be carried over the projected railway from Halifax to St. John, and thence by branch lines to their several destinations. Such a railway would lead to the establishment of ocean steamers of a larger class than those now used, and which would convey the emigrants at all seasons of the year cheaply and expeditiously. With such a means of rapid communication between the mother country and all parts of the British American territories, not only would the charges for transporting troops and stores be materially reduced, but a considerable diminution in the military force might be made if such a step were on other grounds deemed expedient. I need not urge the advantage which would accrue to the mother country by the employment of labour in the construction of these works, and the ultimate settlement in British America of a population which would be consumers of British manufactures. Although in advocating the extension of the loan to seven millions I may be thought to be peculiarly urging the claim of Canada, I have the satisfaction of knowing that the importance of completing the entire line to the Detroit River so as to connect it with the valley of the Mississippi and the great western states is fully appreciated by the Governments and people of Nova Scotia and New Brunswick. The aspirations of the people of Halifax are that their city should be the great Atlantic terminus for North America; but I must admit that those who feel most strongly on the subject are the people of Upper Canada. Whatever reluctance was evinced in the Canadian Parliament to aid in the great railway scheme arose from the restriction of Imperial aid beyond Montreal. The Upper Canadians felt that their interests would be wholly overlooked if the construction of a line from Halifax to Montreal were secured, and that extending westward from Montreal left in uncertainty. Many of them would have preferred constructing the western section without Imperial assistance, thus applying all the unaided energies of the province to the favourite and more profitable section in Upper Canada. In fact the Legislature, in agreeing to assume the heavy responsibility of the Halifax and Montreal line, was mainly influenced by the consideration that it was one of great national importance, and that as an integral portion of the empire Canada would not be justified in declining to co-operate with the sister provinces in securing its construction.

In concluding this branch of my subject I have merely to add that I consider the guarantee of six millions as indispensable to give effect to Earl Grey's proposition, and that while I have no doubt that the three provinces will thankfully carry out their pledges if that sum be guaranteed, I trust to

CANADA.

the liberality of Her Majesty's Government, and to the soundness of the arguments which I have advanced, to fix it at seven millions, it being understood that the entire line is to be completed and the whole revenue pledged to the Imperial Government.

I proceed, thirdly, to consider the conditions on which the guarantee was to be granted, as I find them stated in Mr. Hawes's letter to Mr. Howe of the 10th March last. The first of these was, that the three provinces should agree upon the proportion of the liability to be respectively borne by each in the construction of the whole line. An arrangement has been effected by which the cost of the line between Halifax and Quebec is to be borne, one fourth by Nova Scotia, five twelfths by New Brunswick, and one third by Canada, the line being constructed on account of the three provinces, and the entire net revenue going to each in proportion to its interest in the work. The next stipulation was, that the line should pass through British territory, a condition of course which the provinces are equally anxious with the mother country to affirm. The next stipulation is, that the new loan should be made a prior charge on the provincial revenues after any existing debts and payments on account of the civil list, and also that permanent taxes should be imposed sufficient to cover the interest and a sufficient sinking fund. To the principle of making the new loan a prior charge on the revenue of each province after any existing debts there can be no objection, but I feel assured that on further consideration it will not be deemed necessary to require the imposition of fresh taxes specially applicable to the new loan. It can easily be shown that the revenue of Canada is an amply sufficient security for her proportion of the risk. Instead of finding it necessary to impose new taxes, I was, as finance minister of Canada, only able during last session to resist the demand for a reduction of duties on the ground that the new loan would entail increased burthens on the province, and render it unsafe to reduce the revenue. The sister provinces have no debt worthy of notice, and of course all their revenues of every kind will be liable for their proportion of the loan. Taxes specially appropriated are for many reasons objectionable; they have been found so in England, and the same objections may be urged against them in the colonies; a better security cannot be given than a consolidated revenue fund which embraces every description of revenue that is received into the colonial exchequer. I believe that the same high sense of honour for which England has justly obtained such credit will be found among the people of British North America; and I am convinced that any colonial finance minister who would allow the provincial credit to be impaired would be as utterly ruined as a public man as the Chancellor of the Exchequer would be in this country by similar mismanagement. I hold that the best possible security that the Imperial Government can have is a charge upon the revenues of the several provinces; and as I know that this view is participated in by the Governments of the sister provinces I trust that the provisions of the Acts passed by the several Legislatures will be found satisfactory. I may observe, that in the British provinces, as in England, there are frequently changes made in the tariffs owing to the pressure of public opinion, and it would be found extremely inconvenient to have particular taxes specially appropriated. The revenue of each province will be maintained at an amount sufficient for the liquidation of all demands on it, and this is all that the public creditor can require. Canada has provided a sinking fund of two per cent. to commence immediately, but the provinces of Nova Scotia and New Brunswick have not deemed it expedient, in view of the probability of having to pay the interest out of their general revenue, to assume the additional burthen of a sinking fund, relying, as they are justified in doing, on the rapidly progressive increase of the tolls. In the case of the Canada guaranteed loan of 1841, the Imperial Government permitted the postponement of the sinking fund for a period of years, and Nova Scotia and New Brunswick have relied on the liberality of the Imperial Government not to press too severely on their small revenues. The caution manifested by the Legislatures referred to is a proof that they are determined to fulfil their engagements. To the condition that the Government troops, stores, and mails should be sent over the line at reasonable charges no objection can exist. One other point requires consideration, viz., the mode in which Her Majesty's Government will exercise supervision over the expenditure. In the absence of all information as to the views of Her Majesty's Government it would be presumptuous in me to discuss the subject, but I feel

assured that no difficulty can arise on this point. I have to apologize for the length of this communication, which I trust you will attribute to my anxious desire to fulfil the trust reposed in me, and to represent to the Queen's Government the wishes of Her Majesty's loyal subjects in British North America. I cannot, however, conclude without expressing to you, sir, my warmest acknowledgments for the courtesy with which you have received me, and for the interest which you have taken in the subject which it has been my duty to bring under your consideration.

I have, &c.
(Signed) F. HINCKS.

The Right Hon. Sir John S. Pakington, Bart., M.P.
&c. &c. &c.

No. 4.

COPY of a LETTER from F. HINCKS, Esq. to the Right Hon. Sir JOHN S. PAKINGTON. No. 4.

SIR, Morley's Hotel, London, May 1, 1852.

AT the interview with which the Hon. Mr. Chandler of New Brunswick and myself were yesterday honoured by the Earl of Derby, we were given to understand by his Lordship that he would examine the various papers on the subject of the British American Railway, and that he would see us again after the arrival of Mr. Howe of Nova Scotia. I left his Lordship in the confident hope that I should receive an early communication of the intentions of Her Majesty's Government, and, although at great inconvenience, I determined to postpone my departure from England until the 22d instant. I must, however, be permitted to say that Mr. Howe's arrival can have no effect whatever on the question of route, the only one yet raised by Her Majesty's Government. If a final arrangement were agreed to, Mr. Howe's presence to adjust some details as to the mode of constructing the work would, doubtless, be important; but as the Legislature of Nova Scotia has passed an Act settling the route by the city of St. John, Mr. Howe would not be in a position to enter into any new arrangements; and even if he were, as Mr. Chandler and I could be no party to them, the negotiation, unless based on the valley of St. John route, would fall to the ground. I may here observe that it is not only the anxious wish, but the confident hope of the three provinces, that a practicable line may be obtained on the left bank of the river St. John, or rather in the country watered by the tributaries of that river, a point that I think the Earl of Derby seemed to attach much importance to. I trust, Sir, that you will perceive that Mr. Howe's presence in England, at the present stage of the negotiations, is of no importance whatever; whereas if any satisfactory result be arrived at, my presence during the arrangement of details will be almost indispensably necessary. Observing, by the report in the "Times" of this morning of a conversation which took place last evening in the House of Commons, that it is not the intention of Her Majesty's Government to come to any final decision without communicating information to the House, and apprehending that much delay may yet be contemplated, I feel that it is my duty, on the part of the province whose interests are entrusted to my care, to explain frankly, but most respectfully, to Her Majesty's Government, that it will be quite impossible for Canada to continue any longer a negotiation which has already involved her in much expense and trouble, and which has naturally retarded other arrangements which can be made for securing the construction of the most important sections of a great Canadian trunk line of railway. I am anxious that Her Majesty's Government should understand most distinctly that I have not been sent to England as an humble suitor on the part of Canada for Imperial aid. Canada was invited by the Imperial Government to aid in the great national work under consideration, and I must be permitted to say that she has generously and patriotically responded to the invitation. Much time has unfortunately been lost, though not from any fault on the part of the Government or Legislature of Canada; and I therefore trust that my present formal appeal to Her Majesty's Government will not be attributed to impatience, but to an

anxious desire to promote the interests of my country. It seems to me far from improbable that, on some ground or other, this negotiation will prove a failure. If so, it is of the very highest importance to Canada that the fact should be known as soon as possible. I have reason to believe that I can effect arrangements on the spot with eminent capitalists, to construct all the railroads necessary for Canada, with our own unaided credit. I have likewise reason to know that the European line from Halifax to the frontier of Maine can be constructed by the unaided credit of Nova Scotia and New Brunswick. We cannot afford to lose the opportunity of effecting such an important object to us, which will afford communication between Halifax and the western frontier of Canada. I am convinced that Her Majesty's Government, if unable to meet our wishes by granting us the aid spontaneously offered by the late Government, would regret extremely that we should lose the opportunity of effecting other desirable arrangements, and that they will not deem me importunate or unreasonable in respectfully begging for an answer, after being delayed nearly seven weeks in England. I must leave this country by the steamer of the 22d instant, and I cannot possibly effect the arrangements which must be carried out, whether the negotiation with Her Majesty's Government succeeds or fails, in less than a week. I therefore most respectfully request of you, sir, that you may give me a final answer by the 15th instant; and I must add, that, if Her Majesty's Government are unable, either from want of time or from the necessity of consulting Parliament, to come to a decision by that period, I must beg it to be understood that Canada withdraws from the present negotiation, and that I shall deem it my duty to enter into arrangements, which if confirmed, as I believe they will be, by the Government and Legislature, will put it out of the power of the province to negotiate on the present basis. I must also observe, that my conviction is, that there is but one mode of securing the construction of the favourite military road, which is, by the Imperial Government undertaking it at their own expense. I cannot conclude this letter without expressing my deep regret that so little confidence has been manifested by Her Majesty's Government in Mr. Chandler and myself, being, as we are, sworn confidential advisers of the Crown. I have reason to believe that at this time foreign influence is at work to prevent the accomplishment of the great national object which we have in view. I have reason to believe that Mr. Cobden, M.P., the avowed opponent of the colonies, is in communication with parties actuated by motives of the most anti-British character. Communications have been made to the Colonial Office on the subject of this railway hostile to the views of the Governments and Legislatures of the three provinces of Canada, Nova Scotia, and New Brunswick, supported as those views are by the Queen's able representatives in those provinces. No communication of those papers, the existence of which I only know by current rumour, has been made to us. Our position has been in no way recognized by Her Majesty's Government; and I cannot but express my conviction, that such withholding of confidence has not conduced to the interests of the Queen's service.

I have, &c.
(Signed) FRANCIS HINCKS.

The Right Hon. Sir J. S. Pakington,
&c. &c. &c.

No. 5.

No. 5.

Copy of a LETTER from Lord Desart to F. Hincks, Esq.

Sir, Downing Street, May 6, 1852.

I am directed by Secretary Sir John Pakington to inform you, that he can at present only acknowledge the receipt of your letter of the *1st instant, on the subject of the proposed Halifax and Quebec Railway, and that he extremely regrets any inconvenience to which you may have been exposed by a delay, from unavoidable circumstances, in coming to a decision on a subject of such great importance as that which you have brought under his notice.

* Page 29.

I am to add, that the question itself is now under the consideration of Her Majesty's confidential advisers, and that in a few days Sir John Pakington hopes

to have it in his power to answer your letter more fully, and at the same time to communicate to you the final decision of Her Majesty's Government on the subject.

I have, &c.

Francis Hincks, Esq. (Signed) DESART.
&c. &c.

No. 6.

No. 6.

COPY of a LETTER from Lord DESART to F. HINCKS, Esq.

SIR,* Downing Street, May 20, 1852.

I AM directed by Secretary Sir John Pakington to communicate to you a copy of the despatch which he has this day addressed to the Governor-General of British North America, conveying the decision of Her Majesty's Government on the subject of the construction of a railroad from Halifax to Quebec.

No. 25.
20 May 1852.
See Page 18.

I have, &c.,

Francis Hincks, Esq. (Signed) DESART.

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* Similar letter addressed to W. B. Chandler, Esq.

NOVA SCOTIA.

Despatches from the Lieut.-Governor.

No. 1. (No. 8.) No. 1.

COPY of a DESPATCH from the Officer administering the Government to Earl GREY.

Government House, Halifax, August 4, 1851.
(Received August 18, 1851.)
(Answered No. 284, August 27, 1851, p.58.)

MY LORD,

REFERRING to your Lordship's despatch of the 14th of March (No. 569,* addressed to the Governor-General), I have now the honour to enclose a copy of the report made to this Government by Mr. Howe, the delegate selected to attend the conference at Toronto, held under your Lordship's instructions.

The important measure matured at that conference seeming to depend on the legislative action of the provinces interested, and the spirit, if not the strict letter of the law rendering an appeal to the constituencies of Nova Scotia indispensable before the session could be held, I deemed it to consist with my duty to dissolve Parliament by proclamation on the 29th day of July.

In taking this step I have been sustained by the unanimous opinion of the Executive Council, and trust that it will meet with your Lordship's approval.

The elections will be held on the 28th of August, and the writs are returnable on the 20th of September.

I have, &c.
(Signed) JOHN BAZALGETTE,
Administrator.

The Right Hon. Earl Grey,
&c. &c. &c.

Encl. in No. 1.

Enclosure in No. 1.

DELEGATION TO CANADA.

Mr. Howe's Report.

SIR,

Amherst, July 20th, 1851.

THE negotiations which I was charged to conduct with the Governments of Canada and New Brunswick having been brought to a close, in a final conference held with the delegate from the latter province this afternoon, I lose no time in submitting, for the information of his Honour the Administrator of the Government, a report of my proceedings under the commission and instructions with which I was honoured by his Excellency Sir John Harvey.

You are aware that his Excellency Sir Edmund Head had selected the Hon. Edward B. Chandler to represent the Government of New Brunswick at Toronto, and that it had been arranged that I was to meet him at Dorchester on the 1st of June.

As I had to pass through the county of Cumberland, where the bill, pressed so earnestly on the Legislature at its last session, originated, and as it was more than probable that public opinion in New Brunswick would be largely influenced by the decision of that county against the measure, and in favour of the proposition made by Her Majesty's Government, I deemed it to consist with my duty to invite, in the shire town, the most ample discussion of the whole subject. I therefore addressed a letter to the Custos Rotulorum of Cumberland, acquainting him with my intention to attend any meeting that might be called for that purpose.

On reaching Amherst, I found that a meeting had been convened, and that a very numerous and respectable body of the leading men of Cumberland crowded the court-house. The result of an animated discussion, which extended over several hours, was an almost unanimous decision to sustain the views and policy of the Government.

At Amherst I received invitations to attend two meetings in the county of Westmoreland, New Brunswick, and another in the county of Kent: the former I accepted, as the places named lay upon my route; the latter I was compelled to decline. The unanimity of feeling displayed at Dorchester, and at the Bend of Peticodiac, convinced me that the rural population of New Brunswick only required information; and that, when the subject came to be fully discussed, their support would be given to any fair modification of the terms which the Legislature had rejected.

An experiment on the city of St. John appeared to offer less assurance of success. The office bearers and agents of the Portland Company resided there, and formed, with their friends, clients, and stockholders, an organized combination. A large portion of the press

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* Page 21, Papers respecting Halifax and Quebec Railway, presented to both Houses of Parliament by Command, 8 April 1851.

had taken its tone from these gentlemen; and for many weeks the propositions contained in Mr. Hawes's letter, and the general policy of this Government, had been discussed in a spirit which was certainly not calculated to ensure me a very cordial reception. When I entered the city I was assured that there would not be three exceptions to the unanimity with which the offers of Her Majesty's Government would be rejected and condemned. The result of the discussion which ensued, at a public meeting to which I was invited by the citizens, may be gathered from the altered tone of a very influential portion of the press, and from the fact that the promoters of the Portland Company have postponed further proceedings until the 20th of August. "It is evident," says the editor of the "Freeman," (a journal originally hostile—still doubtful, but faithfully interpreting the prevailing sentiment of the community,) "that the public mind is excited by the "magnificent proposal of Earl Grey, as interpreted by Mr. Howe and others."

Having attended three meetings within his Excellency's Government, I deemed it but respectful to proceed to Fredericton, and explain to Sir Edmund Head the reasons by which I had been influenced, and the general views which I entertained. These explanations were regarded as satisfactory, and I received from his Excellency very gratifying marks of confidence and consideration.

On reaching St. Andrews, on my way to the United States, I was met by a deputation, with a request that I would address a public meeting at that place on the following day. Though apprehensive that the interest which the people of St. Andrews naturally felt in the success of their own railroad might place them in hostility to the inter-colonial lines, I consented to attend the meeting, and received at its close the most satisfactory assurances from a very large assemblage of all ranks and classes that no mere local interests or predilections would induce St. Andrews to place herself in opposition to a great scheme of inter-colonial policy and improvement.

The charge having been frequently made that the Government of Nova Scotia had broken faith with the Portland convention, and much pains having been taken to persuade the people of that city that the North American and European line had been abandoned, it appeared very desirable that the conduct of this Government should be vindicated, and its policy clearly explained to the leading men of this friendly and very interesting community. Mr. Chandler and myself spent nearly a day at Portland on our way to Canada. John A. Poor, Esq., one of the most active members of the convention, rejoined us at Toronto, and we exchanged frank explanations with and received much courtesy from that gentleman and his friends on our return. Misconceptions previously entertained were dispelled by these friendly conferences. Mr. Hawes's letter of the 10th of March, Earl Grey's despatch of the 14th, addressed to the Governor General, with copious extracts from the correspondence between the Imperial and Colonial Governments, have been published and extensively circulated in the state of Maine. Assuming that the policy explained to them will be acted upon in good faith, and "that the provinces of New "Brunswick and Nova Scotia will, in some mode or other most agreeable to themselves, "carry out the plan of a continuous line of railway from the boundary of Maine to the "eastern shores of Nova Scotia," all opposition to our policy has been wisely withdrawn by the people of Portland, who are now appealing to the Legislature and citizens of Maine to come promptly forward and supply the means to complete that portion of the line which is to extend from Bangor to the boundary of New Brunswick.

Mr. Chandler and myself reached Toronto on the 15th of June, and during our stay at the seat of Government received from his Excellency the Governor-General, from the Speakers of the two Houses of Parliament, from the members of Administration, and from the mayor and citizens of Toronto generally, such marks of distinction and courtesy as assured us of the very high estimation in which the provinces we represented were held.

Invited to take seats in Council on the 16th, we were at once assured of the cordial co-operation of the Government of Canada, of the readiness of the Administration to accept the terms offered by the Imperial Government, and to unite with Nova Scotia in meeting the difficulties presented in New Brunswick, by such fair modification of those terms as would enable Mr. Chandler to secure the co-operation of that province. It is due to that gentleman to state, that he made no importunate demands; explained the position of his Government and the prevailing sentiment of the country frankly, and then left it to the discretion and good feeling of the conference to determine to what extent the peculiar aspects of New Brunswick should be considered, and aid given to that province, in the construction of one of her great lines, to enable her to complete them both.

If New Brunswick maintained an antagonistic position, it was clear that neither the line to the St. Lawrence nor that to Portland could be accomplished; the proposition of the British Government would in that case have to be rejected, and the three provinces be driven, in bad temper and at ruinous rates of interests, to carry on their internal improvements without mutual sympathy or co-operation.

To obviate this state of things appeared to all parties most desirable; and, at length, Mr. Chandler was empowered to invite the co-operation of his Government upon these terms, it being understood that the Governments of Canada and Nova Scotia were to be bound by them if New Brunswick acquiesced:—

That the line from Halifax to Quebec should be made on the joint account and at the mutual risk of the three provinces, ten miles of Crown land along the line being vested in

NOVA SCOTIA.

a joint commission, and the proceeds appropriated towards the payment of the principal and interest of the sum required :

That New Brunswick should construct the Portland line, with the funds advanced by the British Government, at her own risk:

That Canada should, at her own risk, complete the line from Quebec to Montreal, it being understood that any saving which could be effected within the limits of the sum which the British Government are prepared to advance should be appropriated to an extension of the line above Montreal:

That on the debt contracted on the joint account of the three provinces being repaid, each should own the line within its own territory.

It was also understood that Canada would withdraw the general guarantee offered for the construction of railways in any direction, and that her resources should be concentrated upon the main trunk line, with a view to an early completion of a great inter-colonial highway, on British territory, from Halifax to Hamilton; from whence to Windsor, opposite to Detroit, the Great Western Company of Canada have a line already in course of construction.

This policy having been arranged, it became very desirable that Mr. Chandler should return promptly to New Brunswick to submit it to his colleagues ; and to assure himself that in the event of the administration assuming the responsibility which it involved, they would be sustained by a majority of the Legislature. Allowing a sufficient time for a deliberate review of the whole ground, and for a final decision, a meeting was arranged with Mr. Chandler at Dorchester on my return. I rejoined him this afternoon, and was happy to receive from him the assurance that the Government of New Brunswick will be prepared to submit the policy agreed upon to the Legislature of that province, with the whole weight of its influence, so soon as the Government of Nova Scotia intimates that it is prepared to co-operate on the terms proposed.

The final adoption of this great scheme of inter-colonial policy now rests with the people of Nova Scotia, to whom it is probable that it will be submitted by a dissolution of the Assembly at an early day. I have pledged the Government to it beyond recal. I have staked, upon the generous and enlightened appreciation of their true interests by my countrymen, all that a public man holds dear. Having done my best to elevate Nova Scotia in the eyes of Europe and of the surrounding colonies, I have no apprehension that she will repudiate the pledges which I have given.

Her clear interest demands the prompt acceptance of the proposition,

1st. Because it secures to her within very few years a railway communication of 1,400 miles, extending through the noble territory of which she forms the frontage, and with which her commercial, social, and political relations must be very important in all time to come.

2d. Because it gives to her, almost at once, connexion with 8,000 miles of railway lines already formed in the United States, makes her chief seaport the terminus for ocean steam navigation, and her territory the great highway of communication between America and Europe.

3d. Because, on the extinction of the debt, she will possess a road with which there can be no competition within the province, a road towards which two great streams of traffic must perpetually converge, and the tolls upon which must become a source of revenue, increasing with each succeeding year.

4th. Because the completion of these great lines of communication will give to all the North American provinces a degree of internal strength and security and consideration abroad, which will far transcend any pecuniary hazards which may be incurred.

5th. Because the completion of these lines will draw into the province much of the surplus labour and capital of Europe.

6th. Because, the line from the seaboard once completed to Canada, there cannot be a doubt that it will soon be extended into the fertile and almost boundless country beyond ; being followed at every advance by a stream of emigration, and ultimately, and in our own time, reaching the shores of the Pacific.

It may be argued that we ought not to risk any thing beyond the limits of our own frontier. But I regard the risk as involving a very slight liability beyond what we have already cheerfully assumed.

All our calculations have been based upon the presumption that our roads will cost 7,000*l.* currency per mile. From the best information which we could obtain in Canada and in the United States, and we gathered the opinions of the chief promoters of the Vermont, Great Western, Portland, and St. Andrews roads, there is every reason to believe, if the provinces avail themselves of the most modern experience, and of the present low price of iron, that with the money in hand, and large contracts to offer, the work need not cost much more than 5,000*l.* currency per mile. Should this be the case, the sum which was originally contemplated will probably cover the whole expenditure for which Nova Scotia will be liable ; and if it does not, with her present low tariff and annually increasing consumption, the deficiency may be soon supplied.

But, after a careful examination of the country traversed by American and Canadian railroads, and of the general testimony borne by their promoters and officers, that in all cases the money with which they have been constructed has cost from 7 to 12 per cent., I have brought my mind to the conclusion that a railway built with money

at 3½ per cent. will pay almost immediately, even if made through a wilderness, provided the land be good, water-power and wood abundant; and provided that there are formed settlements at either side, to furnish pioneers, and local traffic with them, when they are scattered along the line. We have other resources, beyond our own limits, in associations of the industrious and enterprising, who are prepared to come into the provinces the instant these great works are commenced, and who, within the limits at least of the lands dedicated to this enterprise, will soon form a continuous street through that portion of the territory between our frontier and the St. Lawrence, which appears to present any really serious hazard.

In estimating the relative risks and advantages which this scheme involves, it should also be borne in mind, that while Nova Scotia has but little Crown land left along her portion of the line (and this has been frankly explained) the lands which Canada and New Brunswick are prepared to grant are extensive and valuable. They will propably amount to 3,000,000 of acres, which, if sold at 5*s.* an acre, (and with a railroad running through them they will soon command a much higher price,) would form a fund out of which to pay the interest on the whole capital expended for the first three or four years.

I cannot close this report without some notice of the very enthusiastic and honourable treatment that I received during short visits to Quebec and Montreal. In both cities, men the most distinguished for social positions, commercial and intellectual activity, and commanding influence, vied with each other in recognizing the importance and value of the maritime provinces. Among all ranks and classes the railroads seemed to be regarded as indispensable agencies by which North Americans would be drawn into a common brotherhood, inspired with higher hopes, and ultimately elevated, by some form of political association, to that position which, when these great works have prepared the way for union, our half of this continent may fairly claim in the estimation of the world.

I have the honour to be,
Sir,
Your very obedient servant,
JOSEPH HOWE.

Wm. H. Keating, Esq. Deputy Secretary,
&c. &c. &c.

(No. 16.) No. 2. No. 2.

COPY of a DESPATCH from the Officer administering the Government to Earl GREY.

Government House, Halifax,
September 18, 1851.
(Received, Sept. 29, 1851.

MY LORD, (Answered, Oct. 13, 1851, No. 288, page 58.)

With reference to my despatches of the 4th August and 15th instant, I have the honour to transmit, for your Lordship's information, copy of a letter which the Provincial Secretary, by my direction, addressed to the Honourable J. R. Partelow, for the information of the Lieut.-Governor of New Brunswick, in relation to the subject of the proposed inter-colonial railways.

I have, &c.
(Signed) JOHN BAZALGETTE,
Administrator.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure in No. 2. Encl. in No. 2.

Provincial Secretary's Office,
Halifax, September 15, 1851.

SIR,

I have it in command from his Honour the Administrator of this Government to acquaint you, for the information of his Excellency Sir Edmund Head, that his Honour will be prepared to call an extra session of the Legislature of this province, to consider the subject of inter-colonial railways, whenever the Legislature of New Brunswick has decided to accept the terms described in my report of the 20th of July,* for the construction in three equal portions of the trunk line from Halifax to Quebec.

* Page 34.

His Honour commands me to say, that his Government will be prepared to submit such a measure and carry it through the Legislature whenever his Honour is assured that the Government of New Brunswick adhere to the Minute of Council dated at Fredericton on the 1st of August,* and is prepared to confirm, or has confirmed, by legislation the policy embodied in that minute.

* Page 67.

I have, &c.
(Signed) JOSEPH HOWE.

The Hon. J. R. Partelow,
&c. &c. &c.

NOVA SCOTIA.

No. 3.

(No. 33.) No. 3.

COPY of a DESPATCH from Lieut.-Governor Sir JOHN HARVEY to Earl GREY.

Government House, Halifax, November 13, 1851.

(Received November 24, 1851.)

MY LORD, (Answered November 27, 1851, No. 292, Page 58.)

I HAVE the honour to enclose a copy of the speech with which I opened the extra session of the Legislature of this province on the 4th instant.

Copies of the answers of the two branches, adopted with unusual promptitude and unanimity, and of my replies to both, are also enclosed.

Your Lordship will be gratified to learn that the railway bills submitted by the Government have been, up to this moment, discussed in a temperate and dignified manner by the members of the lower house, and that there is now no doubt of their being carried by a large majority.

I have, &c.

The Right Hon. Earl Grey, (Signed) J. HARVEY.
&c. &c. &c.

Encl. 1 in No. 3.

Enclosure 1 in No. 3.

His Excellency opened the Session with the following speech:

Mr. President and Honourable Gentlemen of the Legislative Council:
Mr. Speaker, and Gentlemen of the House of Assembly:

Public attention has for some time past been directed to the importance of establishing railway communication between the southern sea-board of Nova Scotia and the St. Lawrence, with a branch line to connect the main trunk with the railway systems of the United States.

The negotiations, which I deemed it my duty to open last year, with the Right Honourable the Secretary of State for the Colonies resulted in a generous offer from Her Majesty's Government to recommend to Parliament to guarantee or advance the funds required to construct both these lines upon certain conditions, the adjustment of which, during the past summer, rendered communications with the Governments of the neighbouring provinces indispensable.

The Legislature of Canada has made provision for their portion of the line from Halifax to Quebec, and for its extension, through the territory of that province, to the western frontier.

The Government of New Brunswick waits your ratification of the terms proposed at the conference held at Toronto in June last to assemble the Legislature with a view to secure its friendly co-operation.

As the Imperial Parliament will probably meet early in the new year, and as it is of great consequence that the laws passed by the Colonial Legislatures should be transmitted without delay, to secure the appropriations contemplated in time to warrant the commencement of operations in the spring, I have called you together at this unusual period, confident that you would, at whatever personal sacrifice, cheerfully aid me by a prompt and calm consideration of a question of the greatest magnitude and importance.

The correspondence that has taken place, and the measures which I have directed to be prepared, shall be laid before you as soon as the forms of Parliament permit.

I confidently commend the subjects which they embrace to your diligent and enlightened review; and believing, as I do, that the destinies of these noble provinces are, to a great extent, involved in the result of your consideration of this question, I shall anxiously await your decision, and trust that the Author of all wisdom and goodness may guide your deliberations.

Encl. 2 in No. 3.

Enclosure 2 in No. 3.

THE ADDRESS OF THE LEGISLATIVE COUNCIL.

To his Excellency Lieutenant-General Sir John Harvey, Knight Commander of the Most Honourable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander in Chief in and over Her Majesty's province of Nova Scotia and its dependencies, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's loyal subjects, the Legislative Council of Nova Scotia, thank your Excellency for the speech with which you have been pleased to open the present Session of the General Assembly.

NOVA SCOTIA.

A railway communication through a large portion of Her Majesty's North American Provinces being deemed of sufficient importance by your Excellency to require a special meeting of the Legislature, we shall give to that subject our most careful attention.

The advancement of these noble Provinces in population, and in agricultural and commercial prosperity, being an object of our deepest solicitude, we unite with your Excellency in the desire that that Great Being who governs and controls all things may assist and guide us in our deliberations.

HIS EXCELLENCY'S REPLY.

Mr. President, and Honourable Gentlemen of the Legislative Council:

I willingly receive this loyal and dutiful Address as an earnest of the calm and temperate spirit in which you are about to approach the discussion of the important measure to which your attention has been called.

Government House, November 5, 1851. J. HARVEY.

Enclosure 3 in No. 3. Encl. 3 in No. 3.

ADDRESS OF THE HOUSE OF ASSEMBLY.

To his Excellency Lieutenant-General Sir John Harvey, Knight Commander of the Most Honourable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's province of Nova Scotia and its dependencies, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the representatives of the people of Nova Scotia, thank your Excellency for the confidence expressed in our readiness to aid your Excellency in the calm review of a question of great magnitude and importance.

The mode by which railway communication with each other, and with the populous states beyond the frontier, may be best secured, deeply interests the inhabitants of British America.

When the correspondence which illustrates the state of the negotiations hitherto conducted, and the measures promised by your Excellency, have been submitted, we shall endeavour to bring to their consideration a spirit that we trust will warrant the hope expressed by your Excellency that the Author of all wisdom and goodness may guide our deliberations.

HIS EXCELLENCY'S REPLY.

Mr. Speaker, and Gentlemen of the House of Assembly:

The promptitude and unanimity with which you have responded to my sentiments at the opening of this Session assures me that your future deliberations will be characterised by harmony and wisdom.

(No. 34.) No. 4. No. 4.

COPY of a DESPATCH from Lieut.-Governor Sir JOHN HARVEY to Earl GREY.

Government House, Halifax, November 27, 1851.

(Received December 9, 1851.)

(Answered January 9, 1852, No. 297, Page 59.)

MY LORD,

ON the 13th instant I had the honour to report the opening of an extra session of the Legislature called to mature the measures required to carry out the railway policy suggested in Mr. Hawes's letter of the 10th March and your Lordship's despatch of the 14th idem.

2. The negotiations conducted at Toronto in June last formed the basis of the bills introduced, and I have the honour to forward copies of those bills * as they finally passed the lower house by large majorities. They are now before the Legislative Council, and will probably receive the sanction of that body without material alteration.

3. Two other bills providing for an improved management of the Crown Lands, and giving power to the Governor in Council to charter land companies and prepare for emigration, have also passed the Assembly, and are before the Council. Copies of these bills * are also enclosed.

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* These Acts will be found printed in the Appendix to the present paper, page 154.

NOVA SCOTIA.

4. The sheets of the journals which I have the honour to forward will show the character of the objections urged to the railway bills, and the very decisive majorities by which they were carried.

5. Your Lordship will be gratified to receive the assurance that never, during my long administration of Colonial Government, have I known a great subject debated with more dignity and moderation than have characterized the legislative discussions in this province during the present session. The questions involved have been treated as affecting interests too elevated and important to permit the indulgence of mere party or personal feelings, and the majorities have included gentlemen of all shades of political opinion.

6. I shall send copies of the bills to his Lordship the Governor General and to his Excellency Sir Edmund Head by the next mail.

I have, &c.

The Right Hon. Earl Grey, &c. &c. &c.

(Signed) J. HARVEY.

Encl. in No. 4.

Enclosure in No. 4.

EXTRACT from the JOURNALS of the HOUSE OF ASSEMBLY.

The Order of the day for the further consideration in committee of the railway bills being read,

The house resolved itself into such committee.

Mr. Speaker left the chair.

Mr. Thorne took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman reported from the committee that they had gone through both the bills referred to the committee, viz., the bill to make provision for the construction of a trunk railway through British North America, and the bill for raising by way of loan a sum not exceeding one million of pounds sterling for the construction of a trunk railway through British North America, and had made amendments thereto respectively, which they had directed him to report to the house with the bills; and he delivered the bills and amendments in at the clerk's table, where the amendments were read.

Upon the usual question being propounded from the chair that such bills be fairly engrossed,—

Mr. Killan moved, by way of amendment, that the house do come to the following resolution:

Whereas it is the duty and the privilege of the people, by their representatives, from year to year to impose the taxes and grant the supplies necessary to conduct the civil government, and the continued exercise of this right is essential to the preservation of liberty and a just influence over the administration of affairs.

And whereas it has hitherto been the just and wise policy of the legislature of this province to apply, by a fair and equitable distribution, the remaining revenue, after defraying the ordinary expenses of government, in constructing and improving the roads and bridges, in the advancement of education, and in forwarding other objects of general utility.

And whereas the bills before the house, by placing in the hands of the executive and disposing of the principal part of the available revenues of the province, diminishing the salutary power of the people and their representatives, afford no security against a lavish expenditure, and by confining the application of that revenue to a single work of vast magnitude, the benefits of which cannot be equally participated in by the different sections of the province, which involves an expenditure disproportioned to our limited resources, and extends far beyond the boundary of the province, propose entirely to change and subvert the existing policy of this legislature:

Resolved therefore, That a measure involving changes of such vital importance, and pregnant with results which, if not successful, must prove highly detrimental to the best interests of the country, is not the best and safest course of obtaining railway communication through this province, and that for these reasons the bills be re-committed, with a view to the adoption of a measure more consonant with sound British principles and practice, and less hazardous to the highest interests of Nova Scotia.

Which proposed amendment being seconded and put, and the house dividing thereon, there appeared for the amendment, fourteen; against it, thirty-six.

For the Amendment:

Mr. Wade,
„ Comeau,
„ Brown,
„ Marshall,
„ Thorne,
Hon. Mr. Johnston,
Mr. Whitman,
Mr. Shaw,
„ Killam,
„ Ryder,
„ Josiah Coffin,
„ Moore,
„ Jost,
„ Creighton.

Against the Amendment:

Mr. M'Kinnon,	Mr. Murray,	Mr. Locke,
„ Henry,	„ Jas. Campbell,	„ S. Campbell,
„ Martell,	„ J. Munro,	„ M'Lelan,
Hon. Fin. Sec.,	„ Freeman,	„ Dimock,
Mr. Zwicker,	„ Doyle,	„ Wier,
„ Fraser,	„ B. Smith,	„ Holmes,
„ Esson,	„ John Campbell,	Hon. Atty. General,
„ Hall,	„ Mosher,	„ Prov. Sec.,
„ H. Munro,	„ Thos. Coffin,	Mr. Fulton,
„ Young,	„ Cowie,	„ Archibald,
„ M'Queen	„ Bent,	„ Wilkins,
„ P. Smyth,	„ M'Leod,	„ Chipman.

So it passed in the negative.

The Hon. Mr. Johnston then moved, by way of amendment, that the house do come to the following resolution:

Resolved, That a railroad through Nova Scotia connecting this province by a line of railroad through New Brunswick with the frontier of the state of Maine, and thence with Portland, whereby a general railway communication would be opened with the United States, and also with Montreal, Quebec, and other parts of Canada, promises more remunerative returns and more general advantages to this province than can be expected from a railway route from the frontier of Nova Scotia through New Brunswick directly into Canada; and that the formation of both lines would lead to an expense greater than any benefit to be expected from the concurrent existence of the two and therefore resolved, that the bills be re-committed for the purpose of amending the same in such manner that the railroad through Nova Scotia may be kept distinct from and independent of the formation of a railroad through New Brunswick directly into Canada.

Which proposed amendment being seconded and put, and the house dividing thereon, there appeared for the amendment, fourteen; against it, thirty-six.

For the Amendment:

Mr. Wade,	Mr. Shaw,
„ Comeau,	„ Killam,
„ Brown,	„ Ryder,
„ Marshall,	„ Josiah Coffin,
„ Thorne,	„ Moore,
Hon. Mr. Johnston,	„ Jost,
Mr. Whitman,	„ Creighton.

Against the Amendment:

Mr. M'Kinnon,	Mr. Murray,	Mr. Locke,
„ Henry,	„ Jas. Campbell,	„ S. Campbell,
„ Martell,	„ J. Munro,	„ M'Lelan,
Hon. Fin. Sec.,	„ Freeman,	„ Dimock,
Mr. Zwicker,	„ Doyle,	„ Wier,
„ Fraser,	„ B. Smith,	„ Holmes,
„ Esson,	„ John Campbell,	Hon. Atty. General,
„ Hall,	„ Mosher,	„ Prov. Sec.,
„ H. Munro,	„ Thos. Coffin,	Mr. Fulton,
„ Young,	„ Cowie,	„ Archibald,
„ M'Queen,	„ Bent,	„ Wilkins,
„ P. Smyth,	„ M'Leod,	„ Chipman.

So it passed in the negative.

The Hon. Mr. Johnston then moved, by way of amendment, that the house do come to the following resolution:

Resolved, That an agreement for the formation of a railroad from Halifax to Quebec, through New Brunswick, at the equal expense of the three provinces of Canada, New Brunswick, and Nova Scotia, not only entails upon this province the expense of contributing to keep up an unproductive line of road, whereby any profit that may be expected from the more productive line through our own territory will be absorbed and lost, but will in effect impose upon Nova Scotia the expense of constructing and operating upwards of sixty-five miles, which Canada, and of twenty-two miles which New Brunswick, would respectively have to bear were the several provinces to construct and operate the portion within their own limits, and that a share in the ungranted lands on the line would be a very inadequate consideration for the unequal burden thus imposed on Nova Scotia; and therefore resolved, that the bills be re-committed for the purpose of being so amended that the agreement among the three provinces of Canada, New Brunswick, and Nova Scotia may be so restricted that this province shall not be required to assume a greater responsibility than the construction and operation of that part of the line within its own territory.

Which proposed amendment being seconded and put, and the house dividing thereon, there appeared for the amendment, fourteen ; against it, thirty-six.

For the Amendment :

Mr. Wade,
„ Comeau,
„ Brown,
„ Marshall,
„ Thorne,
Hon. Mr. Johnston,
Mr. Whitman,
Mr. Shaw,
„ Killam,
„ Ryder,
„ Josiah Coffin,
„ Moore,
„ Jost,
„ Creighton.

Against the Amendment :

Mr. M'Kinnon,
„ Henry,
„ Martell,
Hon. Fin. Sec.,
Mr. Zwicker,
„ Fraser,
„ Esson,
„ Hall,
„ H. Munro,
„ Young,
„ M'Queen,
„ P. Smyth,
Mr. Murray,
„ Jas. Campbell,
„ J. Munro,
„ Freeman,
„ Doyle,
„ B. Smith,
„ John Campbell,
„ Mosher,
„ Thos. Coffin,
„ Cowie,
„ Bent,
„ M'Leod,
Mr. Locke,
„ S. Campbell,
„ M'Lelan,
„ Dimock,
„ Wier,
„ Holmes,
Hon. Atty. General,
„ Prov. Sec.,
Mr. Fulton,
„ Archibald,
„ Wilkins,
„ Chipman.

So it passed in the negative.

The Hon. Mr. Johnston then moved that the house do come to the following resolution:

Resolved, That the bills be re-committed for the purpose of adding a clause providing that when the railroad shall be paid for, this province shall retain the ownership and benefit of one third thereof, or such a proportion thereof as this province may have contributed to make.

Which proposed amendment being seconded and put, and the house dividing thereon, there appeared for the amendment, nineteen ; against it, thirty-one.

For the Amendment :

Mr. Wade,
„ Comeau,
„ Brown,
„ Marshall,
„ Thorne,
Hon. Mr. Johnston,
Mr. Whitman,
„ Shaw,
„ Killam,
„ Ryder,
Mr. Josiah Coffin,
„ Moore,
„ Jost,
„ Creighton,
„ John Campbell,
„ Freeman,
„ Cowie,
„ M'Leod,
„ H. Munro.

Against the Amendment :

Mr. M'Kinnon,
„ Henry,
„ Martell,
Hon. Fin. Sec.,
Mr. Zwicker,
„ Fraser,
„ Esson,
„ Hall,
„ Young,
„ M'Queen,
„ P. Smyth,
Mr. Murray,
„ Jas. Campbell,
„ J. Munro,
„ Doyle,
„ B. Smyth,
„ Mosher,
„ Thos. Coffin,
„ Bent,
„ Locke,
„ S. Campbell,
Mr. M'Lelan,
„ Dimock,
„ Wier,
„ Holmes,
Hon. Atty. General,
„ Prov. Sec.,
Mr. Fulton,
„ Archibald,
„ Wilkins,
„ Chipman.

So it passed in the negative.

Mr. Brown then moved, by way of amendment, that this house do come to the following resolution :

Whereas the trade and consumption of the whole province will be equally taxed for the production of a revenue to discharge the interest of the debt incurred by the construction of the Quebec railroad, amounting at three and a half per cent. to the annual sum of 43,750*l.* And whereas the inhabitants of the counties through which the said railroad will pass are chiefly interested in and will be principally benefited thereby, while the distant counties will receive no immediate corresponding benefit.

Resolved therefore, in order to obviate the partial operation of the measure before the house, that the lands and real estate within twenty miles of the railroad shall con-

tribute one fifth part of the whole interest accruing on the said debt, to be levied on the owners thereof, in a fair and equitable proportion, by assessors or commissioners, or otherwise, due regard being had to the relative advantage to be derived from the greater or less proximity of the several owners, and other circumstances incidental thereto; and that the bills be re-committed for the purpose of amending the same accordingly.

Which proposed amendment being seconded and put, and the house dividing thereon, there appeared for the amendment, seventeen; against, it, thirty-three.

For the Amendment:

Mr. Comeau,
„ Brown,
„ Marshall,
„ Thorne,
Hon. Mr. Johnston,
Mr. Whitman,
„ Shaw,
„ Killam,
„ Ryder,
Mr. Josiah Coffin,
„ Moore,
„ Jost,
„ Creighton,
„ John Campbell,
„ Freeman,
„ Cowie,
„ M'Leod.

Against the Amendment:

Mr. M'Kinnon,
„ Henry,
„ Martell,
Hon. Fin. Sec.,
Mr. Zwicker,
„ Fraser,
„ Esson,
„ Hall,
„ Young,
„ M'Queen,
„ P. Smyth,
Mr. Murray,
„ Jas. Campbell,
„ J. Munro,
„ Doyle,
„ B. Smith,
„ Mosher,
„ Thos. Coffin,
„ Bent,
„ Locke,
„ S. Campbell,
„ M'Lelan.
Mr. Dimock,
„ Wier,
„ Holmes,
Hon. Atty. General,
„ Prov. Sec.,
Mr. Fulton,
„ Archibald,
„ Wilkins,
„ Chipman,
„ H. Munro,
„ Wade.

So it passed in the negative.

Mr. Whitman then moved by way of amendment, that the second of such bills, viz., the bill for raising by way of loan a sum not exceeding one million of pounds sterling, &c. be re-committed to a committee of the whole house for the purpose of inserting the following clause therein:

"And be it enacted, That in order the more fully to provide for the annual payment of the interest that may become due and payable under this Act, the city of Halifax shall be assessed annually for the amount of interest on one hundred thousand pounds, at the same rate of interest at which the loan is obtained, such annual sum to be assessed and levied by the same authority and in the same manner that county or city rates are now assessed and levied, and to be paid into the hands of the receiver general to form a part of the general revenues of this province, and to continue so to be annually assessed, levied, and paid in until the loan obtained under this Act shall become extinguished under the provisions thereof."

Which last proposed amendment being seconded and put, was agreed to by the house; and thereupon

Ordered, That such railway loan bill be re-committed to a committee of the whole house for the purpose of inserting such clause.

Ordered, That the bill to provide for the construction of a trunk railway, &c. be engrossed.

Then the house adjourned until to-morrow at Twelve of the Clock.

(No.38.) No. 5. No. 5.

Copy of a DESPATCH from Lieutenant-Governor Sir J. Harvey to Earl Grey.

Government House, Halifax, December 11, 1851.

(Received December 22, 1851.)

My Lord, (Answered June 10, 1852, No. 16, Page 63.)

The proceedings of the recent very satisfactory meeting of the General Assembly of this province having terminated, I have the honour to transmit to your Lordship a copy of the speech with which, on the 29th ultimo, I closed the session; also certified copies of the Acts passed during the sitting of that body, with the Attorney General's remarks thereon, and the joint Address of the Legislative Council and Assembly to the Queen, designed to obtain for the

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proposed important undertaking to construct an inter-colonial railway from Halifax to Quebec the aid and most favourable consideration of the Imperial Government.

In transmitting this Address, I have much pleasure in adding my earnest recommendation that it may be favourably entertained by Her Majesty.

I have, &c.

The Right Hon. Earl Grey, &c. &c. &c.

(Signed) J. HARVEY.

Encl. 1 in No. 5.

Enclosure 1 in No. 5.

His Excellency was pleased to close the Session with the following Speech:

Mr. President, and Honourable Gentlemen of the Legislative Council,
Mr. Speaker, and Gentlemen of the House of Assembly,

NEVER, during my long administration of colonial governments, did I close a legislative session with more pride and more entire satisfaction than I feel at this moment.

Having served in all the provinces which you have laboured to unite by bands of peace and mutual co-operation, I know their value and highly estimate their vast resources.

At the close of a long life, nearly thirty years of which have been passed in the North American colonies, in peace and war, the great measure in which you have been engaged assures me that, more firmly set and beaming with high lustre, they are yet to remain the brighest jewels in the British Crown.

The moderation and elevated spirit which have pervaded the deliberations of both branches will ever honourably distinguish the present session.

In returning to your homes, I beg you to be assured that the high powers which you have conferred, and the grave responsibilities that you have imposed upon my government, will but increase my vigilance and care to carry out the measures you have perfected in the spirit in which they have been conceived.

Encl. 2 in No. 5.

Enclosure 2 in No. 5.

To the Queen's most Excellent Majesty:

The humble Address of the Legislative Council and House of Assembly of Nova Scotia.

May it please Your Majesty,

WE, Your Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Nova Scotia in provincial Parliament assembled, beg leave to thank Your Majesty for the gracious offer made to the North American provinces in the letter addressed by the Under Secretary of State to the delegate from Nova Scotia on the 10th day of March last.

The construction of trunk lines of railway through these provinces must advance their material prosperity, multiply their commercial and social advantages in tranquil times, and greatly strengthen them should the peace of this continent be broken.

Strongly impressed with the high political and industrial interests involved in the completion of these great highways, the Legislature of Nova Scotia have not only cheerfully made provision for that part of the main trunk line which crosses this province, but, with a view to relieve a sister colony, have also pledged the public revenues for the extension of that line far into the bosom of New Brunswick.

While we have done this, and while we have felt deeply sensible of the substantial service to be rendered to the colonies by the interposition of Imperial credit, we will not disguise from Your Majesty that a very strong feeling prevails that the great interests at stake upon this continent would warrant some direct aid from the Imperial Treasury.

The same policy which secured the highlands of Scotland from disquiet, which has bridged the ocean with noble steam ships, would seem to justify direct aid to a great national work, that, however desirable, the provinces are scarcely able to accomplish.

This railway will, we trust, before many years, be extended across this continent, securing to the mother country, upon British soil, and under the protection of the national flag, and of the Queen's own subjects, easy and rapid communication, not only with the rising communities upon the Pacific, but with the rich and populous provinces and nations which lie beyond.

With entire confidence in the wisdom of our Sovereign and the liberality of the Imperial Parliament, we commend this great subject to their care, having given it all the aid which can be justified by the limited resources of our country.

House of Assembly,
29th November 1851.
(Signed) W. YOUNG, Speaker.

Legislative Council,
29th November 1851,
MICHAEL TOBIN, President.

(No. 40.) No. 6.

Copy of a DESPATCH from Lieut.-Governor Sir John Harvey to Earl Grey.

Government House, Halifax, December 11, 1851.
(Received December 22, 1851.)

My Lord, (Answered No. 297 January 9, 1852, Page. 59.)

Having, as my first duty, placed your Lordship's despatch, No. 292,* dated 27th November, in Mr. Howe's hands, that gentleman has made to me a report, a copy of which there is barely time to enclose, leaving any observations which I may deem it right to offer for another mail.

* Page 58.

The Legislature of New Brunswick, I learn by telegraph, is to meet on the 7th of January.

I have, &c.

The Right Hon. Earl Grey, (Signed) J. HARVEY.
&c. &c. &c.

Enclosure in No. 6. Encl. in No. 6.

May it please your Excellency, Halifax, December 11, 1851.

As the mail for England closes this evening I deem it a duty which I owe to the Right Honourable the Secretary of State for the Colonies, no less than to your Excellency, to lose no time in offering such explanations as appear to be demanded of me by the tenor of the despatch from his Lordship, No. 292, dated 27th November, which has just been put into my hands.

That I have read that despatch with regret and deep mortification I cannot conceal from your Excellency. That in a question of such vital importance to the success of the policy of which I have been the advocate I have misunderstood the views of Her Majesty's Government, and for six months have misrepresented them to all British America, is as apparent from that despatch as that much time has been wasted in an unavailing attempt to ripen a scheme of improvement which must now fall to the ground.

While I do not shrink from the full weight of the responsibility which this despatch throws upon me, and while it would be unfair to disguise from your Excellency for a moment the inevitable consequences of the decision which it communicates, I am now only solicitous that your Excellency should be convinced that, however I may have misinterpreted the views of Her Majesty's Government, I have acted throughout with candour and good faith.

In my first letter to Earl Grey, dated 25th * November, I set forth at large the advantages, not only to the maritime provinces but to the empire, of a line across Nova Scotia and New Brunswick to shorten the time required to make the passage between Europe and America, and secure to our own ports the advantages of ocean steam navigation. I pointed out the danger of allowing this line to be made by foreign capitalists at high rates of interest, and, assuming that it would be so made if the British Government did not interpose, claimed the guarantee for it, under the impression that the line to the St. Lawrence had been abandoned.

In my second letter of the 16th of January a wider range was taken. The extent, value, and political and industrial importance of the provinces was argued, and assuming that it would be good policy for the mother country to aid them by guaranteeing or advancing funds for their internal improvements, I reasoned upon the construction of the two great lines of railroad in which they were interested, and treated them as indispensable portions of one great scheme.

I never dreamed that New Brunswick would assume the responsibility of making the northern line unless the European were provided for, nor have I ever entertained that opinion. The following passage near the close of the letter of the 16th † January shows that in referring to that province I assumed that she had two lines to make, for which provision must be made.

"Although having no authority to speak for the other colonies, I may observe the "province of New Brunswick, which lies between Nova Scotia and Canada, has, in "addition to her ordinary sources of revenue, 11,000,000 of acres of ungranted lands. "She might pledge to Her Majesty's Government the proceeds of as many millions of "acres of these lands *along the lines to be opened* as might be necessary, in addition

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* Page 39. † Page 47. } Papers relative to Halifax and Quebec Railway, April 8, 1851.

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" to the pledge of her public funds, to secure this country from loss. The troops might " be employed and settled in this province also. The lands pledged could be sold to " emigrants, the British mails and soldiers could be transported at fair prices, and the " amounts might be carried to the credit of *the loans*. I believe that New Brunswick " could, if moderately aided, ultimately make *her great lines*, absorb and provide farms " for millions of emigrants, increasing the home market for British goods by the annual " amount of their consumption, and in a very few years pay any loan she may require to " contract without costing England a farthing."

On the 10th of March * I received Mr. Hawes's letter, containing the passage quoted in Earl Grey's despatch: " It is also to be understood that Her Majesty's Government will " by no means object to its forming part of the plan which may be determined upon, " that it should include a provision for establishing a communication between the " projected railway and the railways of the United States."

Having urged that provision should be made for both lines, and being satisfied that the one ranked far higher in the estimation of New Brunswick than the other, I did not for a moment suppose that the line which she valued most was to be excluded from the advantage of the imperial guarantee, or that she could be tempted to aid the other colonies to make a national highway, leaving her chief commercial city without any connexion with Great Britain, the United States, or the other colonies by the work for which her revenues were to be so deeply pledged.

Had I so interpreted this passage of Mr. Hawes's letter I should at once have abandoned the negotiation as hopeless, for I believed then, as I believe now, that New Brunswick will never consent to pledge her revenues to make a northern or central road unless the European is included in the arrangement. If she has to make one road with money costing six or ten per cent. she will of course make that which is to her of primary importance. She can make but one, if either is to cost so much, and the line to Canada must be postponed until her resources increase.

It is unfortunate that this matter should have been misconceived, and the blame must rest entirely upon me, for nothing could exceed the frankness and unreserve with which I was treated by Earl Grey upon all occasions.

That I never understood Mr. Hawes's proposition to include less than I have assumed is apparent from my report to Mr. Keating, dated two days after its receipt.

" I have now the honour to enclose a copy of a letter addressed to me on the 10th " instant by Mr. Hawes, in which the Lieutenant Governor will be gratified to learn that " my mission has resulted in the determination of Her Majesty's Government to propose " to Parliament to advance or guarantee the funds which may be required by the three " North American Provinces to make a railroad from Halifax to Quebec or Montreal, " including a line of connexion across New Brunswick, with the railroad lines of the " United States."

At the public meeting held at Mason Hall shortly after my return I described the offer of Her Majesty's Government as I have ever understood it until to-day. After stating the generous terms proffered, and the policy to be pursued, I used this language:

" Three hundred and thirty miles will connect us with Portland, with all the lines " which interlace the American republic, and bind together the prosperous communities " of the south and west. Six hundred and seventy miles more, opening up the central " lands and settlements of New Brunswick, will not only connect us, as we originally " contemplated, with Quebec and the St. Lawrence, but, passing through one hundred " and eighty miles of settlements on that noble river, will place us in communication with " that populous city of Montreal, which will soon be in connexion with Portland on the " other side; the circle being thus complete, and chains of intercommunication established, " easily accessible by shorter lines to all the rising towns and settlements which that " wide circuit will embrace."

At the meetings held in New Brunswick, whenever charged with abandoning the Portland line, my invariable answer was that provision had been made for it, and that both lines could be built for the same price with the imperial guarantee that one would cost without it.

Mr. Chandler and myself went to Toronto in this belief. Neither of us would have gone with any other, for we both knew that New Brunswick would be no party to any arrangement which threw her funds into a comparative wilderness, and left her chief commercial cities in a state of hopeless isolation.

In my report of the proceedings at Portland, where Mr. Chandler and I passed some time, secured " provision " for the branch line to the states was propounded in vindication of the good faith of the Colonial Governments. In the report of the results of the negotiations at Toronto it was distinctly stated, that, in consideration of Nova Scotia consenting to make one third of the road to the St. Lawrence, " New Brunswick should " construct the Portland line *with the funds advanced by the British Government at her* " *own risk.*"

To this engagement we have bound her in the bills recently passed, in one of which it is expressly declared, " That this Act shall not go into operation unless provision be made

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* Page 63. Papers relative to the Halifax and Quebec Railway, April 8, 1851.

" by the province of New Brunswick for the construction of a branch line from some " convenient point of intersection with the main trunk line to the river St. Croix." NOVA SCOTIA.

The presence of this clause shows the interest which Nova Scotia as well as New Brunswick has in the branch line. This province would never have consented to make eighty miles beyond her frontier of the northern road, except with the certainty of securing both. With the traffic of the European line added to its own the northern line will pay. Standing by itself the risks would be too great to tempt either of the maritime provinces, unaided, into the speculation.

I deeply regret that any misconception upon this important point, propagated and reiterated in a variety of public documents and speeches, most of which were transmitted to the Colonial Office as they appeared, should have been corrected so late. Nova Scotia will have to charge to one, overzealous in her service, the cost of an extra session of the Legislature, ending in disappointment.

New Brunswick will have received the intelligence in time to shape her legislation to suit her obvious interests. What course your Excellency's Government may deem it prudent to pursue in the altered circumstances in which they stand there is but little time to consider, but I would respectfully suggest that laws passed by the three branches under an entire misconception should not be submitted for the Queen's assent until after Parliament meets again.

I have, &c.
(Signed) JOSEPH HOWE.

(No. 44.) No. 7. No. 7.

COPY of a DESPATCH from Lieut.-Governor Sir JOHN HARVEY to Earl GREY.

Government House, Halifax, December 24, 1851.
(Received January 5, 1852.)

MY LORD, (Answered January 9, 1852, No. 297, Page 59.)

REFERRING to my despatch No. 40.* of the 11th instant and its enclosure, I have now the honour to transmit a copy of a second report which Mr. Howe has placed in my hands.

* Page 45.

Your Lordship is aware that I was absent from the province from the beginning of May to the end of September, having returned only just in time to meet the Legislature. In submitting the measures matured by my Government, I acted upon the wider interpretation of the proposition embodied in Mr. Hawes's letter, upon which the three Governments had negotiated throughout the summer, and which it is but due to Mr. Howe to state has been, within the provinces, universally recognized.

I have thought it but fair to Sir Edmund Head not to promulgate your Lordship's despatch here until publicity is given to it in New Brunswick. Your Lordship will perhaps allow me the expression of my firm conviction that the failure of this great enterprise would, in the present state of feeling in these provinces, do mischief in the same proportion that its successful accomplishment would have done good. Combined action for the construction of reproductive works under the auspices of the Queen's Government would, I am assured, have cheered the public mind, and elevated the character of the colonists. The disappointment of hopes so highly raised I sincerely trust may yet be averted by the wisdom and magnanimity of Her Majesty's Government.

I have, &c.
The Right Hon. Earl Grey, (Signed) J. HARVEY.
&c. &c. &c.

Enclosure in No. 7. Encl. in No. 7.

May it please your Excellency, Halifax, December 24, 1851.

Since the departure of the last mail for England I have had leisure to reflect upon thewhole subject partially embraced by my hasty report of the 11th instant.

The question at issue turns upon the interpretation which may be fairly given to the single passage in Mr. Hawes's letter of the 10th of March.

If your Excellency has given to that passage too wide an application, the error has been shared by the Legislatures and Governments of the three provinces, and by the press and the public at large.

NOVA SCOTIA.

The importance of the interests involved will perhaps justify me in placing before your Excellency some further references to public documents which may have been overlooked.

On the 22d of March, with Mr. Hawes's permission, the whole correspondence was placed in the hands of Messrs. Jackson, Peto, Betts, and Brassy, who were desirous of contracting for the construction of the railroads for which provision had been made. The opening passage of their letter will show the construction they put upon that of Mr. Hawes.

" 9, Great George Street, Westminster,
" Sir, March 25, 1851.

" Having understood that it is proposed to construct through the provinces of " British North America *certain lines of railway*, to connect those provinces with each " other, and *with the railway lines of the United States*, and that Her Majesty's Govern- " ment have consented to aid the Provincial Governments by guaranteeing the loans " or advancing the funds required for *these works* on certain conditions, which it is " probable will be accepted, we wish to make through you a tender of our services in the " formation of those railroads."

So far was I from suspecting that these gentlemen had misread Mr. Hawes's letter, or that any other interpretation would be given to it at the Colonial Office, that, on the 26th of March, I sent a copy of it to Lord Grey.

This letter signed by Messrs. Betts and Brassy, was read at the Toronto dinner in presence of the Governor General, published in nearly all the Canadian papers, some of which were sent to Earl Grey by the next mail.

My last report contained an extract from the speech delivered by me at the Masons' Hall in May. I have since looked carefully over that speech, and find the whole scope and structure of it founded upon the view then taken of the contents of Mr. Hawes's letter. Combatting the arguments urged in New Brunswick against the acceptance of the terms proposed, I said, " New Brunswick, in my opinion, will reap the largest " amount of benefit from the expenditure. She will get two most important lines " at three and a half per cent., the other provinces but one."

At the risk of appearing tedious, I must trouble your Excellency with another passage. " But it has often been said that we have broken faith with the people of Portland ; " but in what essential have we broken faith ? We offer to our neighbours the means " to make the whole line. We have pledged our public resources to make our part " of it. Have they offered us a pound, or raised one fifth of what they want them- " selves ? Nay, can either or both show us anybody's obligation to lend them or us " one tenth of what we jointly require. They ask us to co-operate with them to " obtain a railroad, and we have broken faith by providing for our own requirements, " and offering them money to build it to their very doors."

But it may be said such a speech might have been made, and yet never have reached the Colonial Secretary, to challenge criticism or correction. If such had been the case my position at this moment would be very awkward. But on the 28th of May, copies of this speech were sent to Lords Grey, Stanley, and Monteagle, under date of the 12th of June. I was honoured with a note from the Colonial Secretary, by which it is apparent that the speech had been carefully read, and was approved.

In the letter which I had the honour to address to your Excellency on the 11th instant, I referred briefly to the report made on the 20th of July of the results of my mission to New Brunswick and Canada. I have since looked carefully over that report, and find that its whole structure is based upon the conviction that all the money required to carry out the combined enterprise was to be advanced or guaranteed by the British Government.

Permit me to call your Excellency's attention to the passages in which the advantages that Nova Scotia was to derive from accepting the terms suggested at Toronto were summed up.

" Her clear interest demands the prompt acceptance of the proposition,—

" 1st. Because it secures to her, within very few years, a railway communication " of 1,400 miles, extending through the noble territory of which she forms the frontage, " and with which her commercial, social, and political relations must be very important " in all time to come.

" 2d. Because it gives to her, almost at once, connexion with 8,000 miles of railway " lines already formed in the United States, makes her chief seaport the terminus for " ocean steam navigation, and her territory the great highway of communication " between America and Europe.

" 3d. Because on the extinction of the debt she will possess a road with which there " can be no competition within the province. A road *towards which two great streams* " *of traffic must perpetually converge*, and the tolls upon which must become a source " of revenue, increasing with each succeeding year.

" 4th. Because the completion of these great lines of communication will give to " all the North American provinces a degree of internal strength and security, and " consideration abroad, which will far transcend any pecuniary hazards which may " be incurred.

" 5th. Because the completion of these lines will draw into the province much of the " surplus labour and capital of Europe, &c."

This report was published in the Colonial and in some of the English papers. It was transmitted by his Honour the Administrator of the Government, to the Coloniai Office, accompanied by a despatch, of which the following is a copy :

" No. 8.

" My Lord, " Government House, Halifax, August 4, 1851.

" Referring to your Lordship's despatch of the 14th of March (No. 569, addressed " to the Governor General), I have now the honour to enclose a copy of the report made " to this Government by Mr. Howe, the delegate selected to attend the conference at " Toronto held under your Lordship's instructions.

" The important measure matured at that conference, seeming to depend on the legis- " lative action of the provinces interested, and the spirit, if not the letter of the law " rendering an appeal to the constituencies of Nova Scotia indispensable, before the " session could be held, I deemed it to consist with my duty to dissolve Parliament by " proclamation on the 29th day of July.

" In taking this step, I have been sustained by the unanimous opinion of the Executive " Council, and trust that it will meet with your Lordship's approval.

" The elections will be held on the 28th of August, and the writs are returnable on the " 20th of September.

" I have, &c.
(Signed) " JOHN BAZALGETTE,
" Administrator "

The official answer addressed to his Honour the Administrator, was in these terms :

" No. 284.

" Sir, " Downing Street, August 27, 1851.

" I have the honour to acknowledge the receipt of your despatch No. 8. of the " 4th of August, enclosing a printed copy of the report made by Mr. Howe to the " Government of Nova Scotia of his proceedings with respect to the railway conference, " and I have to acquaint you, that I am not aware of any objection to the measure which " with the advice of your Council, you have adopted of dissolving the Provincial " Parliament.

" I am, &c.
(Signed) GREY."

The Government of New Brunswick was reconstructed, or rather strengthened, on the 1st of August. It will be seen by the following memorandum that the support of the three gentlemen who went into the Executive Council was secured on the express condition that both lines were to be made.

" NEW BRUNSWICK.

" Memorandum in regard to the railway policy of the Provincial Government.

" That the proposals made by the Secretary of State for the Colonies, as expressed in " Mr. Hawes's letter under date of 10th of March 1851, upon the subject of railways in " this province, shall be accepted in full, so far as the amount necessary is concerned, " and upon the propositions specified in Mr. Howe's report to his Government on his " return from the deputation to Canada, or on terms not less favourable ; and upon such " better modification of the terms specified in Mr. Hawes's letter respecting the securities " to be offered by the province as can be obtained, *it being distinctly understood that the* " *Government will not accept any proposals for building the great trunk line which* " *shall not embrace in an equally favourable and explicit manner the European and* " *North American Railway*, THE LIABILITY FOR THE LATTER LINE BEING SOLELY CONFINED " TO THE PROVINCE.

" It is also understood that the Government will urge upon the Imperial Government " the propriety of obtaining Imperial aid, in addition to the guarantee, in consideration " of the valuable lands which will be conceded by New Brunswick along both lines for " emigration purposes, and of the great national importance of the undertaking.

" Fredericton, August 1, 1851."

This document, or a report of the facts it discloses, was, I presume, transmitted to Downing Street in August. That the gentlemen who went into the Council at that time would then have given in their adhesion to the Government had Mr. Hawes's letter been understood to include provision only for a railway which would not come within 100 miles of the commercial centre of New Brunswick, which two of them represented, those who know that province will not readily believe.

Praying your Excellency's pardon for the length of this communication.

I have, &c.
(Signed) JOSEPH HOWE.

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No. 8.

No. 50.) No. 8.

COPY of a DESPATCH from Lieut.-Governor Sir JOHN HARVEY to Earl GREY.

Government House, Halifax, February 5, 1852.
(Received February 16, 1852.)

MY LORD,

I HAVE had the honour to receive Your Lordship's despatch of the 9th of January.* Mr. Howe has not thought it respectful to your Lordship to offer any observations on that despatch, nor have I thought that further discussion on the points involved would advance the public service. The intentions of your Lordship and the views of Her Majesty's Government having been clearly explained, the provinces must now endeavour to carry forward their internal improvements with the limited amount of assistance which Her Majesty's Government can afford.

* Page 59.

I have, &c.
(Signed) J. HARVEY.

The Right Hon. Earl Grey,
&c. &c. &c.

No. 9.

No. 9.

(No. 52.)

COPY of a DESPATCH from Lieut.-Governor Sir JOHN HARVEY to Earl GREY.

Government House, February 5, 1852.
(Received February 16, 1852.)

MY LORD,

ON the 27th January the Honourable Messrs. F. Hincks, J. Young, and E. P. Taché, Members of the Executive Council of Canada, and the Honourable E. B. Chandler, Member of the Executive Council of New Brunswick, arrived at Halifax, and put themselves in communication with my Government with a view to obviate the difficulties which had arisen, and endeavour to combine the three provinces in a common railway policy.

The correspondence which I have the honour to enclose will show the progress of the negotiation.

The second proposition made by the Canadian delegates will probably be accepted by Nova Scotia.

Your Lordship will, I trust, see the importance of having the bills sent over in December carefully reviewed, that if there are any other difficulties they may be pointed out and obviated while the Legislature is in session.

I have, &c.
(Signed) J. HARVEY,

The Right Hon. Earl Grey,
&c. &c. &c.

Encl. in No. 9.

Enclosure in No. 9.

EXTRACT FROM CORRESPONDENCE, &c.

SIR,

Government House, Fredericton, January 23, 1852.

THIS letter will be delivered to your Excellency by the Hon. E. B. Chandler, a member of my Executive Council, who accompanies three gentlemen, members of the Council of his Excellency the Governor General of British North America.

I have reason to believe that an understanding exists between my advisers and the gentlemen representing Lord Elgin's Government, on the subject of the proposed railway from Halifax to Quebec. The liberal view taken by the Legislature of Nova Scotia, under your Excellency's guidance, leads me to anticipate no serious obstacle on the part of your Government to the arrangements now contemplated.

Propositions made to Her Majesty's Government on behalf of these provinces will acquire much strength from the fact that the three Governments individually co-operate in promoting the same scheme. I know that your Excellency and your Council would hail such a result with sincere satisfaction.

Mr. Chandler will explain to your Excellency the basis on which it is hoped by my Council that a definite proposal may at last be made in conjunction with Canada and Nova Scotia.

I have, &c.
(Signed) EDMUND HEAD.

His Excellency Sir John Harvey,
K.C.B., K.C.H.

MEMORANDUM.

The undersigned, members of the Executive Council of Canada and New Brunswick, having come to Halifax with the view of ascertaining definitively whether, in the event of the Government of New Brunswick submitting to the Legislature of that province a measure, based on the third proposition offered for its consideration on the 21st June last by the Government of Canada, and by the Hon. Joseph Howe on behalf of the province of Nova Scotia, for the construction, on joint account of the three provinces, of a line of railway from Halifax to Quebec, with the aid of the Imperial Government: Nova Scotia will be prepared to co-operate in that work, notwithstanding the recent despatches from the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, to his Excellency Sir John Harvey, Lieutenant-Governor of Nova Scotia; and having conferred with the members of the Executive Council of Nova Scotia on the subject, propose to submit their views more formally for consideration.

The scheme of uniting the three provinces of Canada, New Brunswick, and Nova Scotia, by a railroad, originated in the latter province, which sought the assistance of Canada and New Brunswick, in obtaining a preliminary survey of the line at the common expense of the three provinces, and which has repeatedly pressed upon them various schemes for effecting an object peculiarly advantageous to Nova Scotia, and especially to its important seaport, Halifax. The propositions of Nova Scotia were invariably met in that liberal spirit which, in the opinion of the undersigned, should influence the negotiations of the Governments of great provinces. The importance of the object having been admitted, it became, with the Governments of Canada and New Brunswick, a subject of anxious consideration how the various obstacles which from time to time presented themselves might be removed. The first scheme suggested was, that the work should be undertaken by the Imperial Government, the three provinces contributing an annual sum to make up any deficiency in revenue. The principle then adopted was, that each province should bear an equal share of such contribution. The Imperial Government having declined to undertake the work, the scheme was abandoned as impracticable, and the provinces directed their attention separately to those lines which appeared to them as of the highest importance in a commercial point of view. While Canada and New Brunswick were engaged in following out their plans of improvement, Nova Scotia appointed the Hon. Mr. Howe to proceed to England to obtain the means of constructing the Nova Scotia section of the trunk line, which it was proposed to connect with the European and North American line in New Brunswick. While in England, Mr. Howe urged strongly on Her Majesty's Government to aid Nova Scotia exclusively in her projected railroad. This separate and exclusive aid having been refused, the scheme of uniting the three provinces by a line of railway was revived, and Mr. Howe returned from his mission, having succeeded in obtaining a proposition from the Imperial Government, which he lost no time in pressing most earnestly on the sister provinces. Earl Grey having suggested that the lower provinces should send deputations to the Governor General, the Honbles. Messrs. Howe and Chandler proceeded in June last to Toronto, and held conferences on the subject with the Governor General and the members of his Council, which resulted in a Memorandum, dated the 21st June last, in which the parties express an anxious desire to surmount any obstacles which might present themselves to the success of the enterprise. After a full discussion of the subject, the proposition which seemed most likely to obtain the assent of New Brunswick was as follows:—

"That the line between Halifax and Quebec should be undertaken on the joint account "of the three provinces, and that the Crown Lands lying on each side of the line should "be conceded by each province for the benefit of the road, and that until payment of the "cost of construction and interest, the receipts should be common property; after which "each province to own that portion of the road which passes over its own territory."

This proposition having been favourably entertained by the Government of New Brunswick, the Government of Canada submitted a measure to the Legislature of that province to give it effect, which they succeeded in carrying. It was agreed that the scheme should be submitted to Nova Scotia as soon as practicable, and accordingly an extra session of the Legislature of that province was held, with the view of obtaining its concurrence, and the result was the passage of an Act based on the Toronto proposition. Although no reference was made in that proposition to the European and North American line, yet it was clearly understood that the assent of New Brunswick could only be obtained to the main line by the assurance of Imperial aid in the construction of the European line. That aid, it appears from Earl Grey's despatches, will not be granted, and it therefore follows that the northern line must be considered as entirely abandoned for the present. The only line, therefore, which is now open for consideration, is one which, following Major Robinson's line from Point Levi to River du Loup, or Trois Pistoles, would cross to Lake Temiscouta, and from thence traverse in its main course a country watered by tributaries of the River St. John to the city of St. John, from which city it would take the European line to the bend of the Peticodiac, from whence it would follow any line through Nova Scotia that may be found most eligible by that province. That such a line would meet the approbation of the Imperial Government, if supported by the Governments of the three provinces, the undersigned confidently anticipate; and the more so, as it is now evident that in case of its rejection the whole scheme must be abandoned, —a result which, however much it would be to be deplored, ought, if inevitable, to be

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ascertained as soon as possible. The line above suggested is not inconsistent with the Toronto proposition, nor with that of the Imperial Government, in both of which propositions the location of the line was left for future consideration. The undersigned, however, have learned with regret since their arrival in Halifax, from their conversations with the members of the Executive Council of Nova Scotia, that a new difficulty is likely to arise. It is said that the understanding in Nova Scotia was, that the northern or Major Robinson's line was to be adopted, and that in case Canada and New Brunswick are favourable to the southern route, Nova Scotia will not be prepared to carry out the Toronto proposition. The undersigned cannot admit that Nova Scotia had any just grounds for assuming that the northern line would be the one adopted, and as the New Brunswick Legislature has granted liberal aid to the European line, which, under the scheme now proposed, will only extend from the city of St. John to the frontier, it appears to the undersigned that Nova Scotia will obtain her two great objects,—a connexion with the Atlantic cities of the United States, as well as with Canada and the western states by the St. Lawrence route. In a commercial point of view, the question as to the eligibility of the two routes does not admit of an argument. The southern line there is sufficient ground for believing would be a remunerative one. The great lumbering regions in New Brunswick and Maine take large supplies of bread stuffs and provisions which are now subject to enormous charges for transport. It is the interest of Nova Scotia, as well as of the other provinces, that this great line should not cause a heavy charge on her revenue, and thus cripple her means of extending branch lines to connect with the great trunk. The southern route is defensible in a commercial point of view, and money being obtained at a little over three per cent. will probably pay. The other line would for some years at least pay little if anything more than working expenses. The undersigned, having stated the grounds on which they believe that the only scheme now practicable for connecting the British provinces by a line of railway, is the one suggested above, have only to urge upon the Government of Nova Scotia, which has hitherto taken the lead in pressing for the construction of this work, not to refuse to co-operate with the sister provinces, in a proposition to the Imperial Government, which must be a final one.

Halifax, January 28, 1852.

F. Hincks.
E. P Taché.
John Young.
Ed. B. Chandler.

Memorandum.

The undersigned, members of the Executive Council of Nova Scotia, having maturely considered the altered circumstances in which the Colonial Governments are placed, by the construction put on Mr. Hawes' letter of the 10th March, by Earl Grey's despatches of the 27th November and 9th of January,—

And, having considered the written proposition submitted by the Honourable Messrs. Hincks, Taché, Young, and Chandler, delegates from the sister provinces of Canada and New Brunswick, and the verbal explanations of those gentlemen, are not prepared to advise his Excellency the Lieutenant-Governor to recommend to Parliament to grant the money required on the terms proposed, for the following reasons :

The agreement entered into between the three provinces, represented at Toronto, was based upon the construction then given to Mr. Hawes's letter of the 10th of March.

By that agreement, Nova Scotia, in consideration of her making one third of the line to the St. Lawrence, secured not only the advantage of roads to the chief centres of commerce in Canada, New Brunswick, and the United States, but, if the northern or any direct route had been selected, she would have participated in the carrying trade of Western Canada, of the seaports on the gulf, and have established very intimate relations with the population which might have been thrown into central New Brunswick.

The delegates from the sister provinces now propose, that, having no positive assurance of the completion of the European line, abandoning all hope of connections with the gulf seaports or the settlements of central New Brunswick, and adopting a line up the River St. John, Nova Scotia should still make one third of it. This is scarcely reasonable. The equivalents being varied or withdrawn, this province should be relieved from a burthen which she assumed under very different circumstances.

Besides, if the St. Lawrence and European lines are combined, New Brunswick will have 100 miles less of road to make, while the quantity of land to be thrown into common stock will be largely diminished. The undersigned are confident that the proposition now made by the honourable delegates would not meet the approval of the Provincial Parliament, even if submitted with the whole influence of the Executive Government.

28th January 1852

J. B. Uniacke.
Michael Tobin.
James McNab.
Joseph Howe.
Hugh Bell.
Samuel Creelman.

(Copy.)

SIR, Waverly House, Halifax, January 29, 1852.

I HAVE the honour to enclose a copy of a Memorandum, signed by myself and two of my colleagues now in Halifax, suggesting a new scheme for the construction of the Halifax and Quebec Railway. I entertain sanguine hopes that Nova Scotia will assent to this proposition, and I earnestly entreat of you to consider it favourably, and to obtain the immediate concurrence of the Government of New Brunswick, and an assurance that that Government will submit it to the favourable consideration of the Legislature, with the weight of its influence.

I have, &c.

Hon. E. B. Chandler. (Signed) F. HINCKS.

MEMORANDUM.

The undersigned, members of the Executive Council of Canada, have learned with deep regret that the Government of Nova Scotia is of opinion, that in the event of the Halifax and Quebec Railway being located on a line traversing the country watered by the tributaries of the River St. John to the city of St. John's, and thence following the line of the European and North American Railway to the frontier of Nova Scotia, the Legislature of that province would not be likely to take so large an interest in the work as was contemplated by the proposition agreed to at Toronto by the Government of Canada and Mr. Howe, and submitted for the consideration of the Government of New Brunswick. It is needless to discuss further the subject of the location of the line, and the undersigned feel that no further assistance can be expected from Canada than what has been on all occasions frankly offered. It is well known that the line between Quebec and Halifax is not a favourite one with the people of Canada. It is true that the opposition to the scheme has arisen, in a great degree, from want of information, among the inhabitants residing west of the district of Quebec, of that highly valuable tract of country on the south bank of the River St. Lawrence, from Quebec to the eastern frontier of Canada. This part of the province is almost unknown to the people of Upper Canada, and two of the undersigned have, for the first time, had an opportunity of visiting it on their late journey. They are now enabled to confirm all that has been said by Major Robinson, and others, with regard to the importance of opening railway communication through a country, which has been well described as a "continued village." Though their journey was performed at a most unfavourable period of the year, the general appearance of the farmhouses, with the excellent barns, and other outbuildings, was such as to satisfy them that a people evidently in such a prosperous condition must have the advantage of a fertile soil, and be of industrious habits, and that there is reasonable ground for expecting that a line of railway, which, owing to the favourable character of the gradients, might be constructed very cheaply, would prove remunerative. It is not unworthy of remark in this place, that in crossing the portage road from Rivière du Loup to Lake Temiscouta, the undersigned met no less than forty-two sleighs, in one day, returning from New Brunswick, having delivered loads of pork and flour, destined for the supply of the lumbering regions of New Brunswick and Maine. The flour had been manufactured in Upper Canada, and the cost of transportation from Rivière du Loup to the Little Falls in New Brunswick, a distance of about seventy miles, was 6*s.* 3*d.* currency per barrel. They ascertained further, that Upper Canada flour was carried as far south as the Grand Falls, a distance of thirty-six miles further, at a cost of 2*s.* 6*d.* per barrel additional. The points south of the Grand Falls are supplied from the city of St. John, and principally with Upper Canada flour, which has reached that seaport by New York or Boston, by the route of the American canals and railroads. To divert so important a trade to the St. Lawrence must be of immense importance to all the provinces; and that it can be diverted, and that the railroad between the St. Lawrence and the Atlantic will be most advantageous to all the provinces, the undersigned entertain no doubt. Having pointed out the commercial advantages of those sections of the line which are least appreciated, they deem it unnecessary to dwell on the acknowledged merits of the section within Nova Scotia, or of that between St. John and the Nova Scotia frontier. It is likewise unnecessary for the undersigned to dwell further on the importance to the three provinces of securing a line between Portland and Halifax, which has been a favourite one in Canada, as well as in Nova Scotia and New Brunswick, as it will open a direct communication by railway between Montreal and Halifax by the St. Lawrence and Atlantic route, as well as by the Quebec route. The undersigned are unwilling to believe that the Government and Legislature of Nova Scotia will assume the serious responsibility of finally rejecting the proposal of the Imperial Government to aid in the construction of a work of such importance to British America as the Halifax and Quebec Railway, and they therefore feel it incumbent upon them to make a final appeal to the Governments both of Nova Scotia and New Brunswick. It cannot, in their opinion, be denied, that by the adoption of the southern route New Brunswick will obtain many advantages, and that she is therefore in a position to grant increased aid to the construction of the main trunk. The undersigned would offer as a final proposition, that

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the line should be constructed on joint account of the three provinces, as suggested at Toronto, but that Nova Scotia should only be called upon to take an interest of one fourth in the common stock, while New Brunswick should be required to take five twelfths, and Canada as originally proposed one third. It is of course understood by the undersigned, that in accordance with the terms of Mr. Hawes's letter to Mr. Howe Imperial aid will at least be granted to the line to Montreal, the responsibility for the construction of the section between Quebec and Montreal falling exclusively upon Canada. That province, in order to complete its trunk line, will have to construct, either by public or private enterprise, the line from Montreal to the Detroit River, a distance of about 600 miles. As this line is one of importance to all the provinces, as well as to the empire, the undersigned hope that the proposition of the Imperial Government will be construed in the most liberal manner; but at all events, they can entertain no doubt as to the extension of aid to the line between Quebec and Montreal, as the passage in Mr. Hawes's letter referring to "Quebec or Montreal," is cited by Earl Grey in his despatch of the 9th instant. The undersigned, in making to Nova Scotia and New Brunswick a final proposition, have the satisfaction of believing, that in the event of its rejection Canada will be relieved from all responsibility for the failure of the grand scheme of uniting the British Provinces of North America by a railway.

F. HINCKS.
E. P. TACHÉ.
JOHN YOUNG.

Halifax, 29th January 1852.

SIR, Halifax, January 29, 1852.

I HAVE the honour to acknowledge the receipt of your letter of this day, containing a copy of a Memorandum, signed by the Members of the Executive Council of Canada now in Halifax, suggesting a new scheme for the construction of the Halifax and Quebec Railway, and pressing for the immediate concurrence of the Government of New Brunswick. Before entering into the consideration of any new proposition, I am desirous of calling the attention of yourself and colleagues to a new scheme, the outlines of which I have learned since my arrival in Halifax.

I have been informed that, by the next mail, a proposition is expected from eminent capitalists in England (who have been largely engaged in railway contracts), the basis of which will, in substance, be, that the Quebec and Halifax and European and North American lines will be constructed by a private company, under an Imperial charter, the provinces being required to make an annual grant in favour of the Company of from 90,000*l.* to 100,000*l.* to be divided amongst them, and to be continued for twenty years, and the further contribution of from 3 to 5,000,000 of acres of land. Such is an outline of the proposition which, I have reason to believe, will be made by next mail; and I have to request that you will favour me with the opinion of the delegates from Canada as to its practicability.

I am, &c.
(Signed) E. B. CHANDLER.

Hon. Francis Hincks.

SIR, Waverly House, Halifax, January 29, 1852.

I LOSE no time in replying to your letter of this day, the object of which is to ascertain the opinions of myself and colleagues as to the practicability of constructing the European and North American Railway as well as the Quebec and Halifax, through the instrumentality of a private company, which would require as a condition an annual grant for twenty years of from 90,000*l.* to 100,000*l.*, besides a large tract of the public domain. Prior to the receipt of your letter I had been made aware of the proposition to which you refer, and had discussed it, not only with the Honourables Messrs. Taché and Young but likewise with Mr. Howe and other gentlemen of Nova Scotia. I am therefore enabled to give you a prompt answer to your inquiry, and to assure you that it would not be entertained for a moment.

I have, &c.
(Signed) F. HINCKS.

The Hon. E. B. Chandler.

SIR, Waverly House, Halifax, January 31, 1852.

WE have the honour to enclose copies of a Memorandum from the Hon. E. B. Chandler, a member of the Executive Council of New Brunswick, and of accompanying correspondence, from which you will learn that the Government of that province is prepared to submit to the Legislature a measure for the construction of the Quebec and Halifax Railway based on the proposition which we offered for the consideration of Nova Scotia and New Brunswick, on the 29th instant. We sincerely hope that the Government of Nova Scotia will assume the responsibility of submitting a similar measure to the Legislature now in session. Should the present attempt at negotiation prove a failure, not only will the three provinces be deprived of the advantages of the Imperial guarantee, and consequently of inter-colonial communication, but there is serious ground for apprehension that the refusal, on the part of Nova Scotia, to co-operate with the sister

provinces in this great national undertaking, will have a baneful influence on all our relations. The responsibility for the failure of this great enterprise must now rest upon Nova Scotia, which has hitherto taken the lead in advocating the measure. We trust that you will be able to communicate to us the final decision of the Government of Nova Scotia on the proposition recently submitted by us before our departure for Canada; and we think it only candid to inform you that in our opinion the rejection of this proposition by Nova Scotia will materially injure the British American Colonies in the estimation of the Imperial Government and of the people of the United Kingdom. NOVA SCOTIA.

We have, &c.

F. HINCKS.
E. F. TACHÉ.
JOHN YOUNG.

Hon. Joseph Howe.

MEMORANDUM.

The undersigned, member of the Executive Council of New Brunswick, has given his anxious consideration to the Memorandum, signed by Messrs. Hincks, Taché, and Young, members of the Executive Council of Canada, suggesting a new scheme for the construction of the Halifax and Quebec Railway.

The undersigned participates fully in the regret expressed by the delegates from Canada at the decision of the members of the Nova Scotian Council, by their Memorandum of the 28th instant. It is well known that the line of railway on which public opinion in New Brunswick was concentrated was the European and North American, a line which there was every reason to believe would prove remunerative, and which, instead of embarrassing the finances of the province, would have facilitated the extension of a railroad system, which, at no distant time, would have included the seaports on the gulf as well as the territory designated as central New Brunswick.

The Government and Legislature of New Brunswick have, moreover, been persuaded that, by assuming a large responsibility for a line that would not for many years be a paying one, they would not only seriously embarrass their finances, but would deprive the bulk of the population of the advantage of a line of railway that would subject them to no loss.

When the undersigned was deputed by his Excellency the Lieutenant-Governor of New Brunswick to visit Toronto in June last, at a conference invited by the Governor General, he was fettered by resolutions of both Houses of the Legislature of New Brunswick, rejecting any proposition based on the conditions contained in Mr. Hawes's letter of the 10th of March last. At that conference, Mr. Howe, the delegate from Nova Scotia, earnestly pressed the importance of the great trunk line between Halifax and Quebec, as a means of connecting the British Provinces in close communion and friendly relations. Mr. Howe was aware that the scheme advocated by him was not favourably received in New Brunswick; and but for the inducement of obtaining the aid of the Imperial guarantee for the Enropean and North American line, the co-operation of New Brunswick could not have been secured. Even with this advantage, it was with great hesitation that the Government of New Brunswick undertook the serious responsibility of assuming that portion of the risk which was proposed at Toronto.

It would, at that time, have been held as a wholly inadmissible proposition, that New Brunswick should be called upon to make the section of the line within her own territory. It is evident that such an arrangement was never contemplated by the Imperial Government. Mr. Hawes, in his letter to Mr. Howe, says: "If it should "appear that, by leaving it to each province to make that part of the line passing "through its own territory, the proportion of the whole cost of the work which would "fall upon any one province would exceed its proportion of the advantages to be gained "by it, then the question is to remain open for future consideration, whether some "contribution should not be made by the other provinces towards that part of the "line." There can, in the opinion of the undersigned, be no doubt in the mind of any one, that the paragraph above cited was an intimation to Nova Scotia—the province deriving the greatest advantage from the line, and, at the same time, having the smallest portion within her territory—that she would be expected to contribute more than the cost of her own line.

The proposition to take an interest of one third in the line emanated from Nova Scotia, in conjunction with Canada. It was pressed on New Brunswick, and was, after much consideration by her Government, reluctantly consented to, they being unwilling to assume the responsibility of refusing to co-operate with the sister provinces in a great national undertaking, and of rejecting the liberal offer of the guarantee of the Imperial Government.

The Government of New Brunswick has faithfully adhered to its obligations; and with this view had prepared a measure to be submitted to the Legislature, which was, for this purpose, convened at an early and inconvenient period. Difficulties, arising from misunderstandings, for which New Brunswick is not responsible, have precluded the possibility of New Brunswick adhering rigidly to the Toronto proposition, and accordingly the Government of New Brunswick, when invited by the delegates from Canada

NOVA SCOTIA.

to consider a new proposition, did not feel justified in declining to do so; the change of route being inevitable, the Government of New Brunswick anticipated no difficulty on the part of Nova Scotia in carrying out the spirit of her own proposition, made at Toronto. It however appears from the Memorandum of the Executive Councillors of Nova Scotia, that the construction of a great trunk line of railway to the chief centres of commerce in Canada and New Brunswick, and the union of the great provinces of British America in close commercial and friendly relations, are not sufficient inducements for Nova Scotia to co-operate with her sister colonies, and that she accordingly declines to take an interest of one-third in the projected work.

Without, however, dwelling further on the subject, the undersigned has now to reply to the final proposition made by the Canadian delegates, in their Memorandum of the 29th instant. That proposition calls on New Brunswick to take an interest of five twelfths, or nearly one half of the whole line from Halifax to Quebec, while Nova Scotia is only required to take one quarter. These proportions, the undersigned feels bound to urge, press heavily on New Brunswick; but feeling that the responsibility is cast upon New Brunswick of accepting or refusing what must be considered as a final proposition for the construction of a great national and inter-colonial work, and that the suggestions made by the Canadian delegates may be considered in the light of the award of arbitrators between Nova Scotia and New Brunswick, he is prepared to state, that having communicated with the Government he represents, they will be ready to submit to her Legislature, now in session, a measure in accordance with the proposition of the Canadian delegates.

(Signed) E. B. CHANDLER.

Halifax, 31st January 1852.

No. 10.

No. 10.

(No. 54.)

COPY of a DESPATCH from Lieut.-Governor Sir JOHN HARVEY to Earl GREY.

Government House, Halifax,
February 19, 1852,
(Received March 1, 1852.)

MY LORD,

* Page 50.

REFERRING to my Despatch No. 52*, of the 5th instant, and the correspondence which it enclosed, I have now the honour to report, for your Lordship's information, that a resolution, a copy of which is enclosed, accepting the proposal of the delegates from Canada and New Brunswick, passed the House of Assembly, after debate, by a majority of 22, the division being 36 to 14.

I have, &c.

The Right Hon. Earl Grey, &c. &c. &c.

(Signed) J. HARVEY.

Encl. in No. 10.

Enclosure in No. 10.

Resolved,—That in view of the difficulties created by the interpretation given to Mr. Hawes's letter of the 10th of March by Earl Grey's despatches of the 27th of November and 9th of January, and by which interpretation an abandonment of Major Robinson's route is rendered indispensable, the Executive Government be empowered to accept the proposition made by the delegates from Canada, on this condition, that the interest which this province shall have in the general enterprise contemplated shall be a perpetual interest to the extent of the funds contributed, which shall not exceed one fourth part of the whole cost thereof.

No. 11

No. 11.

EXTRACT of a DESPATCH from Lieut.-Governor Sir JOHN HARVEY to Earl GREY.

Government House, Halifax,
March 3, 1852.
(Received March 17, 1852.)

MY LORD,

* See above.

I BEG to refer to my Despatches of the 5th and 19th ultimo, Nos. 52* and 54,* enclosing certain resolutions on the subject of the contemplated railway from Halifax to Quebec, and also informing your Lordship that members of the Canadian and New Brunswick Governments had met here and concurred in an arrangement on that subject.

I am informed that it is contemplated the provinces should be represented in London by a delegate from each, and that Mr. Hincks will repair to England in the packet to sail from hence on the 4th instant. I have selected the Honourable Mr. Howe to represent Nova Scotia, and he will quit this in company with Mr. Chandler, as soon as the Legislature of New Brunswick has matured its measures on this important subject.

No. 12.

(No. 9.)

COPY of a DESPATCH from the Officer administering the Government to Sir JOHN PAKINGTON, Bart.

Government House, Halifax,
April 14, 1852.

SIR, (Received April 28, 1852.)

I HAVE the honour to transmit for Her Majesty's Assent, with the observations of the Attorney General thereon, copies of two Acts passed by the Legislature of this province, entitled, 1st,* "An Act for raising by way of "Loan a Sum not exceeding 800,000*l.* Sterling, for the Construction of a "Trunk Railway from Halifax to Quebec;" 2d*, "An Act to make Provision "for the Construction of a Trunk Railway from Halifax to Quebec."

I have, &c.

The Right Hon. Sir John Pakington, Bart. &c. &c. &c.

(Signed) JOHN BAZALGETTE,
Administrator.

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* These Acts will be found in the Appendix to the present Papers.

Despatches from the Secretary of State.

No. 1. (No. 264.) No. 1.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir JOHN HARVEY.

SIR, Downing Street, April 3, 1851.

I HAVE to acknowledge the receipt of your Despatch No. 11,* of the 13th of March last, enclosing an address to Her Majesty from the magistrates, freeholders, and inhabitants of the county of Cumberland, praying for Imperial aid in the construction of a line of railway from Halifax to the boundary of the province.

I have laid this address before the Queen, who was pleased to receive it very graciously, and I am commanded to instruct you to refer the memorialists in reply to the communications which you have already received from me on the subject of the Halifax and Quebec Railroad.

I have, &c.

Lieut.-Governor Sir John Harvey, &c. &c. &c. (Signed) GREY.

No. 2. (No. 284.) No. 2.

COPY of a DESPATCH from Earl GREY to the OFFICER administering the Government of Nova Scotia.

SIR, Downing Street, August 27, 1851.

† Page 34. I HAVE the honour to acknowledge the receipt of your Despatch No. 8,† of the 4th of August, enclosing a printed copy of the report made by Mr. Howe to the Government of Nova Scotia of his proceedings with respect to the railway conference, and I have to acquaint you, that I am not aware of any objection to the measure which, with the advice of your Council, you have adopted of dissolving the provincial Parliament.

I have, &c.

The Officer administering the Government of Nova Scotia. (Signed) GREY.

No. 3. (No. 288.) No. 3.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir JOHN HARVEY.

SIR, Downing Street, October 13, 1851.

‡ Page 37. I HAVE to acknowledge the receipt of Lieut.-Colonel Bazalgette's Despatch No. 16,‡ of the 18th September, enclosing the copy of a letter which he had caused to be addressed to the Provincial Secretary of New Brunswick on the subject of the proposed inter-colonial railways.

I have, &c.

Lieut.-Governor Sir John Harvey, &c. &c. &c. (Signed) GREY.

No. 4. (No. 292.) No. 4.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir JOHN HARVEY.

SIR, Downing Street, November 27, 1851.

§ Page 38. I HAVE the honour to acknowledge the receipt of your Despatch, No. 33.,§ enclosing a copy of the speech with which you opened the extra session of the Legislature of Nova Scotia on the 4th inst., and I consider it necessary

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* Page 34, Parliamentary Paper, Halifax and Quebec Railway, April 8, 1851.

to point out to you without loss of time an error into which you have fallen, and which I much regret, in stating that Her Majesty's Government are prepared to recommend to Parliament that provision should be made for raising, with the guarantee of the British Treasury, the funds required for the construction of both the lines of railway adverted to in your speech to the provincial Legislature.

Upon reference to the correspondence transmitted in my Despatch, No. 260*, of the 14th of March last, you will find that it is distinctly stated that the only railway for which Her Majesty's Government would think it right to call upon Parliament for assistance would be one calculated to promote the interests of the whole British empire by establishing a line of communication between the three provinces in North America. It was added, that there would be no objection to the plan which might be decided upon including "a provision for "establishing a communication between the projected railway and the railways "of the United States;" but it is obvious from the whole tenor of the communication made to Mr. Howe, and of the Despatches which I addressed to yourself and to the Governor-General, that while Her Majesty's Government entertain no objection to the establishment of a railway communication with the United States, it was not contemplated that the assistance of Parliament should be applied for for this or for any other object than the formation of the main line connecting the British provinces.

Looking to the large amount of the expenditure which would have to be incurred for this object, I do not anticipate that it would be in the power of Her Majesty's Government to extend to other lines the assistance which it is proposed to grant to the main one in question, though until some definite proposal is made on the part of the three provincial Legislatures no final decision can be adopted.

I have, &c.
(Signed) GREY.

Lieut.-Gov. Sir John Harvey,
&c. &c. &c.

(No.297.) No. 5. No. 5.

Copy of a DESPATCH from Earl Grey. to Lieut.-Governor Sir John Harvey.

Sir, Downing Street, January 9, 1852.

I have to acknowledge the receipt of your Despatch of the 11th† December last, enclosing a report by Mr. Howe on the subject of his having misinterpreted the views of Her Majesty's Government in undertaking to aid the North American provinces in the construction of an inter-colonial railway. I have also received your subsequent Despatch of the 24th‡ December, enclosing a second report from that gentleman on the same subject.

† Page 45.

‡ Page 47.

2. I greatly regret that a misunderstanding should have arisen respecting the extent to which Her Majesty's Government would be prepared to recommend that the loan to be raised by the provinces for this purpose should be guaranteed by the Imperial Parliament. I do not of course doubt Mr. Howe's assertion that I failed to make him understand my views on this question, as I certainly failed to detect the misconception with regard to them into which he had fallen; nor did I for a moment suppose, till I read your speech on opening the late session of the Legislature of the province, that my Despatches and communications on this subject were construed to bear any other sense than that which they were intended, and still in my opinion appear to convey.

3. From a perusal of these reports I observe that Mr. Howe, in explaining the view which he has taken of the proposal of Her Majesty's Government, dwells not so much on the letter of Mr. Hawes of the 10th March 1851, in which the decision of the Government was communicated to him under my direction, as on the language which he has himself held since his return to America in reference to his communication with me, and upon his having assumed throughout these communications that New Brunswick would not be ready to join with Nova Scotia and Canada in the construction of the proposed

* Page 37, Parliamentary Paper, Halifax and Quebec Railway, April 8, 1851.

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line of communication from Halifax to Quebec, except upon the condition that the arrangement should embrace in equally favourable terms a provision for a branch line between the projected railway and the railways of the United States.

4. As to the first of these statements, I have to observe that I perceive, now that my attention has been drawn to them, that there are, in some of Mr. Howe's reports, addressed to the Government of Nova Scotia, and in his letters and speeches which were communicated to me, expressions which I ought to have understood to imply that he expected Her Majesty's Government to make an application to Parliament for assistance for both lines. I can only account for my having failed to perceive this, by supposing that, owing the very great length of these papers, I must in reading them have overlooked the particular expressions to which my attention is now directed, or have read them with so full a belief that Mr. Howe was well aware of the limits within which Her Majesty's Government proposed that the assistance of Parliament should be confined, as to have attached to them a different meaning from that which they were intended to bear, by supposing that Mr. Howe meant to say that both lines were to be executed, but only one with the assistance of Parliament.

5. Adverting in the next place to the other statement, I have undoubtedly always understood that it was unlikely that the people and Legislature of New Brunswick would be disposed to enter into the plan of the Quebec and Halifax Railway unless the Portland line could also be constructed. At the same time, I believed that I had made it fully understood in the repeated conversations which I had with Mr. Howe, and in interviews with other persons interested in the New Brunswick railways, that the view which Her Majesty's Government took of the subject was, that looking to the very great number of important public works projected in almost every British colony, and to the extent of the demand for the assistance of this country in completing them, that assistance could not be given without inconvenience and risk, unless it were strictly limited to objects calculated to promote some important interest of the empire at large, and not merely of some individual colony. The projected line from Halifax to Quebec answered this description, because its construction tended to draw closer the bonds uniting the North American provinces with each other and with the mother country, but the various other railways that were projected, though no doubt calculated to be very useful to the several provinces, would not have had any such important bearing upon the interests of the empire at large, and it appeared to me therefore that they ought to be executed by the colonies interested or by private enterprise when practicable, but without any responsibility being incurred by the mother country for the expenditure.

6. The Despatches addressed to the respective Governors of the colonies and the letters of Mr. Hawes will be found to be in strict conformity with this view of the subject; but the principle is laid down so clearly in the following extract from Mr. Hawes's letter that it will be unnecessary to cite any other passages in support of what I have stated.

"In the first place, as Her Majesty's Government are of opinion that they would not be justified in asking Parliament to allow the credit of this country to be pledged for any object not of great importance to the British empire as a whole, (and they do not consider that the projected railway would answer this description unless it should establish a line of communication between the three British provinces,) it must be distinctly understood that the work is not to be commenced, nor is any part of the loan for the interest on which the British Treasury is to be responsible to be raised, until arrangements are made with the provinces of New Brunswick and Canada, by which the construction of a line of railway passing wholly through British territory from Halifax to Quebec and Montreal shall be provided for to the satisfaction of Her Majesty's Government."

7. I must also add that New Brunswick being in the opinion of many of its inhabitants more interested in the southern line, my belief was, that contemplating the execution of this line by such means as could be found without the assistance of Parliament, the people of New Brunswick would find a great advantage in the execution of the Halifax and Quebec line by the assistance of Parliament, because this would provide for the execution of that portion of the line through Nova Scotia which would be common to both without requiring

that the capital should be provided on the spot, and would thus leave a large amount of that capital available for the line which New Brunswick was to execute for itself.

8. Having thus adverted to that part of Mr. Howe's statement of which the object is to show that I had not been left in ignorance of his understanding as to the proposal to be submitted to Parliament, I have next to consider what were the actual engagements into which Her Majesty's Government entered, and what the decision arrived at on Mr. Howe's application, as communicated to him in Mr. Hawes's letter of the 10th of March.

In this letter Mr. Hawes was directed to inform him that the guarantee of a loan which Nova Scotia proposed to obtain for the construction of that portion of the projected line to be established in British territory between the provinces of Nova Scotia, New Brunswick, and Canada which would pass through the province of Nova Scotia, would be granted, upon condition that no part of the loan should be raised until arrangements were made with Canada and New Brunswick, by which the construction of a line of railway passing wholly through British territory from Halifax to Quebec should be provided for to the satisfaction of the Government, and that to facilitate such arrangements Her Majesty's Government would recommend to Parliament that the like assistance should be rendered to those provinces as to Nova Scotia, in obtaining loans for the construction of their respective portions of the work.

9. It is quite clear, therefore, that no assistance was promised to New Brunswick in the construction of any line but that one which should form part of a continuous railway from Halifax to Quebec. The expression "the line" is repeatedly used in describing the object for which the loan was to be guaranteed; and to make it perfectly clear what that line was, it is stated that "any deviation from the line recommended by Major Robinson and Captain "Henderson must be subject to the approval of Her Majesty's Government."

10. And when it is added, that Her Majesty's Government would by no means object to its forming part of the plan which may be determined upon, that it should include a provision for establishing a communication between the projected railway and the railways of the United States, it is obvious, as I have already pointed out in my Despatch to you of the 27th of November last, that nothing further was contemplated in that passage than that Her Majesty's Government would sanction such a provision for the purpose as the Legislature of New Brunswick might deem expedient to make upon its own liability.

11. Mr. Hawes's letter was acknowledged by Mr. Howe on the day following that on which it was received, in a letter which I have now before me, and the expressions used by Mr. Howe on this occasion left me under the impression that he was fully aware that it was one railroad only for the construction of which Her Majesty's Government was prepared to propose to Parliament to advance the funds, or to pledge the national credit, because they speak of "the work," "the railroad," "the great national highway," and contain no allusion to more lines than one or to a line of connexion across New Brunswick with the railroads of the United States.

12. I must also refer you to my Despatch to Lord Elgin, dated the 14th March last, copies of which I transmitted to you as well to the Lieutenant-Governor of New Brunswick. Lord Elgin was then distinctly informed, that the guarantee promised by Her Majesty's Government, in acceding to the proposal and application of Mr. Howe, would be confined to loans required by the three provinces for the projected railway from Halifax to Quebec.

13. Mr. Howe, in his second report, lays great stress on a memorandum signed by the members of the Executive Council of New Brunswick in August 1851, and transmitted to me, as showing that I acquiesced at that time in a much wider interpretation of Mr. Hawes's letter than I have now allowed it to admit of, inasmuch as that memorandum states that the Council "will not "accept any proposal for building the great trunk line which shall not embrace "in an equally favourable and explicit manner the European and North "American Railway, the liability for the latter being solely confined to the "province."

14. The inference I drew from this memorandum upon receiving it was, that notwithstanding some ambiguity in the expressions made use of, the concluding words of the above extract implied that the members of the Executive Council of New Brunswick by whom the paper was signed correctly understood

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Mr. Hawes's letter in the sense which I have explained above, but that they entertained a hope that the amount of assistance to be granted to that province might hereafter be increased. But to prevent any misconception on their part as to the intention of the Government, I took occasion in acknowledging the Despatch of Sir Edmund Head, enclosing that memorandum, to observe with respect to it, that it would be premature to enter upon the consideration of a proposal not yet submitted to me, but I think it right to observe that Her Majesty's Government would not be prepared to recommend to Parliament to extend assistance to the projected railways in British North America further than was promised in my Despatch of the 14th of March last.

15. I must again express my regret, that on a point of so much importance, Mr. Howe should have misunderstood the view of Her Majesty's Government and the tenor of my Despatch on this subject. The extent to which the assistance of Parliament should be asked for towards the establishment of railway communication in the North American provinces formed the subject of careful deliberation at the time when Mr. Howe was in this country, and he was made acquainted with the decision eventually arrived at by Her Majesty's Government, in language which even now I am of opinion was so explicit and unambiguous, that I cannot regard myself as responsible for the error into which he has been betrayed, most probably by the natural eagerness with which he pursued an object of such deep importance to the whole of British North America. I have only to add, that I hope the Legislature of Nova Scotia will not too hastily abandon as impracticable the design of executing this great work, with the limited amount of assistance which Her Majesty's Government are ready to recommend to Parliament, and which I confidently believe that Parliament would readily grant.

I have, &c.

Lieut.-Governor Sir John Harvey, &c. &c. &c.

(Signed) GREY.

No. 6.

No. 6.

COPY of a DESPATCH from Earl GREY to Sir J. HARVEY.

(Separate.)

SIR, Downing Street, February 20, 1852.

Mr. HINCKS having expressed his wish that my answer to a letter which he addressed to me from Halifax on the 5th instant, on the subject of the projected railroad between that city and Halifax, should be forwarded to him through you, I have now, in complying with his request, to inform you that as my communication relates to the interests of Nova Scotia as well as of Canada, it is desirable that you should avail yourself of this opportunity of perusing it. For that purpose my answer is placed in an envelope with a flying seal. In the event of Mr. Hincks having left Halifax before this reaches you, you will be so good as to take the necessary steps for forwarding it to him safely.

February 20, 1852. Page 22.

I have, &c.

Lieut.-Governor Sir John Harvey, &c. &c. &c.

(Signed) GREY.

No. 7.

(No. 11.)

No. 7.

COPY of a DESPATCH from the Right Hon. Sir JOHN PAKINGTON to the OFFICER administering the Government of NOVA SCOTIA.

SIR, Downing Street, May 26, 1852.

CERTAIN Acts passed by the Legislature of Nova Scotia in the session of 1851, having reference to the proposed construction of a trunk line of railway from Halifax to Quebec being at present under the consideration of Her Majesty's Government, the operation of which Acts is made contingent upon the question of affording to the railway the pecuniary assistance of this country, I have to instruct you to report to me your opinion, whether, since Her Majesty's Government have decided that it is impossible under existing circumstances to apply to the Imperial Parliament for the desired assistance, it would be proper that these Acts should be left to their operation in the

usual manner, by an order of the Queen in Council, or whether Her Majesty should abstain from making any order thereupon.

I am, &c.

The Officer administering the Government of Nova Scotia. (Signed) JOHN S. PAKINGTON.

(No. 12.) No. 8. No. 8.

COPY of a DESPATCH from the Right Hon. Sir JOHN PAKINGTON to the OFFICER administering the Government of NOVA SCOTIA.

SIR, Downing Street, May 27, 1852.

I HAVE the honour to transmit herewith the copy of a Despatch which I have addressed to the Governor General of British North America, conveying to his Lordship the decision at which, after mature deliberation, Her Majesty's Government have arrived upon the proposals laid before them, on the part of Canada, Nova Scotia, and New Brunswick, on the subject of the projected line of railway from Halifax to Quebec.

No. 25, May 20, 1852, page 18.

I have, &c.

The Officer administering the Government of Nova Scotia. (Signed) JOHN S. PAKINGTON.

(No. 16.) No. 9. No. 9.

COPY of a DESPATCH from the Right Hon. Sir J. S. PAKINGTON to the OFFICER administering the Government of NOVA SCOTIA.

SIR, Downing Street, June 10, 1852.

I HAVE to acknowledge the receipt of the late Lieutenant-Governor Sir J. Harvey's despatch of the 11th of last December, No. 38,* transmitting an address to the Queen from the two Houses of the Legislature of Nova Scotia, having for its object the obtaining direct aid from the Imperial Government, in the construction of the Halifax and Quebec line of railway.

* Page 43.

The state of this question having, as I learn, precluded my predecessor from submitting this address to Her Majesty whilst he was in office, it has devolved upon me to do so; and I have now to instruct you to inform the Legislative Council and House of Assembly that I have fulfilled their wishes in the presentation of the address, and that Her Majesty has been pleased to receive the same very graciously. In returning this answer, you will at the same time add the expression of regret which is entertained by Her Majesty's Government, that, for the reasons explained in my despatch of the 26th of May, it has not been in their power to meet the desire of the Legislature for the pecuniary assistance of this country in the construction of the proposed railroad.

I have &c.

The Officer administering the Government of Nova Scotia. (Signed) JOHN S. PAKINGTON

NEW BRUNSWICK.

Despatches from Lieut.-Governor Sir E. Head.

NEW BRUNSWICK.

No. 1.

(No. 37.) No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to Earl GREY.

Government House, Fredericton, N. B.,
June 13, 1851.
(Received July 3, 1851.)

MY LORD, (Answered No. 278, July 8, 1851, Page 81.)

I HAVE the honour to enclose a copy of certain resolutions passed at a public meeting in the county of Kent in this province, respecting the Halifax and Quebec Railroad.

I have, &c.

The Right Hon. Earl Grey, (Signed) EDMUND HEAD.
&c. &c. &c.

Encl. in No. 1.

Enclosure 1 in No. 1.

AT a public meeting convened by the High Sheriff of the county of Kent, pursuant to a requisition presented to him, and held at the Court House in Richibucto on Tuesday the 3d day of June instant, to take into consideration the Halifax and Quebec Railway, the following resolutions were passed unanimously.

Resolved, That this meeting desires to express entire satisfaction with the proposition of Her Majesty's Government, as communicated in the letter of Benjamin Hawes, Esquire, Under Secretary of State for the Colonies, to the Honourable Joseph Howe, by which funds will be advanced to the provinces of Canada, Nova Scotia, and New Brunswick for the construction of railways connecting Nova Scotia, through this province, with Quebec and Montreal, on terms which secure the completion of that work at little more than one half it would cost without the interposition of the Imperial Government.

Resolved, That a railway from Halifax to Quebec would tend more than any other public work to advance the interests of this province, both by facilitating commercial intercourse and promoting the settlement of its wild lands, while it would constitute a bond of union between the British North American colonies, and bind them more closely to the parent state, and, therefore, whether viewed as a provincial or national undertaking, it is a subject of paramount importance.

Resolved, That this meeting deeply regrets the hasty decision of the Legislative Council and House of Assembly on the liberal offer of Her Majesty's Government, before the subject could be brought under the consideration of the Legislatures of Canada and Nova Scotia, and trust that the Legislature will, at an early day, reconsider the whole subject of railways with a view to harmonious and combined action with the adjoining provinces.

Resolved, That a copy of the foregoing resolutions be transmitted to his Excellency the Lientenant-Governor, and that his Excellency be respectfully requested to transmit the same to Her Majesty's Principal Secretary of State for the Colonies.

(Signed) GEORGE PAGAN,
Chairman.

C. W. Weldon, Secretary,
Richibucto, June 7, 1851.

No. 2.

(No. 44.) No. 2.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to Earl GREY.

Government House, Fredericton, N. B.,
July 11, 1851.
(Received July 30, 1851.)

MY LORD, (Answered No. 281, August 5, 1851, Page 81.)

I HAVE the honour to enclose a memorandum handed to me at a meeting of my Executive Council on the 8th of July last, with reference to your Lordship's Despatch of the 12th of June last, No. 269.*

I have, &c.

The Right Hon. Earl Grey, (Signed) EDMUND HEAD
&c. &c. &c.

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* Page 28, Parliamentary Paper relative to Halifax and Quebec Railway, June 16, 1851.

Enclosure in No. 2.

NEW BRUNSWICK.

Encl. in No. 2.

THE Executive Council of New Brunswick much regret that Her Majesty's Principal Secretary of State for the Colonies should have determined in not submitting the facility bills of last Session, relating to the two railways, for the confirmation of Her Majesty in Council, because the Act incorporating the North American and European Railway Company does not contain some provisions deemed by Her Majesty's Government essential for the protection of Imperial interests. These provisions the Council cannot entertain the least doubt will be made whenever the Legislature are again convened, an event which will in all probability take place at an earlier period than usual. The facility bills were introduced into the House of Assembly by the local Government, as measures in which they considered the interests of this province were deeply involved, and were carried almost by acclamation in both houses. Under these circumstances, the Council feel, that as a part of the Government, they are seriously weakened in public estimation by the action of the Imperial authority, more particularly as no objection has been raised by them against the facility bills, but on the contrary in all their provisions they are sanctioned by Earl Grey's Despatch.

The Council feel that no possible injury could arise by passing the bills in question; but holding them in abeyance until the amendments be made in the Act of incorporation must inevitably have a tendency to excite great dissatisfaction among a large portion at least of the people of this province interested in the success of the North American and European Railway, inasmuch as no action, so far as receiving subscription for stock, can nor will be had until the acquiescence of the Crown on the facility bill for that railway be first had.

The Council, therefore, humbly hope and trust that Earl Grey will feel himself authorized to waive all objections, and that he will submit the bills for Her Majesty's gracious approval.

W. S. HAREN.
J. S. STRUT.
J. R. PARTELOW.
J. W. B. KINNEAR.
GEORGE S. HALL.

(No. 51.) No. 3. No. 3.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to Earl GREY.

Government House Fredericton, N.B.,
August 2, 1851.
(Received August 18, 1851.)

MY LORD, (Answered, No. 288, August 28, 1851, Page 81.)

I HAVE the honour to submit, for Her Majesty's approval, the following arrangements with reference to the Executive Council of this colony.

Mr. Hill, now a member of that body, resigns his seat, and I propose to allow him to retire with his rank and precedence, as a mark of the sense which I entertain of his services.

This retirement leaves three places to be filled, and I have appointed, provisionally, the following gentlemen to fill these vacancies.

Mr. Robert Duncan Wilmot, M.P.P. for the county and city of St. John.

Mr. John Hamilton Gray, Barrister-at-Law, and M.P.P. for the county and city of St. John.

George Hayward, Esq., M.P.P. for the county of Sunbury.

These appointments, if sanctioned by the Queen, will complete the full number of Executive Councillors for New Brunswick.

I have also the honour to append to this Despatch a copy of a memorandum agreed upon by the members of the Council thus reconstructed as expressing the policy they propose to pursue in the matter of the Halifax and Quebec Railway.

I have, &c.
(Signed) EDMUND HEAD.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure in No. 3.

Encl. in No. 3.

MEMORANDUM in regard to the Railway Policy of the Provincial Government, viz.:

THAT the proposals made by the Secretary of State for the Colonies as expressed in Mr. Hawes's letter, under date of *, upon the subject of railways in this province, shall be accepted in full so far as the amount necessary is concerned, and upon

* So in copy.

NEW BRUNSWICK.

the propositions specified in Mr. Howe's report to his Government on his return from the delegation to Canada or on terms not less favourable, and upon such better modification of the terms specified in Mr. Hawes's letter respecting the securities to be offered by the province as can be obtained ; it being distinctly understood that the Government will not accept any proposals for building the great trunk line which shall not embrace in an equally favourable and explicit manner the European and North American Railway, the liability for the latter line being solely confined to the province.

It is also understood that the Government will urge upon the Imperial Government the propriety of obtaining imperial aid in addition to the guarantee, in consideration of the valuable lands which will be conceded by New Brunswick along both lines for emigration purposes, and of the great national importance of the undertaking.

(Signed) E.B.C.
R.L.R.
A.R.
J.R.P.
J.A.S.
W.B.K.
GEO. HAYWARD.
ROBT. D. WILMOT.
J.H. GRAY.

Committee Room, August 1, 1851.

No. 4. (No. 66.) No. 4.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to Earl GREY.

Government House, Fredericton, N.B.,
November 8, 1851.
(Received November 24, 1851.)

MY LORD, (Answered, No. 302, December 5, 1851, Page 82.)

I HAVE the honour to enclose a letter addressed to your Lordship by Mr. R. Jardine, president of the European and North American Railway Company, together with certain resolutions passed at a meeting of the shareholders of that company.

I am, &c.
(Signed) EDMUND HEAD.

The Right Hon. Earl Grey,
&c. &c. &c.

Encl. 1 in No. 4.

Enclosure 1 in No. 4.

MY LORD, Saint John, New Brunswick, November 6, 1851.

I HAVE the honour to submit copies of resolutions passed by the stockholders and by the directors of the European and North American Railway Company, by which your Lordship will perceive that the company and directors have formally consented to the amendments in the Act of incorporation deemed by your Lordship indispensable in your Lordship's despatch to his Excellency Sir E. W. Head, dated June 12, 1851.

As your Lordship's objections to the Act of incorporation have been thus removed, and as the want of Her most Gracious Majesty's assent to the bills, severally intituled "An "Act to facilitate the construction of the European and North American Railway," and "An Act further to facilitate the construction of the European and North American "Railway," cripples the exertions of the company, and seriously retards the important work so anxiously desired by the people of this province, and as farther delay would probably prevent the possibility of operations being commenced at a sufficiently early period in the spring, and so lead to the loss of another season, I have, in the name and behalf of the company, most earnestly to request your Lordship to submit the said bills for Her most Gracious Majesty's approval.

I have, &c.
(Signed) R. JARDINE,
President,
E. & N.A. Railway Company.

The Right Hon. Earl Grey,
Her Majesty's Secretary of State.

Encl. 2 in No. 4.

Enclosure 2 in No. 4.

AT a meeting of the directors of the European and North American Railway Company, held in the Commercial Bank Building, in conformity to notice the 27th October 1851,

The following resolutions were unanimously adopted :

That the European and North American Railway Company do hereby consent and agree that section of the Imperial Act, 7 & 8 Vict. chap. 85., respecting the transportation of troops, &c. &c. be incorporated in their charter by way of amendment in lieu of section 61.

Resolved also, That this company hereby consent to such amendments in their charter as will secure the use on fair terms of the traffic between Halifax and Quebec of their part of the line of the railway now proposed to be constructed which will be common to the two lines, fully to meet the views of his Lordship as expressed in his despatch to the Right Hon. the Earl of Elgin and Kincardine, dated the 12th June 1851.

Resolved, That copies of the above resolutions under the seal of the company and signed by the president, be forthwith transmitted through his Excellency the Lieut.-Governor to the Colonial Minister, with an earnest request from the president that his Lordship would submit the bills, severally intituled "An Act to facilitate the "construction of the European and North American Railway Company," and "An "Act further to facilitate the construction of the European and North American "Railway Company," for Her most Gracious Majesty's assent.

THOS. B. MILLIDGE, Secretary. R. JARDINE, President.

At a meeting of the stockholders of the European and North American Railway Company, held pursuant to notice in the Commercial Bank Building, on Saturday the 25th October 1851,

The following resolution was unanimously adopted :—

That the Board of Directors to be appointed are hereby requested and authorized to consent to such alterations in the charter of this company as they may think proper (to meet the views of Her Majesty's advisers).

THOS. B. MILLIDGE, Secretary. R. JARDINE, President.

No. 5.

(No. 2.) No. 5.

COPY of a DESPATCH from Lieut-Governor Sir EDMUND HEAD to Earl GREY.

Government House, Fredericton, N.B.,
January 17, 1852.
(Received February 3, 1852.)

MY LORD,

I HAVE the honour to enclose for your Lordship's information a copy of the speech with which I opened the Legislative Session in this province on the 8th instant, together with copies of the addresses presented in reply thereto.

I have, &c.
(Signed) EDMUND HEAD.

The Right Hon. Earl Grey.
&c. &c. &.

Encl. 1 in No. 5.

Enclosure 1 in No. 5.

EXTRACT.

Mr. President and Honourable Gentlemen of the Legislative Council,

Mr. Speaker and Gentlemen of the House of Assembly,

I HAVE called you together rather earlier than usual, and I have much pleasure in meeting you again on the present occasion. The legislation which has taken place in Canada and Nova Scotia has made it expedient that an opportunity should be afforded you with as little delay as possible, for considering the very important subject of railway communications in British North America. At the same time I rejoice that circumstances have been such as to spare the expense to the province, and the inconvenience to yourselves, which an extraordinary session would have occasioned, but which the importance of the subject would have warranted.

* * * * *

A considerable mass of papers relating to the proposed construction of a Halifax and Quebec Railway will immediately be placed in your hands, and from these papers you will learn the present condition of this great question. You know that Canada and Nova Scotia have manifested an earnest desire to accept in some form the aid offered by Her Majesty's Government for the promotion of this great object. I sincerely trust that it may appear consistent with the interests of New Brunswick, to co-operate cordially in such a scheme ; of this at any rate I feel convinced, your interests are part and parcel of the interests of British North America.

NEW BRUNSWICK.

In the despatches laid before you, you will find the reasons why Her most Gracious Majesty has not been advised as yet to assent to the Act passed last session in aid of the European and North American Railway. A bill containing the proposed amendment will be submitted for your consideration.

In my opinion, a railroad uniting Canada, New Brunswick, and Nova Scotia, especially in connexion with a line to the United States, would produce an abundant return to this province. I believe that your revenue would increase very largely, without imposing additional burthens on any one; that millions of acres now untrodden would supply food for man, and that millions of tons of timber now standing worthless in your forests would find a profitable market.

It will, however, be obvious to you, that the introduction of capital from other quarters is almost indispensable to the construction in this province of works of such a character on a large scale. If you have made up your minds to have railways, the question is, "How can such capital be got?" The surplus capital of our own province would go but a little way. The distances are great, and our means are limited. You know as well as I do, that to withdraw a large amount of private capital suddenly from its present employments would derange and dislocate all the ordinary industry of the country. The farmer, the fisherman, the lumberer, the merchant, and the agriculturist would have to forego at once the use of sums on which they severally rely for the prosecution of their business. Although it is no doubt true, that such an outlay would ultimately repay itself with ample interest, yet, in the interval, without an advance of capital from some other source, great distress would be suffered.

Having said this much on the subject of railways, I leave the matter in your hands."

Encl. 2 in No. 5.

Enclosure 2 in No. 5.

EXTRACT.

To his Excellency Sir Edmund Walker Head, Baronet, Lieutenant Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c.

The humble Address of Her Majesty's Legislative Council in General Assembly convened.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects the Legislative Council in General Assembly, beg to offer our thanks for your Excellency's speech at the opening of the present session.

The prompitude shown by your Excellency in calling us together at an earlier period than usual, with an especial reference to the important subject of establishing railways in these provinces, evinces your Excellency's watchful care for the public interests.

* * * * *

The promise of your Excellency to lay before us papers relating to the proposed construction of a Halifax and Quebec Railway affords us much satisfaction, being convinced that the people of this province are anxiously expecting information respecting this great work, and we hope it may be found to consist with the true interests of New Brunswick cordially to co-operate with Canada and Nova Scotia in accepting the proffered aid of Her Majesty's Government. The bill alluded to by your Excellency for amending the European and North American Railway Act shall receive our best attention.

We fully appreciate your Excellency's observations on the establishment of a railway uniting Canada and Nova Scotia with this province, connecting us at the same time with the United States; and as there is no subject in the present advanced state of knowledge, and in the circumstances of this country, which can more deeply interest us, so we believe there is none which should receive at our hands a more careful and deliberate consideration."

Encl. 3 in No. 5.

Enclosure 3 in No. 5.

To his Excellency Sir Edmund Walker Head, Baronet, Lieutenant Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c.

The humble Address of the House of Assembly.

May it please your Excellency,

We, the representatives of Her Majesty's faithful and loyal subjects the people of New Brunswick, offer our thanks to your Excellency for your speech at the opening of the present session.

We readily appreciate the motives and objects which have led your Excellency to call us together at this earlier period, and we are fully sensible that the legislation which has taken place in Canada and Nova Scotia upon the subject of railway communication has made it expedient to do so, at the same time we rejoice that circumstances have enabled your Excellency to spare the expense to the province, and the inconvenience to ourselves, of an extraordinary session.

* * * * * * *

NEW BRUNSWICK.

We shall thankfully receive from your Excellency all papers and other information having reference to the constructiou of the Halifax and Quebec Railway. We are aware that Canada and Nova Scotia have manifested a desire to accept the aid offered by Her Majesty's Government for the promotion of this great object, and we sincerely trust that it may be consistent with the interests of New Brunswick cordially to co-operate in so important an undertaking, readily admitting that the best interests of this province are identified with those of British North America.

The House of Assembly will be anxious to learn from the despatches to be laid before them the grounds for Her most Gracious Majesty not having yet been advised to assent to the Facility Bill, passed the last session, in aid of the European and North American Railway, and trust these grounds will be removed by the Bill to be introduced by the Government for that purpose.

A railway uniting Canada, New Brunswick, and Nova Scotia, especially in connexion with a line to the United States, we believe, with your Excellency, would prove highly beneficial; and we are glad to learn that it is your Excellency's opinion that it would produce an abundant return, increase the revenues of the province without imposing additional burdens on the people, lead to a speedy settlement of large tracts of wilderness land, and be the means of opening a profitable market for the productions of the province.

It is no doubt obvious that the introduction of capital from other countries is, in this young province, indispensable for the construction of great public works, that the surplus capital of our own provincial resources could do little, and therefore to embark in undertakings of this nature without aid from the mother country would have the effect of withdrawing a large amount of private resources from present employment, and thereby derange and dislocate the ordinary operations of the country in the manner your Excellency has pointed out; and although we do not doubt that such an outlay might ultimately prove remunerative, yet in the interval it must lead to much distress and inconvenience.

Your Excellency may rest assured, however, that the subject of railways will receive our best and most attentive consideration, and we sincerely trust that the information contained in the despatches upon this subject may be such as to enable us to promote that great object without embarrassing the affairs of the province."

(No. 8.) No. 6. No. 6.

Copy of a DESPATCH from Lieut.-Governor Sir Edmund Head to the Right Hon. Sir John S. Pakington, Bart.

Government House, Fredericton, N.B.,
March 23, 1852.

Sir, (Received April 14, 1852.)

I have the honour to enclose a copy of a Minute approved by me in Council on the 17th of March, in pursuance of which the Hon. E. B. Chandler (senior Member of the Executive Council and a Member of the Legislative Council of this colony) has been authorized by me to proceed to England by the mail packet of the 31st instant from Halifax.

This step has been taken with the less hesitation, on account of the wish expressed on the part of Lord Grey in Mr. Peel's letter to Mr. Hincks, dated February 20, 1852.* I desire to add that I have perfect confidence in Mr. Chandler's zeal, discretion, and intelligence, as well as in his thorough knowledge of the interests and resources of New Brunswick. He is the bearer of printed copies of the two enclosed Bills* relating to the proposed railway, which have passed the Legislative Council and Assembly, and only wait my assent to become laws.

* Copy of this Letter sent to Sir E. Head in Earl Grey's Despatch, No. 313, Feb. 20, 1852.

It is my sincere and earnest hope that the exertions of Mr. Chandler and the other delegates may succeed in securing the completion of a work which, in my opinion, will prove most advantageous to the interests of all British North America, and will conduce to a thorough good feeling between the three provinces themselves, as well as between Great Britain and her North American Colonies.

I have, &c.
(Signed) EDMUND HEAD.

The Right Hon.
Sir J. S. Pakington, Bart.

* These Acts will be found in the Appendix to this paper.

NEW BRUNSWICK.

Enclosure in No. 6.

In Council, March 17, 1852.

Encl. in No. 6.

Ordered, That the Honourable Edward B. Chandler, in whose integrity and ability the Council have perfect confidence, should be requested by his Excellency the Lieutenant Governor to proceed to England by the next packet from Halifax, as a delegate on behalf of the Executive Council of New Brunswick, according to the suggestion referred to and approved of in Mr. Peel's letter of the 20th February 1852.

2. That Mr. Chandler be directed to co-operate with Mr. Hincks on the part of Canada, and with any delegate from Novia Scotia, in conducting such negotiations in relation to the Halifax and Quebec Railway as may appear expedient, and may be warranted by the provisions of the two bills now awaiting his Excellency's assent.

3. That the provisions of such two bills be considered as the instructions on this subject given to Mr. Chandler by his Excellency in Council, by which he is to be guided, and subject to which he is to exercise his discretion in promoting the interests of this province in the matter of such railway.

Extract from the Minutes.

JOHN C. ALLEN,
Clerk of the Executive Council, New Brunswick.

No. 7.

(No. 12.)

No. 7.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Right Hon. Sir JOHN S. PAKINGTON, Bart.

Government House, Fredericton, N.B.,
April, 1852.

SIR,

(Received April 28, 1852.)

I HAVE the honour to enclose a copy of the speech with which I this day closed the Legislative Session in this province.

I have, &c.

The Right Hon.
Sir J. S. Packington, Bart.

(Signed) EDMUND HEAD.

Encl. in No. 7.

Enclosure in No. 7.

EXTRACT.

" Mr. President and Honourable Gentlemen of the Legislative Council,
" Mr. Speaker, and Gentlemen of the House of Assembly,

" I congratulate you on having brought to a close a session of considerable length and considerable importance, a session marked by the enactment of some measures which may in all probability exercise great influence on the future destinies of this province, and of British North America generally.

" I allude more particularly to the Acts for the construction of a Railway from Halifax to Quebec. The moment your deliberations on these Bills had closed, I despatched a Member of my Executive Council to England, in order that, co-operating with delegates from Canada and Nova Scotia, he might obtain the means for carrying out your wishes. I trust heartily that he may succeed in the object of his mission. The legislation of this session has seemed for the moment to bring into conflict the interests of different portions of the province ; I venture, however, to hope, that the time will come when all Her Majesty's subjects in New Brunswick, wherever they may reside, will look back with satisfaction on the measures which you have passed, and enjoy the prosperity which we earnestly pray may spring from them."

No. 8.

(No. 16.)

No. 8.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Right Hon. Sir JOHN S. PAKINGTON, Bart.

Government House, Fredericton, N.B.,
April 8, 1852.

SIR,

(Received April 23, 1852.)

THE Legislature of New Brunswick in their Session of 1851 passed two Acts, with suspending clauses, for the purpose of facilitating the construction of the European and North American Railway.

NEW BRUNSWICK.

These Acts were transmitted by me, with a Despatch dated April 7, 1851, No. 16,* but Earl Grey in his Despatch of June 12, 1851, No. 269,† and the enclosure thereof, assigned certain reasons why he declined laying them before the Queen at that time.

2. My Executive Council forwarded a memorandum urging the expediency of passing these bills; Lord Grey still adhered to his resolution unless certain amendments should be made in the Act incorporating the European and North American Railway. In reply to a letter from the President of the European and North American Railway Company, his Lordship stated that he thought the Legislature of New Brunswick ought to have an opportunity of reconsidering the whole subject.

Despatch of Nov. 8, 1851, No. 66, Page 68.

Despatch of Dec. 5, 1851, No. 302, Page 82.

3. This opportunity has now been given, and the result has been, the passing of the two Acts, of which, as bills, copies were forwarded with my Despatch by the last mail relating to the mission of the Honourable E. B. Chandler. Besides these Acts the Legislature have passed an Act, of which a certified copy is enclosed, containing such amendments as Lord Grey appeared to consider indispensable to the Act incorporating the European and North American Railway.*

Sir E. Head to Sir J. Pakington, No. 8, March 23, 1852, Page 71.

* See Appendix.

4. In addition to such amendments it has been thought right to add certain provisoes in the last clause. One of these enacts that the two Acts for facilitating the construction of the European and North American line, passed in the session of 1851, shall, if assented to by the Queen, be construed as one Act with this; and the other provides that the privileges and advantages granted to the European and North American line shall not clash with or impede the enjoyment of any advantages given to the Halifax and Quebec line. This was necessary, as the two lines now profess to pursue the same route for a very long distance, and the gift of land, &c. &c. could not belong to both.

The Right Hon. Sir J. S. Pakington, Bt. &c. &c. &c.

I have, &c.
(Signed) EDMUND HEAD.

(No. 18.)

No. 9.

No. 9.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Right Hon. Sir JOHN S. PAKINGTON Bart.

Government House, Fredericton, N.B.,
April 9, 1852.
(Received April 28, 1852.)

SIR,

(Answered, No. 6., May 6, 1852, Page 82.)

IN compliance with the resolutions passed at public meetings held in the counties of Gloucester and Northumberland respectively, I have the honour to enclose addresses to Her most Gracious Majesty on the subject of the proposed railway from Halifax to Quebec.

I request that these addresses may be laid at the foot of the Throne.

I have &c.
(Signed) EDMUND HEAD.

The Right Hon. Sir J. S. Pakington, Bt. &c. &c. &c.

Enclosure 1 in No. 9.

Encl. 1 in No. 9.

Newcastle, Northumberland,
March 30, 1852.

MAY it please your Excellency,

IN pursuance of a resolution passed at a public meeting of the inhabitants of this county, held at the Court House on the 23d instant, I have the honour to enclose herewith the resolutions passed, and a memorial founded thereon to Her Majesty the Queen, and I have respectfully to beg that your Excellency will be pleased to forward the memorial as early as possible to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

I have, &c.
(Signed) W. A. BLACK,
Sheriff of Northumberland

To his Excellency Sir E. Head, Bart. &c. &c. &c.

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* Page 9, Papers relative to the Halifax and Quebec Railway, June 16, 1851.
† Page 28, Papers relative to the Halifax and Quebec Railway, June 16, 1851.

NEW BRUNSWICK.

Sub-Enclosure 1 in Enclosure 1 in No. 9.

At a Meeting of the Inhabitants of the county of Northumberland, held at the Court House at Newcastle, on Tuesday the 23d March instant, for the purpose of petitioning the British Government against the route contemplated for the Halifax and Quebec Railway,

The High Sheriff was called to the chair; and Martin Crannay, Esquire, requested to act as secretary.

Moved by George Kerr, Esquire, and seconded by R. Hutchison, Esquire—

Whereas the line of railway from Halifax to Quebec, through New Brunswick, called the Eastern Route, surveyed by Major Robinson in 1848, and recommended by him as possessing greater advantages than any other route for security from hostile attacks, as a field for the settlement of emigrants, as likely to afford the greatest amount of remuneration, and as tending to develope the fisheries of New Brunswick, and as being accessible by bays and rivers at numerous points, whereby the expense of construction would be greatly lessened, has been abandoned; and the Council and Assembly of New Brunswick have passed a Bill, fixing the route of the railway to pass from the bend of Petitcodiac to the city of Saint John, and thence to the northern boundary of the province, through territory watered by the tributaries of the river Saint John:

And whereas the practicability of carrying a railway along the intended line has never been ascertained by competent engineers; and, if practicable, a large portion of the land fit for settlement has been granted, whereby the advantages anticipated from an influx of emigrants to settle along the line of railway be greatly lessened:

Therefore Resolved, That a petition be prepared, and forwarded to Her Majesty, praying, that before the aid of the Imperial Government be given to raise the funds necessary to construct the said railway, the line shall be surveyed and approved by competent engineers appointed by the Home Government.

Moved by John M. Johnson, Esquire, and seconded by William Salter, Esquire, and

Resolved, That a committee of five be appointed to prepare a petition founded on the foregoing resolution, to be signed by the chairman, and sent to his Excellency the Lieutenant Governor, to be by him forwarded to be laid at the foot of the Throne.

Resolved, That George Kerr, Richard Hutchison, Peter Mitchell, John Wright, and John M. Johnson, Esquires, be said committee.

Moved by Peter Mitchell, Esquire, and seconded by John M. Johnson, Esquire, That the High Sheriff leave the chair, and that R. Hutchison, Esquire, be called thereto.

W. A. Black,
Chairman.

Sub-Enclosure 2 in Enclosure 1 in No. 9.

To the Queen's most Excellent Majesty,

The humble Memorial of the Inhabitants of the County of Northumberland, in the Province of New Brunswick, in North America.

May it please Your Majesty,

Your Memorialists beg leave to approach Your Majesty with an humble but sincere assurance of their devoted loyalty to Your Majesty's royal person and throne, and a firm confidence in Your Majesty's gracious disposition to promote their happiness and welfare.

Your Memorialists regarded, with anxious interest, the project lately brought under the notice of Your Majesty's Government, of uniting Your Majesty's North American provinces by a great trunk railway, passing from Halifax, through the north-eastern portion of New Brunswick, to the city of Quebec, viewing it as a scheme full of promise for the speedy advancement of this colony in wealth and population; and it was with feelings of deep gratitude they learned that Your Majesty's Government had generously offered the necessary aid for its accomplishment.

Your Memorialists are, however, impressed with the conviction that Your Majesty's Government, in tendering its countenance and assistance to this great work, was influenced by certain weighty considerations, and looked forward to very important advantages which were to flow from it, not alone to Your Majesty's subjects in these colonies, but to the whole British Empire; and apart from which the undertaking would not have been deemed prudent or practicable.

Your Memorialists formed their convictions upon the opinions clearly and repeatedly expressed in the correspondence of Your Majesty's Government on the subject of this railway, but more particularly on those contained in the letter of Mr. Hawes to Mr. Howe, of Nova Scotia, of 10th March 1851, and the despatch of Earl Grey to Lord Elgin, of the 14th of the same month, wherein the considerations which commended this project to the favour of Your Majesty's Government are clearly defined, and which your Memorialists would here beg leave briefly to recapitulate: As a national or public undertaking, and not as a mere mercantile speculation, it claimed attention. The profits and advantages were to be derived by its opening up new districts for settlement; by the demand for labour, which would be created during its progress, swelling the annual consumption and

revenue of the colony; by the increased value of the public lands in its vicinity, and the rapid and easy communication it would afford between the sister colonies, enabling them to afford to each other mutual support and assistance in times of difficulty; while the conditions were declared indispensable that it should be constructed on a well ascertained practicable route, and on British territory beyond the danger of foreign interference.

Your Memorialists would most respectfully bring under Your Majesty's notice, that the scheme for promoting this railway recently concurred in by Canada and Nova Scotia, adopted by an Act of the Legislature of this province, and which is now awaiting Your Majesty's royal approbation, completely overlooks and disregards many of the most important considerations above referred to, and substitutes for the route recommended by Major Robinson one which, starting from the southern line of the province, passes centrally to the valley of the upper Saint John, and thence towards the Saint Lawrence; thence running for some distance parallel to, and in close proximity with, the frontier line of a foreign nation, and through districts where the soil for the most part is already appropriated, if not occupied, and whose sale will rather increase private gain than the public revenues; a route whose chief recommendation is that of subserving the commercial interests of the cities of Montreal and Saint John.

Your Memorialists would therefore humbly pray Your Majesty to take the premises into consideration, and withhold the Royal Assent from the Acts lately passed to promote the construction of the Halifax and Quebec Railway, until such a thorough survey and examination of the proposed route be made by competent persons under Your Majesty's authority, as will satisfy Your Majesty's Government that it is not only practicable, but that it possesses all those essentials of a broad and national character to justify this yet young and feeble province involving herself in a work of such vast cost and magnitude.

W. A. Black, High Sheriff of the county of Northumberland,
in the province of New Brunswick.

Newcastle, Miramichi, March 30, 1852.

Enclosure 2 in No. 9.

Sir, Bathurst, March 30, 1852.

I am directed by the committee appointed for the purpose, to enclose to you a memorial addressed to Her most Gracious Majesty the Queen, from the inhabitants of Gloucester County, on the subject of the proposed railway from Quebec to Halifax; and to beg you will have the kindness to convey to his excellency the respectful desire of the Memorialists that he will transmit the same to Her Majesty's Colonial Minister, to be laid at the foot of the throne.

A copy of the memorial is also enclosed for his Excellency's use.

I have, &c.
(Signed) Christopher M'Manus.
Secretary of the Meeting.

To Honble. John R. Partelow,
&c. &c. &c., Fredericton.

Sub-enclosure 1 in Enclosure 2 in No. 9.

County of Gloucester.

At a Public Meeting of the Inhabitants of the County of Gloucester, convened pursuant to requisition by the High Sheriff on Friday the 19th instant, at the Court House in Bathurst,

Henry W. Baldwin, Esq., was unanimously called to the chair, and

Mr. Christopher M'Manus requested to act as secretary;

When the following resolutions were passed unanimously.

1st. Resolved, That, in the opinion of this meeting, the several Acts lately passed by the Legislature of this province making provision for the erection and maintenance of a line of railway from Halifax to Quebec, through the valley of the Saint John, will in their effects be ruinous to the interests and future prospects of this province.

2nd. Resolved, in the opinion of this meeting, That as the chief considerations which induced Her Majesty's Government to extend to this railway project its countenance and support, so clearly defined and explained in Mr. Hawes' letter to Mr. Howe of the 10th March 1851 and Earl Grey's despatch to Lord Elgin of the 14th of the same month are completely overlooked, disregarded, and sacrificed to subserve the commercial views of the merchants of Montreal and Saint John, in the negotiations concluded between the delegates of Canada, Nova Scotia, and this province, it therefore becomes the duty of the inhabitants of these northern counties to address an humble memorial to the Queen praying Her Majesty to withhold the Royal Assent from the Acts of the General Assembly recently passed to promote this undertaking, until such a perfect survey and examination of the substituted route be made as will enable Her Majesty's Government to judge not only of its practicability, but of its capability of fulfilling all those conditions which Earl Grey deemed essential to justify engaging in a work of such cost and magnitude.

NEW BRUNSWICK.

3d. Resolved, That a committee be appointed to prepare a memorial to Her most Gracious Majesty, in accordance with the foregoing resolutions; and further resolved, that Henry W. Baldwin, William Napier, and Theophilus Desbrisay, Esquires, be such committee to prepare said memorial.

4th. Resolved, That the memorial now read be adopted and signed by the chairman on behalf of the meeting, and immediately transmitted, together with a copy of the proceedings of this meeting, to his Excellency Sir Edmund Head, with a request that he will be pleased to forward it by the first steamer to the Honourable Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

5th. Resolved, That the proceedings of this meeting be published in the Miramichi Gleaner.

HENRY W. BALDWIN,
Chairman.

The thanks of the meeting were tendered to the chairman for the efficient and courteous manner in which he conducted the proceedings of the meeting.

CHRISTOPHER M'MANUS,
Secretary.

Sub-enclosure 2 in Enclosure 2 in No. 9.

To the Queen's most Excellent Majesty.

The humble Memorial of the Inhabitants of the County of Gloucester in the province of New Brunswick in North America.

May it please Your Majesty,

YOUR Memorialists beg leave to approach Your Majesty with an humble but sincere assurance of their devoted loyalty to Your Majesty's royal person and throne, and a firm confidence in Your Majesty's gracious disposition to promote their happiness and welfare.

Your Memorialists regarded with anxious interest the project lately brought under the notice of Your Majesty's Government, of uniting Your Majesty's North American provinces by a grand trunk railway, passing from Halifax through the north-eastern portion of New Brunswick to the city of Quebec, viewing it as a scheme full of promise for the speedy advancement of this colony in wealth and population; and it was with feelings of deep gratitude they learned that Your Majesty's Government had generously offered the necessary aid for its accomplishment.

Your Memorialists are, however, impressed with the conviction that Your Majesty's Government, in tendering its countenance and assistance to this great work, was influenced by certain weighty considerations, and looked forward to very important advantages which were to flow from it not alone to Your Majesty's subjects in these colonies, but to the whole British Empire, and apart from which it would not have been deemed prudent to encourage it.

Your Memorialists found their convictions in this respect, upon the opinions so clearly and repeatedly expressed in the correspondence of Your Majesty's Government on the subject of this railway, but more particularly on those contained in the letter of Mr. Hawes to Mr. Howe of Nova Scotia of the 10th March 1851, and the despatch of Earl Gray to Lord Elgin of the 14th of the same month, wherein the considerations which commended this project to the favour of Your Majesty's Government are plainly defined, and which may be thus briefly recapitulated, namely:—

That as a public or national undertaking, and not as a mere mercantile speculation, it claimed attention; that its anticipated profits and advantages were to be derived from "its opening up new districts for settlement," from the demand for labour which would be created during its progress, swelling the annual consumption and revenue of the colony "from the increased value of the public lands in its vicinity," and "the safe "and easy communication it would afford between the sister colonies, enabling them "to afford to each other mutual support and assistance in times of difficulty," while it was pronounced indispensable that it should be constructed on a well ascertained practicable route, beyond the danger of foreign interference.

Your Memorialists would most respectfully bring under Your Majesty's notice, that the scheme for promoting this railway, recently concurred in by Canada and Nova Scotia, and adopted by an Act of the Legislature of this province, and which now only awaits Your Majesty's Royal Sanction to be carried into execution, completely overlooks and disregards some of the most important considerations above described, and substitutes for the route recommended by Major Robinson one which, avoiding the wide extent of public land as well as the various harbours of the eastern shore, passes from the southern side centrally through the province to the valley of the upper St. John, and thence towards the St. Lawrence, thus unavoidably running for a considerable distance parallel to and in close proximity with the frontier line of a foreign nation, and traversing a district already appropriated if not occupied; where the increased value of the lands will tend more to increase private gain, than to swell the revenues of the colony; a route whose chief recommendation is that of subserving the commercial interests of the cities of Montreal and Saint John.

NEW BRUNSWICK.

Your Memorialists would, therefore, humbly pray Your Majesty to take the premises into your gracious consideration, and withhold the Royal Assent to the Acts lately passed to promote the construction of the Halifax and Quebec Railway, until such a perfect survey and examination of the proposed route be made by competent persons under Your Majesty's authority as will satisfy Your Majesty's Government that it is not only practicable, but that it possesses all those essentials of a broad and national character, to justify this yet young and feeble province involving herself in a work of such cost and magnitude.

And Your Majesty's Memorialists will ever pray,

Signed on behalf of the Memorialists by a resolution passed at a public meeting.

HENRY W. BALDWIN,
Sheriff of Gloucester.

(No. 19.) No. 10. No. 10.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Right Hon. Sir JOHN S. PAKINGTON.

Government House, Fredericton, N.B.,
April 10, 1852.
(Received April 28, 1852.)

SIR, (Answered, No. 10, May 27, 1852, Page 83.)

I HAVE the honour to enclose a letter addressed to yourself, covering a copy of certain resolutions having reference to the Halifax and Quebec Railway.

I have, &c.

The Right Hon. Sir J. S. Pakington, &c. &c. &c. (Signed) EDMUND HEAD.

Enclosure in No. 10. Encl. in No. 10.

To the Right Honourable Sir John Somerset Pakington, Baronet, Her Majesty's Principal Secretary of State for the Colonies, &c. &c.

SIR,

IN pursuance of one of the accompanying resolutions, we have the honour to forward to you, through his Excellency the Lieutenant-Governor of this province, the proceedings of a county meeting held at Dalhousie, in the county of Restigouche and province of New Brunswick, on the 25th instant.

And are, &c.
P. TAYLOR.
CHARLES SIMONDS.
A. FERGUSON.
P. STEWART.
W. S. SMITH.

Dalhousie, Restigouche, N.B.,
March 25, 1852.

Sub-Enclosure in Enclosure in No. 10.

At a County Meeting held at the Court House, Dalhousie, in the county of Restigouche and province of New Brunswick, on the 25th March 1852, in pursuance of public notice given by the High Sheriff, who declared the meeting legally assembled,

Alexander Campbell, Esquire, J.P., was called to the chair, and
Mr. Donald Stewart appointed Secretary.

When the following resolutions were passed unanimously :—

Moved by Peter Stewart, Esquire, J.P.,
Seconded by John M'Millan, Esquire, J.P.,

Whereas the majority of the House of Assembly of this province have by an Act recently passed adopted the suggestions of the Canadian Government through its delegates as respects the route of the proposed Halifax and Quebec Railroad, and determined the same by the valley of the Saint John river, and in consequence skirting the American frontier for upwards of one hundred miles :

And whereas such a course is at variance with the spirit of Mr. Hawes's letter of March 1851 : therefore—

NEW BRUNSWICK.

Resolved, That this meeting highly disapprove of the course pursued by the Government and majority of the House of Assembly of this province during the present session as regards the route of the proposed Halifax and Quebec Railroad, and are of opinion that the interests of the mother country and of New Brunswick have been sacrificed to the furtherance of Canadian commerce and the interested motives of our southern members.

Moved by Adam Ferguson, Esquire, J.C.P.,
Seconded by Mr. David Sadler,

Whereas one of the main objects contemplated by the British Government in the offer of the Colonial Secretary is the opening up and settlement of ungranted Crown lands along the proposed line, as a mean of providing for the surplus population of Great Britain and Ireland:

And whereas in the counties of Kent, Northumberland, Gloucester, and Restigouche in this province (through which the line recommended by Major Robinson would pass) the number of acres of ungranted Crown land (say 5,000,000) is greater and of far superior quality to those lying on or near the line adopted by the Legislature of New Brunswick; therefore—

Resolved, That this great object (immigration) has been entirely lost sight of in the recent proceedings of the Legislature on this subject, and the desire of the parent state to benefit her colonial possessions thus frustrated.

Moved by William S. Smith, Esquire, J P.,
Seconded by John U. Campbell, Esquire,

That the route surveyed and recommended by Major Robinson in 1848 possesses many natural advantages over any other yet submitted in the numerous harbours along the gulf shore, the comparative evenness of the surface of the country, as well as being far removed from the influence or power of an enemy in case of war, while a branch line to the city of Saint John would afford equal facilities for traffic with Canada, and in addition thereto a participation in the valuable fisheries of the Bais des Chaleur and Gulf of Saint Lawrence, and intercourse with the north-eastern counties of the province.

Moved by Daniel Ferguson, Esquire,
Seconded by Mr. David M'Intosh,

Resolved, As the opinion of this meeting, That the delegates from this province of Canada (with one from New Brunswick), assembled at Halifax on the subject of the contemplated railway from that city to Quebec, by their own admission by memorandum dated 29th January last, do not possess that local knowledge of the country to entitle their opinion to any weight in opposition to the disinterested report of the scientific officers employed exploring the line in 1848. That in respect to New Brunswick the bill passed by a majority in the Legislature defines but two points, namely Saint John and River du Loup, leaving the unsurveyed intermediate distances undefined, showing a total want of knowledge of the country, a great portion of which presents insurmountable engineering difficulties, and is generally sterile and unfit for settlement.

Moved by Charles Simonds, Esquire,
Seconded by Hugh Montgomery, Esquire, and

Resolved, That the interests of Great Britain demand that the route for a railway uniting the three British North American provinces should not be left to the decision of the Colonial Legislature, but that Commissioners appointed by the Home Government should decide a matter of so much importance, and also have to control of the expenditure of money for building the same. And further Resolved, That the line adopted by the three Colonial Governments and the Legislature of New Brunswick never having been thoroughly explored, by reason of the very great difficulties that presented themselves in the outset, an additional expense must of necessity be incurred, which would be avoided in the event of the line recommended by Major Robinson having been adhered to.

Moved by Dr. Taylor,
Seconded by Peter Stewart, Esquire,

Resolved, That a copy of the proceedings and resolutions of this meeting, signed by the chairman and countersigned by the secretary, be forwarded to Sir John Somerset Pakington, Her Majesty's Principal Secretary of State for the colonies, and that he be respectfully requested to advise Her Majesty to withhold her assent to the Bill lately passed by the Legislature of New Brunswick defining the route of the proposed Halifax and Quebec Railroad, and, if circumstances permit, to adopt the construction put upon Mr. Hawes's letter by Mr. Howe, and sanction such action as may be founded thereon as the only means of obtaining an inter-colonial line likely to forward the interests of this province generally, and give general satisfaction to its inhabitants; and that Peter Taylor, Charles Simonds, Adam Ferguson, Peter Stewart, and William S. Smith be a committee to furnish the same.

DON. STEWART, Secretary. ALEXR. CAMPBELL, Chairman.

(No. 20.) No. 11.

NEW BRUNSWICK.
No. 11.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Right Hon. Sir JOHN S. PAKINGTON.

Government House, Fredericton, N.B.,
April 10, 1852.
(Received April 28, 1852.)

SIR,

I HAVE the honour to enclose one copy under the province seal and five other copies of each of the two Acts* which have passed in the session just ended, for promoting the construction of the Halifax and Quebec Railway.

I have, &c.
(Signed) EDMUND HEAD.

The Right Hon. Sir J. S. Pakington, Bart.,
&c. &c. &c.

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* These Acts will be found in the Appendix to the present Paper, Page

Despatches from the Secretary of State.

NEW BRUNSWICK

No. 1.

(No. 273.) No. 1.

Copy of a DESPATCH from Earl Grey to Lieut.-Governor Sir E. Head.

Sir, Downing Street, June 27, 1851.

With reference to the last paragraph of my despatch, No. 269,* of the 12th instant, I have to inform you that having now had an opportunity of further considering the provisions of the Act, No. 2063,† "to facilitate the construction of the St. Andrews and Quebec Railway" in connexion with the previous laws of the Provincial Legislature relating to this line, I do not find any ground for advising Her Majesty to withhold the Royal Assent, and I therefore transmit to you an Order of the Queen in Council confirming the Act.

I have, &c.

Lieut.-Governor Sir E. Head, &c. &c. &c.

(Signed) GREY.

No. 2.

(No. 274.) No. 2.

Copy of a DESPATCH from Earl Grey to Lieut.-Governor Sir E. Head.

Sir, Downing Street, June 28, 1851.

I have to acknowledge the receipt of your despatch, No. 32,‡ of the 23d May, transmitting the copy of a petition from certain gentlemen in New Brunswick composing a committee appointed to forward to you the resolutions passed at a county meeting held at Dalhousie on the 9th ultimo, deprecating the rejection by the Provincial Legislature of the plan suggested by Her Majesty's Government for raising the necessary funds for the construction of the Halifax and Quebec Railway, and also requesting that the Royal Assent may not be given to the Acts lately passed by the local Legislature for the furtherance of the European and North American and the St. Andrews and Woodstock railways.

My despatch of the 12th instant will have explained to you the views of Her Majesty's Government upon the subject of two of the Acts (2061, 2062) to which the public meeting at Dalhousie has expressed its objection; and as regards the third Act (2063) I have by the last mail had the honour to convey to you the decision of the Queen. I have therefore only to observe, that it has not occasioned me any surprise to learn that a difference of opinion has begun to manifest itself in New Brunswick upon the decision of the Legislature to decline availing itself of the aid of Her Majesty's Government towards the construction of the Halifax and Quebec railway on the terms contained in my despatch of the 14th§ of last March.

I have, &c.

Lieut.-Governor Sir E. Head, &c. &c. &c.

(Signed) GREY.

* Page 28, Papers relative to Halifax and Quebec Railway, June 16, 1851.

† Page 11, Papers relative to Halifax and Quebec Railway, June 16, 1851.

‡ Page 24, Papers relative to Halifax and Quebec Railway, June 16, 1851.

§ Page 96, Papers relative to Halifax and Quebec Railway, April 8, 1851.

(No. 278.) No. 3. NEW BRUNSWICK. No. 3.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir E. HEAD.

SIR, Downing Street, July 8, 1851.

I HAVE to acknowledge the receipt of your despatch,* No. 37, of the 13th of June, enclosing a copy of resolutions passed at a public meeting in the county of Kent in New Brunswick, respecting the Halifax and Quebec Railroad. * Page 66.

I have, &c.

Lieut.-Governor Sir E. Head, (Signed) GREY.
&c. &c. &c.

(No. 281.) No. 4. No. 4.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir E. HEAD.

SIR, Downing Street, August 5, 1851.

I HAVE to acknowledge the receipt of your despatch, No. 44*, of the 11th July, enclosing a memorandum of the Executive Council of New Brunswick, with reference to the Railway Bills which formed the subject of my despatch, No. 269†, of the 12th of June last. * Page 66.

My subsequent despatch, No. 273*, of the 27th of June, will have placed you in possession of the Order of Her Majesty in Council confirming the Act to facilitate the construction of the St. Andrews and Quebec line. * Page 80. No. 2063.

With respect, however, to the Acts for facilitating the construction of the European and North American Railway, much as I regret that any delay should occur in submitting them for Her Majesty's approval, I cannot regard the evils which may arise therefrom in so serious a light as those which would result from omitting, in legislation upon this subject, the provisions necessary to secure the several interests of the Empire; and I must therefore consider it my duty to defer tendering any advice to Her Majesty respecting these Bills, until the amendments in the Act of Incorporation, required by my despatch of the 12th of June, shall have been adopted by the provincial Legislature.

I have, &c.

Lieut.-Governor Sir E. Head, (Signed) GREY.
&c. &c. &c.

(No. 288.) No. 5. No. 5.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir E. HEAD.

SIR, Downing Street, August 28, 1851.

I HAVE to acknowledge the receipt of your despatch, No. 51,* of the 2d of August, reporting the resignation by Mr. Hill of his seat in the Executive Council, and the provisional appointment of three gentlemen to fill the vacancies which have occurred in that body. * Page 67.

I approve of the retiring member retaining his rank and precedence, as a mark of the sense entertained of his services. I have submitted to the Queen the names of the three new members; and the necessary warrants for their appointments will be forwarded to you by an early opportunity.

With respect to the memorandum of your Council appended to your despatch, it would be premature to enter upon the consideration of a proposal not yet submitted to me, but I think it right to observe that Her Majesty's Government would not be prepared to recommend to Parliament to extend assistance to the projected railways in British North America further than was promised in my despatch of 14th of March last.

I have, &c.

Lieut.-Governor Sir E. Head, (Signed) GREY.
&c. &c. &c.

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† Page 28, Papers relative to the Halifax and Quebec Railway, June 16, 1851.

NEW BRUNSWICK.

No. 6.

(No. 300.) No. 6.

Copy of a DESPATCH from Earl Grey to Lieut.-Governor Sir E. Head.

Sir, Downing Street, November 27, 1851.

I transmit for your Lordship's information the copy of a despatch which I have had occasion to address to the Lieut.-Governor of Nova Scotia on the subject of the assistance proposed to be rendered by the Imperial Government in the construction of a trunk line of railway through the British provinces in North America.

Nov. 27, 1851, See page 58.

I have, &c.

Lieut.-Governor Sir E. Head, (Signed) GREY.
&c. &c. &c.

No. 7.

(No. 302.) No. 7.

Copy of a DESPATCH from Earl Grey to Lieut.-Governor Sir E. Head.

Sir, Downing Street, December 5, 1851.

I have to acknowledge the receipt of your despatch, No. 66*, of the 8th November, transmitting a letter from the President of the European and North American Railway Company, enclosing copies of certain resolutions passed at a meeting of that Company on the 27th of October, on the subject of the two Bills passed in the last session of the Legislature of New Brunswick, for facilitating the construction of the line.

* Page 68.

You will acquaint Mr. Jardine that I have duly received his communication; that I am anxious to avoid causing unnecessary delay in the commencement of a work of so much importance to provincial interests as this railway, but that I still consider that, before these Acts can be submitted to the Queen in Council, the Legislature of New Brunswick ought to have an opportunity of reconsidering the whole subject.

I have, &c.

Lieut.-Governor Sir E. Head, (Signed) GREY.
&c. &c. &c.

No. 8.

(No. 308.) No. 8.

Copy of a DESPATCH from Earl Grey to Lieut.-Governor Sir E. Head.

Sir, Downing Street, January 9, 1852.

I transmit to you copies of two despatches which I have received from Sir John Harvey, on the subject of the undertaking of Her Majesty's Government respecting the proposed lines of railway through Nova Scotia and New Brunswick, together with their enclosure and a copy also of the answer which I have made to them.

40.—Dec. 11, 1851, Page 45.
44.—Dec. 24, 1851 Page 47.
297.—Jan. 29, 1852, Page 59.

I trust that the Legislature of New Brunswick will not come to any decision on this subject without careful deliberation, and without fully considering both the great importance to the province of establishing a system of railway communication, and the probable difficulty of raising upon reasonable terms the capital required for this purpose without the assistance of Parliament.

I have, &c.

Lieut.-Governor Sir E. Head, (Signed) GREY.
&c. &c. &c.

No. 9.

(No. 6.) No. 9.

Copy of a DESPATCH from the Right Hon. Sir John S. Pakington to Lieut.-Governor Sir E. Head.

Sir, Downing Street, May 25, 1852.

I have received your despatch, No. 18,* of the 9th ultimo, transmitting addresses to the Queen from the inhabitants of Gloucester and Northumberland on the subject of the proposed railway from Halifax to Quebec.

* Page 73.

I have had the honour to lay these addresses before the Queen, and Her Majesty was pleased to receive the same very graciously. The representations they contain will receive every consideration on the part of Her Majesty's Government.

I have, &c.

Lieut.-Governor Sir E. Head, &c. &c. &c. (Signed) JOHN S. PAKINGTON.

(No. 9.)

No. 10.

No. 10.

Copy of a DESPATCH from the Right Hon. Sir John S. Pakington to the Officer administering the Government of New Brunswick.

Sir, Downing Street, May 27, 1852.

I have the honour to transmit herewith the copy of a despatch which I have addressed to the Governor-General of British North America, conveying to his Lordship the decision at which, after mature deliberation, Her Majesty's Government have arrived upon the proposals laid before them on the part of Canada, Nova Scotia, and New Brunswick, on the subject of the projected line of railway from Halifax to Quebec.

No. 25. May 20, 1852, Page 18.

I have, &c.

To the Officer administering the Government of New Brunswick. (Signed) JOHN S. PAKINGTON.

(No. 10.)

No. 11.

No. 11.

Copy of a DESPATCH from the Right Hon. Sir John S. Pakington to Lieut.-Governor Sir E. Head.

Sir, Downing Street, May 27, 1852.

I have received your despatch No. 19,* of the 10th ult., forwarding a letter addressed to me by certain gentlemen of Dalhousie, with a copy of resolutions passed at a public meeting of the inhabitants of that place, having reference to the Halifax and Quebec Railroad.

* Page 77.

In answer to these resolutions, I can only refer you to my despatch of this date, conveying the decision of Her Majesty's Government on the proposed railway.

I am, &c.

Lieut.-Governor Sir E. Head, &c. &c. &c. (Signed) JOHN S. PAKINGTON.

Other Correspondence.

Correspondence with the St. Andrew's and Quebec Railway Company.

No. 1.

No. 1.

Copy of LETTER from B. Sharpe Esq. to Earl Grey.

My Lord, Hanwell Park, February 11, 1852.

I have the honour to bring before your Lordship the following proposal for combining the most important section of the European and North American Line with the railroad under construction between St. Andrew's and Quebec, in order to complete the latter with as little delay as possible, as well as to place the important and populous city of St. John on a great trunk line of communication extending both to Quebec and the Canadas and to the United States system of railways.

As the letter addressed to your Lordship on the 20th of May of last year fully described the principle of the plan, I will not at present occupy your time with further details, but I may have the satisfaction of stating that I am prepared with documents transmitted from New Brunswick, in which the plan is both highly approved and considered as the only one under all the circumstances of the provinces open for adoption.

From the experience already obtained in the construction of the first ten miles of the St. Andrew's and Quebec line, it is ascertained that one and a half millions will amply suffice to open a single truck line of rails, commencing at St. John and joining the above line about twenty miles from St. Andrew's, and which shall continue by it, viâ Woodstock and Grandfalls, to Quebec, passing entirely through British territory, and traversing its most southern and least inclement portion.

To effect the above object it is proposed the British Government should advance half a million at three and a half per cent., the interest on which to be guaranteed by the Canadas and New Brunswick, rateably per mile according to the distance the line traverses the respective provinces; the repayment of the principal to be guaranteed in a similar manner, as also to be further secured by the creation of a certain number of shares, the proceeds of which, when subscribed for by the public, to be devoted exclusively to the repayment of the loan.

The capital of the Company to consist of one and a half millions, in 70,000 shares of 20*l.* each; one third of these to be set apart for the repayment of the British Government, whose claim is to be liquidated in twenty-five years after the opening of the line, at the rate of 25,000*l.* per annum. This would afford the Home Government an additional security, as well as materially if not entirely lighten the annual burden on the finances of the two provinces.

The provinces to appropriate and make up to the Company an extent of ten miles of wilderness lands on either side of their line, they agreeing to give away one tenth of them for the purpose of founding communities of settlers on the same principles as detailed in the accompanying prospectus of the Albion Settlement; and should any rise in the price of labour render an application necessary, the British Government to permit the temporary employment of prisoners convicted of minor offences.

The above proposal is not intended to interfere with the ultimate extension of the European and North American line round the head of the Bay of Fundy, should it be hereafter deemed desirable to carry it in that direction, or with any line connecting Fredericton and extending to Miramichi.

Should your Lordship entertain the above proposal, the Class "A" Shareholders of the St. Andrew's and Quebec Railroad Company propose applying for the requisite powers with as little delay as possible.

I have, &c.

The Right Hon. Earl Grey, &c. &c. &c.

(Signed) B. SHARPE,
Managing Director.

Enclosure in No. 1.

THE ALBION SETTLEMENT.

Committee.

The Right Honourable the Earl FITZWILLIAM (Chairman).

Sir T. TANCRED, Bart.	H. MAUDSLAY, Esq.
BENJAMIN SHARPE, Esq.	J. MONTAGU, Esq.

W. S. FEATHERSTONE, Esq.

Secretary.	*Bankers.*
J. W. BYRNE, Esq.	Messrs.

THE above Committee has been formed with the view of undertaking the management of a considerable tract of land in the province of New Brunswick, which has been set apart by the directors of the St. Andrew's and Quebec Railroad for the purpose of founding a settlement, in which an endeavour will be made to preserve the distinctive features presented by an English community, by providing such an admixture of the different classes as will secure a due representation of each, in order that employment both for capital and labour may be readily obtained through the necessary dependance of the one on the other.

The following brief account will further detail the objects in view, and the mode of carrying them out :—

The St. Andrew's and Quebec Railroad Company was formed for the important object of constructing a great trunk line of railway to connect the Canadas with the Atlantic by the shortest road through British territory ; and the province of New Brunswick, desirous of encouraging a work of so much value to its interests, has recently granted to the Company the whole of the unappropriated Crown lands to an extent of five miles on each side of their railroad. It became therefore a subject of considerable importance to the directors to devise a plan by which they might afford a successful example of systematic colonization, and be the means of arresting a portion of that tide of emigration which now annually enriches foreign territories ; and in addition to this object they were desirous of introducing such a system of policy, as—while it duly regarded the commercial character of the undertaking and the interests of the shareholders—would at the same time conduce to the comfort and happiness of the future inhabitants of the district.

The directors of the Company further taking into consideration the fact that although, according to Professor Johnston's report, the province of New Brunswick possesses far greater agricultural capabilities than any other portion of either the United States or the British possessions, and is moreover considerably nearer to Great Britain than either the Canadas or the States, its advantages are generally but little known, and there is great difficulty in spreading a sufficient knowledge of them to induce immigrants to leave the beaten track, and select as their future home this beautiful province. With the view, therefore, of turning public attention towards it, by affording a successful example of colonization by small capitalists, they have determined to make a sacrifice of a large block of 20,000 acres by offering it as a gift, with the condition attached, that those who accepted portions should pay a sum at the rate of 30*s.* per acre to form a fund to be laid out for the general benefit of the new community, in about the following proportions ; say one third for roads, surveying, &c. ; one third for church and schools ; and one third to cover the various necessary expenses. They have determined to convey this land, and transfer its whole control and disposition to a committee of noblemen and gentlemen, who have agreed to undertake the sole management of the new settlement, and who will see the money is duly laid out.

The enforcing this amount of expenditure will have the effect of confining the acceptance of the gift to men who must at least have some small capital, and who will at once become the employers of labour, as it is on the presence of a due proportion of this class that the success of this, or it may be truly said, of any other scheme of colonization must mainly depend. It is indeed hard to conceive how any community can start into being should they be wanting ; but with these employers of labour (who immediately require the labourer's aid) a demand for labour of the most healthy description at once arises, and a legitimate field for employment is opened, capable of quickly absorbing large bodies of our rural population, who find on their arrival both homes aud employment, and will not experience the present fate of the colonist, which is either a miserable existence in the woods, or an expatriation to the neighbouring states in search of employment.

The absence of any capital, as in the case of a pauper community, is the greatest drawback to a young settlement, as it entails on it a stunted and protracted infancy which never attains a vigorous manhood. Under the term capital is comprised not merely that which an individual may possess and can give in exchange for the labour of another, but public works in course of formation are also included, and these latter cause the very

NEW BRUNSWICK, &c.

best expenditure of capital, as when completed they generally open new sources of employment, and quickly formed and prosperous will the settlement be in whose vicinity they are carried on.

It is at the outset, more than at any subsequent period of his career, that the emigrant requires assistance; it is to start him in his new life, to maintain him until the earth shall yield a return that the necessity for supplying him with aid or employment is so urgent and imperative. Strongly impressed with this, and deeply sensible that any attempts to colonize by paupers unmixed by capitalists will be unsuccessful, the directors of the St. Andrew's and Quebec Railroad have on commercial grounds, as well as from higher motives, determined to make that which they advisedly consider to be a great sacrifice; for the lands which they proposed to surrender comprise some of the finest in the colony, well watered by rivers and covered with timber, and, with the great trunk line of railway to the Canadas passing through, must eventually become of the highest value.

Having however felt that in their position as railway directors they could not so successfully prosecute the scheme as would a separate body, they have decided on at once placing the whole management in the hands of others, with certain reservations as to the price of land, which is not to be reduced without special authority from the directors of the railway, and that the church and schools are to be of the present Established Church of England, and that, as far as it is practicable, provision should be made for the endowment as well as erection of the church and schools, in order that the future maintenance of the clergyman and schoolmaster might press as lightly as possible on the straightened means of the young community.

The Committee of the Albion Settlement are ready to receive applications for land on the foregoing terms; and after approval by the Committee, they will be registered according to their dates, in order that each applicant may exercise a right of choice by priority of application.

A deposit of five shillings per acre will be at once payable; the remaining twenty-five shillings per acre will be paid on the conveyance of the land being made.

Any further information may be obtained by application to the Secretary, at the Offices, 26, Parliament Street, Westminster.

Form of Application for Land in the Albion Settlement.

To the Committee of the Albion Settlement,

Gentlemen,

I request you to allot me acres of land in the Albion Settlement, and I hereby agree to accept the same, or any less number which may be allotted to me, to pay the deposit of five shillings per acre thereon, and when the conveyance is made the further sum of twenty-five shillings per acre; and I further agree, that in default of my so doing, you shall be at liberty to declare forfeited all such land, and all deposits which I may have paid thereon.

Dated the day of 1851.

Name in full_____

Residence_____

Business or Profession (if any)_____

Reference_____

ON THE CLIMATE OF NEW BRUNSWICK.

OPINION of the Bishop of FREDERICTON, contained in "Annals of the Diocese of Fredericton," by Ernest Hawkins, B.D., and published by the Society for Promoting Christian Knowledge.

As there exists in England much misapprehension on this point, it may be right to state, that I consider it beyond all question a finer climate than that of England. It is, undoubtedly, hotter and colder; inasmuch as in July and August our thermometer ranges from 75° to 100°, and in December, January, and February, from a few degrees above freezing to 30° below zero; but, in the first place, neither the heat nor the cold are proportionably so trying as they would be in England, 30° below zero is only known at night. I have travelled with the thermometer at 4° below zero, without suffering, and once at 16° below; but this, perhaps, occurs only two or three days in a whole winter. I do not hesitate to say, that the chilly, starving, feel of cold and wet together is almost unknown here. Our sunshine in winter is at least three to one compared with England, the bright sun giving a cheerful look to the snowy landscape. My health has been, on the whole, good, and my children's health nearly uninterrupted. As to the notion of wild beasts, &c. it is too ridiculous to talk of seriously. There are wolves, and bears, and wild cats in the thick parts of the forests; but one must go to look for them, generally speaking. The roads of general communication from town

Scale of English Miles
0 10 20 30 40 50

RIVER ST LAWRENCE
QUEBEC
Three Rivers
St Peter
R. Batiscan
R. Champlain
R. Yamaska
R. Nicolet
R. St Francis
L. St Francis
Richmond
Bouchervile
Yamaska
MONTREAL
La Prairie
St Johns
R. Richelieu
Sherbrooke
R. St Francis
L. Megantic
Salmon R.
L. Memphremagog
Stanstead
Canaan
R. Missiquoi
Colebrook
Lunenburg
Stratford
Guildhall
Lancaster
Berlin
Burlington
Danville
Montpelier
Middlebury
Haverhill
Chelsea
Fryeburg
White R.
Hanover
Connecticut R.
Merrimack R.
Concord
Sebago L.
Saco R.
Portsmouth
Lovers
PORTLAND
Presque Isle
Woodstock
Meduxnekeag R.
Houlton
Monument
Mars Hill
Grand Falls
R. St John
Madawaska R.
Green R.
Temiscouata L.
Kamouraska
Loudres I.
Pt St Roch
Rimouski
Metis
Matane
Shickshock Mts
High Land
Barnabe L.
Bic I.
Cacatica
Trois Pistoles
Trois Pistoles R.
Metis R.
Matapedia R.
Restigouche R.
Restigouche B.
Dalhousie
Campbellton
Mission Point
Mistouche
Bathurst
Nepisiguit Bay
Nepisiguit R.
Tetagouche R.
Newcastle
Miramichi Bay
Pt Escuminac
Chatham
Miramichi R.
Northumberland Str.
Richibucto
Richibucto R.
Kouchibouguac R.
Buctouche R.
Shediac
Shediac R.
Dundas
Harcourt
Weldford
Salmon R.
Coal Mines
Boiestown
Campbell's Mills
Nashwaak R.
Stanley
Gibson
Fredericton
Grand L.
Oromocto
Sheldrake L.
Monument
Woodstock
Meduxnekeag
Houlton
Presque Isle
Aroostook R.
Aroostook

to town are very good, in the unsettled places they are, what roads in woods and bye-places in England are, very bad.

OPINION of Professor JOHNSTON, F.R.S., S.L. and E., Honorary Member of the Royal Agricultural Society of England, and Author of "Lectures on Agricultural Chemistry and Geology."

In my report, I set out with allowing two things as indisputable. First, that this climate is exceedingly healthy; and secondly, that, as far as I can judge, the climate is not such as materially to interfere with the amount of the produce of the land; and that, in spite of the climate, the average produce is greater than in the adjoining countries of Canada and the United States.

No. 2. No. 2.

COPY of a LETTER from B. SHARPE Esq. to Earl GREY

MY LORD, Hanwell Park, Middlesex, February 13, 1852.

IN the copy of the letter I had the honour to address your Lordship on the *11th February, two clerical errors have been found to exist. I trust you will permit their correction should they appear in the original. * Page 86

One and half millions should divide into 75,000 shares of 20*l.* each, instead of 70,000, and the repayment of the half million would be at the rate of 20,000*l.* a year, instead of 25,000*l.*

I beg, at the same time, to enclose a table showing the decreasing sum the provinces would be annually chargeable with for interest, in consequence of the repayment of the loan by the annual sale of a thousand 20*l.* shares.

Years.	Interest.	Years.	Interest.	Years.	Interest.	Years.	Interest.
	£		£		£		£
1	17,500	8	12,600	14	8,400	20	4,200
2	16,800	9	11,900	15	7,700	21	3,500
3	16,100	10	11,200	16	7,000	22	2,800
4	15,400	11	10,500	17	6,300	23	2,100
5	14,700	12	9,800	18	5,600	24	1,400
6	14,000	13	9,100	19	4,900	25	700
7	13,300						

The above charge for interest would be merely nominal, as at a very low calculation the railway would realize at least 3½ per cent. on its capital, and thus pay the interest on the loan. I have, &c.

(Signed) B. SHARPE,
Managing Director of the Class A Shareholders of the St. Andrews and Quebec Railway.

No. 3. No. 3.

COPY of a LETTER from F. PEEL Esq., M.P., to B. SHARPE Esq.

SIR, Downing Street, February 16, 1852.

I AM directed by Earl Grey to acknowledge the receipt of your Letters of the 11th and 13th instant, submitting a plan for the construction of a branch railroad between St. John's, New Brunswick, and the St. Andrew's and Quebec line, and to inform you, that after a careful perusal of the same his Lordship does not consider it to be one that Her Majesty's Government could entertain.

I have, &c.

B. Sharpe, Esq. (Signed) F. PEEL.

No. 4. No. 4.

COPY of a LETTER from B. SHARPE Esq. to the Right Honourable Sir JOHN S. PAKINGTON Bart.

St. Andrew's and Quebec Railroad Office,
26, Parliament Street, Westminster,

SIR, March 2, 1852.

IN consequence of the change which has taken place in Her Majesty's Ministers, I have delayed replying to Mr. Peel's letter of the 16th instant. In that letter the proposal submitted to Her Majesty's Government in my letters of the 11th and 13th was evidently misunderstood, as it was termed by Mr. Peel, "A plan for the construction of a branch railroad between St. John's, New

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"Brunswick, and the St. Andrew's and Quebec line," whereas it was a proposal for the construction of the entire line between St. John and Quebec.

But since the 16th instant copies of Lord Grey's Despatches relative to the contemplated American railways, as well as the final proposals of the Canada and New Brunswick delegates, printed for the Nova Scotia House of Assembly, and dated 31st January 1852, have been received.

These documents are of considerable importance to the St. Andrew's and Quebec Railroad Company, as they contain the decision giving up the northern and central lines, as well as an offer made by certain capitalists in England, and they give the terms on which the British Government are prepared to afford assistance.

But the final proposition of the provinces of Canada and New Brunswick, alluded to above, at once confirms and strengthens the position of the company, as the Halifax and Quebec Railroad is now proposed to be carried for a considerable part of its distance over the same route as the St. Andrew's and Quebec Railroad now under construction.

The company building this latter line, sensible of their claims for consideration, have therefore felt it incumbent on them at once to step forward with such a plan as will combine the present conflicting interests, and carry out this great national work without entailing any ultimate cost either on the provinces or mother country.

I may premise by observing that in the objects they severally seek to attain the different provinces are naturally somewhat opposed. Lower Canada desires the shortest route to a winter port on the Atlantic, and is indifferent to the European and North American line; but with Upper Canada the reverse is the case, the European and North American line having always been a favourite scheme. This latter line Nova Scotia is also most anxious to obtain, as it would connect her with the whole of the United States system of railways, but she is disappointed at the failure of the northern route to Quebec. New Brunswick, on the other hand, is much opposed to the northern line, as it would pass at a considerable distance from her chief centres of commerce; but, for the same reasons as Nova Scotia, is as much in favour of the European and North American line.

It therefore appears that, with the exception of Nova Scotia's predilection for the northern route, the principal views of all will be met by connecting the European and North American with the St. Andrew's and Quebec line, this latter having a distance of ten miles already built, and at the same time constituting by far the shortest route between Quebec and the Atlantic. And it is in furtherance of this last proposal that I have now, on behalf of the St. Andrew's and Quebec Railroad Company, the honour to submit, for the consideration of Her Majesty's Government, the following plan for the construction of an entire line of railway between Halifax and Quebec.

To avoid any local names, it is proposed to call it "The British North American Railway." Commencing at Halifax, it will follow the course intended for the European and North American railroad to the point of its junction with the St. Andrew's and Quebec line, about twenty miles from St. Andrew's, continuing by it to Quebec.

THE HALIFAX AND QUEBEC,

OR

THE BRITISH NORTH AMERICAN RAILWAY.

Capital 3,000,000*l.*, in 150,000 shares of 20*l.* each.

The money in the first instance to be raised at 3½ per cent. under the guarantee of the British Treasury.

The interest to be guaranteed by the three provinces, but paid out of the profits of the line.

The principal to be repaid in twenty-five years by annual calls on the shares sold, those shares to be guaranteed an interest of 6 per cent. by the provinces.

On the completion of the line, after paying the working expenses, the profits are to be devoted to the payment of the interest to the British Government, and guaranteed shareholders; any surplus beyond this is to be divided amongst the shareholders.

The wilderness lands for an extent of ten miles on either side to become the property of the shareholders, and any deficiency in that amount to be made up from elsewhere, but in the vicinity of the line. The shareholders are to devote one tenth of these lands to church, school, or hospital purposes.

Management.

There are to be fifteen local directors, five for each province, who will elect one of their number to represent them at a central board, in which will be vested the chief control.

This board to consist of seven members; as follows:—

	No.
A representative of the interests of each province - -	3
Ditto of each local board of directors - -	3
Ditto of the English shareholders, with a casting vote in addition - - - - -	1
	7

No allusion has been made to a continuation of the line beyond Quebec, as it is assumed that Canada will prefer making her own arrangements with the British Government, distinct from the other provinces.

The following table has been added, in order to prove that a profit of 8 per cent. and less will amply cover the annual charges for interest; 8 per cent. has been taken as the amount yielded by a large proportion of the United States railways.

Trusting this proposal may meet with the favourable consideration of Her Majesty's Government,

I have, &c.
(Signed) B. SHARPE,
Managing Director, Class A. Shareholders, &c.

Sir J. S. Pakington, Bart.,
&c. &c. &c.

A Table showing the Sums which will be annually due for Interest during the Three Years of Construction, as well as for the subsequent Twenty-five.

Years.	Interest at 3½ per Cent.	Interest at 6 per Cent.
	£ s. d.	
1 - -	21,824 10 0	- - Under construction.
2 - -	56,824 10 0	- - Ditto.
3 - -	91,824 10 0	- - Ditto.

After Completion.

Years.	Interest at 3½ per Cent.	Interest at 6 per Cent.
	£	£
1 - -	105,000	- - —
2 - -	100,800	- - 7,200
3 - -	96,600	- - 14,400
4 - -	92,400	- - 21,600
5 - -	88,200	- - 28,800
6 - -	84,000	- - 36,000
7 - -	79,800	- - 43,200
8 - -	75,600	- - 50,400
9 - -	71,400	- - 57,600
10 - -	67,200	- - 64,800
11 - -	63,000	- - 72,000
12 - -	58,800	- - 79,200
13 - -	54,600	- - 86,400
14 - -	50,400	- - 93,600
15 - -	46,200	- - 100,800
16 - -	42,000	- - 108,000
17 - -	37,800	- - 115,200
18 - -	33,600	- - 122,400
19 - -	29,400	- - 129,600
20 - -	25,200	- - 136,800
21 - -	21,000	- - 144,000
22 - -	16,800	- - 151,200
23 - -	12,600	- - 158,400
24 - -	8,400	- - 165,600
25 - -	4,200	- - 172,800

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No. 5.

No. 5.

COPY of a LETTER from Earl of DESART to B. SHARPE Esq.

SIR, Downing Street, March 13, 1852.

I AM directed by Secretary Sir John Pakington to acknowledge the receipt of your letter of the 2d instant, and to acquaint you in reply, that whenever the proper time shall arrive, the proposal which you have submitted for the construction of a trunk line of railway through the British North American Provinces will not fail to receive the careful consideration of Her Majesty's Government.

I have, &c.

B. Sharpe, Esq. (Signed) DESART.

No. 6.

No. 6.

COPY of a LETTER from B. SHARPE Esq. to the Right Hon. Sir JOHN PAKINGTON Bart.

St. Andrew's and Quebec Railroad Office,
26, Parliament Street, Westminster,

SIR, May 4, 1852.

OWING to the strong opinion which has been expressed in favour of the plan submitted to Her Majesty's Government on behalf of the St. Andrew's and Quebec Railroad Company, for the formation of the line of railway between Halifax and Quebec, the London Board of Directors are very desirous that a further exposition of their views should be laid before Her Majesty's Government.

They moreover feel it but due to the people of this country, who are about to become responsible for the large sum proposed to be raised, that, before the Legislature should be called on to consent to the guarantee of the British Treasury being given, attention should be first drawn to the features of the plan proposed by the delegates, and a comparison instituted into the relative merits of the two proposals.

They consider this more particularly necessary, as the Hon. Mr. Howe (one of the delegates) has frequently stated in his speeches, that the money was to be obtained, although the means for its repayment might be uncertain. The following is an extract from one of his speeches:

"Suppose New Brunswick does take the money, and is not able to pay, John "Bull is not a hard creditor, and will not coerce or compel payment. Who "ever heard of his acting like a sheriff, and distraining any of these rascally "repudiating states—(laughter); and would he be more severe on his own "children? He has lent money to Mexico and Peru, to Greece and Spain, "and who ever heard of his compelling payment? When he is cheated he "bears it calm and unprovoked."

The two propositions may be briefly viewed as follows: both in the first instance propose to raise the money at 3½ per cent. on the guarantee of the British Treasury. The plan of the delegates places the expenditure of this money, amounting to several millions, in the hands of the Governments of the three provinces, affording them a most powerful and unconstitutional means of influence, without any other than the slight control afforded by the Provincial Assemblies, and with all the evils inherent to the prosecution of works by the state; their plan has this additional disadvantage, that the whole course of policy pursued in the construction of the line is at any moment liable to be changed with a change of ministry.

The means provided by the New Brunswick Act for the repayment of the British Government seem totally inadequate for the purpose; and it naturally warrants the assumption that the provision for the liquidation of the debt has not formed the most prominent part of the measure. It is stated, that "if "required by the Imperial Parliament, the profits of the railway accruing to "this province shall, after deducting interest, repairs, working, and incidental "expenses, to be allowed as such by Her Majesty's Government, be set apart "to form a sinking fund; and when at any time after the expiration of ten "years from the time of completing such railway such profits should not "realize two per cent. annually on the loan contracted, then there shall be

'annually thereafter set apart from and chargeable on the general revenues of "this province, such a sum as will make up two per cent. to constitute such "sinking fund."

The annual charge for interest on a loan of only three millions would amount to 105,000*l.*, and it is proposed to raise a much larger sum, but this, together with the other expenses, would principally absorb the profits of the first ten years, and extend the final extinction of the debt to a period of sixty years.

The plan of the St. Andrew's and Quebec Railroad Company, on the other hand, having raised the money on the guarantee of the British Treasury, (and which amounts but to three millions, that sum being considered amply sufficient to construct a line between Halifax and Quebec,) proposes the formation of a company, with a capital of three millions, in 150,000 shares of 20*l.* each, and by annual calls on those shares to repay the money which has in the first instance been advanced; this will secure both the British Government and the provinces from any ultimate liability; an annual call of 16*s.* per share will in twenty-five years produce the three millions, and extinguish the debt, the interest being in the meantime paid from the proceeds of the line.

It will thus be seen that the proposal is peculiarly adapted to the provinces, for, although appealing to the capitalist, it is essentially fitted for the investment of the poor man's savings, for, however humble his lot, there is not a man in them who could not take up a 20*l.* share on being allowed 25 years to pay it in; 16*s.* a year could be paid by even children from their earnings; it is not only a savings bank on a large scale, but it has the advantage of uniting all classes by an identity of interest in the prosecution of a great national work, and keeps constantly before the inhabitants the advantages they possess by their connexion with the parent state.

On the shares being subscribed for the security of the Home Government is at once doubled, and the provinces relieved from the payment of so large a sum as three millions.

The construction of the line will be managed by local boards of five directors in each province, but the chief control will be vested in a central board of seven members, three of whom will represent these local boards, three the interests of the provinces, and one those of the English shareholders; and to these might not inappropriately be added a commissioner from the British Government. The peculiar feature of this arrangement is the combination of private interest with Government control.

In the success of this proposal the St. Andrew's and Quebec Railway Company have the deepest interest; having already built ten miles, and having recently contracted with an English firm for the completion of the remaining seventy of the distance to Woodstock, they are naturally most anxious to see the further portion of their line completed to Quebec with the least possible delay.

Their claims for consideration are of the highest kind, for they fearlessly assert that had it not been for the tenacity with which, throughout every discouragement and difficulty, they have adhered to their original project, public opinion would never have been aroused to the necessity for railways in the manner it has; to them the credit is alone due, to them exclusively belongs the honour of having commenced the first railway in New Brunswick, on which, without incurring debt, they have already expended some 30,000*l.* of British capital.

They trust their views are of an enlightened kind, having recently given 20,000 acres to found the Albion Settlement, the plan of which has given so much general satisfaction; and the same policy which has hitherto guided them has again led them in the present proposition to set apart one tenth of the lands for church, school, or hospital purposes.

In addition to these claims they already occupy the ground between St. Andrew's and Quebec, and which has been recognized in a series of acts. A parallel line or any infraction of their territory would therefore equally constitute a breach of faith; but apart from these considerations a parallel line would not be tolerated by the northern interests of New Brunswick, who have a prior and powerful claim for the establishment of a line from Miramichi to Fredericton and the United States frontier.

With respect to the amount of wilderness lands to be given up on either side of the line, the directors are willing to adopt the five miles as voted by the

NEW BRUNSWICK, &c.

No. 7.

Assembly instead of the ten miles as proposed by them; and they confidently hope that this clear exposition of their views will prevent any misapprehension of their plan, but at the same time they will be happy to furnish any further explanation Her Majesty's Government may require.

I have, &c.
(Signed) B. SHARPE,
Managing Director of the Class A. Shareholders, &c.

Sir J. S. Pakington, Bart. &c. &c. &c.

No. 7.

COPY of a LETTER from the Earl of DESART to B. SHARPE Esq.

SIR, Downing Street, May 19, 1852.

I AM directed by Secretary Sir John Pakington to acknowledge the receipt of your letter of the* 4th instant, representing the views of the directors of the St. Andrew's and Quebec Railroad Company, in reference to the line which it is proposed to construct from Halifax to Quebec.

* Page 92.

I have, &c.
(Signed) DESART.

CANADA.

No. 8.

No. 8.

MEMORANDUM left by the Deputation from the ST. ANDREW'S AND QUEBEC RAILROAD COMPANY with Sir JOHN PAKINGTON, on the 28th May 1852.

SIR,

THE proposal for constructing a continuous line of railway between Halifax and Quebec having been fully detailed in the two letters the St. Andrew's and Quebec Railroad Company recently addressed you, it may, on the present occasion be merely necessary to advert to a few of its principal features. In order to raise a sum of three millions at three and a half per cent. on provincial debentures, Great Britain is asked to become responsible for the repayment should the provinces at the end of twenty-five years fail in providing funds to meet them.

Against this contingency the provinces are to prepare by setting apart certain annual sources of revenue to provide for the accruing interest, and furnish a sinking fund for the repayment of the principal.

Thus far the proposal (except that a larger sum was required, with sixty years for its repayment,) is the same as that advocated by the provincial delegates, but their plan affords no further means of repayment; whereas the most important feature of the plan of the St. Andrew's and Quebec Railroad Company is the additional security given by the gradual transfer of the onus of repayment from the shoulders of the Home and Provincial Governments to those of a private company, which is managed thus: a company is formed, with a capital of three millions, in 150,000 shares of 20*l.* each, and a call of 16*s.* per share is annually made, which will produce 120,000*l.* a year, and in twenty-five years complete the repayment of the three millions, the amount of the calls being annually paid over to the Home Government, to form a sinking fund.

When a period of twenty-five years is given to pay up a 20*l.* share, the annual burden of which is only 16*s.*, it is assumed that it will easily be within the compass of the very poorest in the provinces, who will eagerly seek such an investment for their savings, the beneficial effect of which may be readily imagined.

The principle of the measure is to make the line, not with money received from the Government, but, as in the United States, by funds raised on its faith, and these are to be gradually repaid by a company acting under the joint control of the Home and Provincial Governments and the shareholders; as, for instance, the Home Government supplies one director, each of the Provincial Governments the same; the English shareholders also supply one, and the shareholders in each of the provinces one; the power is therefore equally divided between the Governments and shareholders, and is free from the objections which might be urged against its confinement to either one or the other.

An objection on military grounds has been urged by Her Majesty's Government against the proximity of the line to the United States frontier, but as that frontier for upwards of sixty miles runs parallel to the river St. Lawrence at only a distince of about twenty-four miles, it is clear that any line that can be devised must be liable to the same objection, as all have to traverse that narrow strip of ground; but a railroad may be 100 miles inland, and more open to attack than one situated near the frontier; all depends on the features of the country through which they pass, for in the event of war the arbitrary lines which separate the British dominions from the territories of the United States would never be adhered to; a chain of elevated or easily defensible parts must be at once established, irrespective of the legal lines of demarcation between the two countries.

But if the Government, for military reasons, declines to lend its guarantee for a trunk line passing near the United States frontier, it absolutely disposes of the question, for no other would be sanctioned by either Canada or New Brunswick; and the result must be that until the St. Andrew's and Quebec line is completed, the Montreal and Portland, passing through the United States, would be the trunk line of communication between England and the Canadas. If therefore Her Majesty's Government consider that it is not desirable that the great trunk line should pass near the United States frontier, they must surely admit that a line which passes directly through the United States territory must be infinitely worse. A great excitement with respect to railways has been raised in the provinces during the last two years by the communications from the Colonial Office, and great expectations have been justly entertained that assistance would be given; we would therefore implore Her Majesty's Government to pause before they disappoint these legitimate hopes, and cause a comparison to be instituted with the neighbouring states who freely lend their aid to these great undertakings.

But should these three millions be obtained, the proposed continuous line would not only be opened, but by dint of great economy (if permission were granted) it is not improbable that a sufficient surplus might be saved to complete several important branches in the different provinces, particularly one to connect St. John's viâ Fredericton with Miramichi. The greatest content and satisfaction would then be immediately diffused, and would a thousand-fold repay the people of this country for any remote risk they might run in being called on for the repayment of the money.

If Her Majesty's Government be unwilling to incur the risk of guaranteeing three millions, they may very possibly not object to sanction one half of that sum being raised, as a million and a half would suffice to open that portion of the trunk line which lies between St. John's and Quebec. Should this again be considered as too venturous, half a million will be sufficient to connect the St. Andrew's and Quebec Railway with the St. Lawrence, and thus open the communication between that river and the Atlantic.

The New Brunswick Legislature have passed a bill, by which they will become subscribers to the extent of 50,000*l.* in the St. Andrew's and Quebec Railroad Company, and have made grants of public land in aid of the undertaking, and which received the sanction of the late Government, who in a public letter wished this company every success. This has enabled them to contract with an English firm for the completion of the first section of 80 miles to Woodstock. Half a million is therefore all that is now required to open a direct communication with the St. Lawrence.

If the Government are in favour of the northern route, they will have to construct it themselves, as Fredericton, St. John's, and St. Andrews, the three great centres of population, are directly opposed to it. The northern line may open up certain wilderness lands, and supply Mr. Cunard's steamers with coal, but lying several degrees to the north of St. Andrew's, it will be exposed to all the fury of the terrific snow storms of the gulf of St. Lawrence. In a commercial point of view it will be utterly useless, and as a trunk line it will never be used, for it is clear that goods and passengers will always proceed by the shortest and cheapest route. The St. Andrew's and Quebec Railway will therefore always supersede it, as it will convey them from the Atlantic to Quebec by a line some 300 miles shorter than the northern route of 635 miles, and with the same benefit to themselves at a charge of one half.

It is also to be borne in mind that even the railway passing through the United States would afford a cheaper and shorter transit of goods to the Atlantic than a line passing through the eastern and northern districts of New Brunswick.

No. 9.

No. 9.

Copy of a LETTER from Earl Desart to Earl Fitzwilliam.

My Lord, Downing Street, June 9, 1852.

I am directed by Secretary Sir John Pakington to acknowledge the receipt of a "Memorandum left by the deputation from the St. Andrew's and "Quebec Railroad Company with Sir J. Pakington on the 28th May 1852," and to acquaint your Lordship, that after a full consideration of the representations made to him by the deputation, he is of opinion that it will not be possible for Her Majesty's Government at present to recommend to Parliament to guarantee the funds required for the construction of the projected line.

I have, &c.
(Signed) DESART.

Correspondence with Mr. Jackson.

No. 1.

NORTH AMERICA.

No. 1.

Copy of a LETTER from W. Jackson, Esq., M.P., to Earl Grey.

My Lord, Birkenhead, January 12, 1852.

In the month of May last I had the honour to bring under your Lordship's notice certain considerations and proposals in reference to the contemplated railways in British North America, which were principally intended to obviate the difficulties which had arisen by reason of the rejection on the part of the province of New Brunswick of the plan then recently proposed for carrying out those important works. Although those proposals were favourably received, it was suggested that under the existing state of things, they would come more appropriately before Her Majesty's Government if first brought under the consideration of the provincial authorities, and they were accordingly submitted to his Excellency the Governor-General in a communication addressed to his Lordship by Mr. Archibald, bearing date at Toronto the 21st* June last.

* Page 1 of this paper.

I have in the meantime given great consideration to the subject, and a better acquaintance with the condition and requirements of the North American provinces, added to great experience derived from extensive connexion with railway enterprise in this country and upon the continent of Europe, enables me to offer some further suggestions and proposals which I trust may not be considered undeserving of your Lordship's attention.

The object which Her Majesty's Government have more immediately in view as a work of paramount national importance is the construction of a continuous line of railway through British territory from Halifax to Quebec, and in connexion with this a line (greatly desired by the provinces) to communicate with the great railway system of the United States. For both these lines Her Majesty's Government have agreed to ask the Imperial Parliament to sanction the advance or guarantee of the necessary funds, upon certain terms and conditions which the Legislature of New Brunswick has frankly declared the inability of that province to comply with.

On reference to the legislative proceedings which have taken place in Canada and Nova Scotia upon this subject I am strongly of opinion that they do not meet the views and intentions of Her Majesty's Government; and regarding the whole matter open to re-consideration, I propose to submit a plan which I have reason to believe will be acceptable to the provinces, as well as to Her Majesty's Government.

The first question is, by what means can the needful assistance be afforded to the provinces to enable them to carry out these important public works without undue pressure upon their resources? My answer is, by the introduction of British capital, skill, and enterprise, and by making the railways the base and support of a well regulated system of colonization.

The Legislature of New Brunswick, in rejecting the plan lately proposed, formally renewed the offers previously made towards the construction of the Halifax and Quebec Railway, viz., to grant 20,000*l.* a year for twenty years, to provide the breadth of way and stations, and to concede a tract of the ungranted lands along the line, estimated to contain upwards of two million acres, and there is good reason to believe that the province would liberally increase these grants of money and lands to ensure the completion of both the main lines. It is assumed for the present that the provinces of Canada and Nova Scotia would also proportionately increase the offers of money and land which they formerly made towards the Halifax and Quebec line; and the next thing, therefore, to ascertain is, whether Her Majesty's Government, for the purpose of accomplishing these great national objects, will superadd such encouragement as would make it worth while for British capitalists and contractors to employ their resources in North America.

NORTH AMERICA.

This combination of Imperial and Provincial encouragement in aid of private enterprise appears to present the most feasible plan, and to offer the best guarantee for the speedy and effectual realization of objects of such vast magnitude, requiring not only immense pecuniary resources, but also great practical skill and experience.

At the present moment almost every country in Europe is bidding high for British capital and skill, and none with more eagerness than those states which commenced upon the mistaken system of attempting to construct and manage their railways as Government works. It needs no argument to prove that such undertakings can be better and more advantageously managed by private enterprise, and particularly in countries where they are about to be introduced for the first time. It is quite clear that the skill and experience necessary for the construction and administration of the provincial railways must be imported from this country or the United States, and it is very evident that all the advantages anticipated to the colonies and the mother conntry can only be realized by the employment of British resources, labour, and skill. By such a combination a much better and more permanent description of work will be ensured, and the important national object of colonization will be carried out upon a system that cannot fail to succeed. The elements of successful colonization are capital, industry, skill, and employment, and nothing can so effectually combine all these essentials as well-directed railway enterprise. If the proposals which I am to have the honour to submit should meet the approbation of Her Majesty's Government, well-known British capitalists, with associated contractors of great eminence, stand ready to undertake these railways on their own account and risk. These parties have at their command large numbers of skilled workmen, and a numerous staff trained and disciplined upon the most important public works in this country. Amongst them are many possessed of considerable means, and these, with their families, would become permanently domiciled in the country, whilst the requirements of the railways would necessarily lead to the introduction of the mechanic arts and many branches of industry at present entirely unknown.

It is not necessary that I should occupy your Lordship's time by referring to the purposes which these British American railways are intended to serve, but regarding them as works of great national importance, and looking forward to their probable extension across the entire continent, I may be permitted to say that they ought to be constructed upon a uniform plan and in a substantial and permanent manner. All experience tends to prove that it is the worst possible economy to make cheap railroads; they are never efficient, consequently require repair, and at the end of a few years must be almost entirely re-constructed.

One great object in these railways is, to give to the British maritime provinces the benefit of their geographical position as regards transmission of mails and passengers between Europe and America, and this can only be secured by high rates of speed beyond the capabilities of the ordinary American railroads. It is quite clear these great undertakings can never be carried out without very liberal aid from the Imperial Government, and it can hardly be intended that the funds so provided should pass into the hands of foreign contractors, as must inevitably be the case if the cheap American railways be adopted as models.

In order, therefore, to ensure a uniform plan, and substantial and permanent work, I would beg leave to suggest that Her Majesty's Government should appoint some engineer of eminence to superintend the construction of all those railroads in British North America which are, in whole or in part, to be carried out by funds to be advanced or guaranteed by the Imperial Government. This step appears the more expedient since in the present financial condition of the provinces the railways themselves, if properly constructed and managed, will prove an available security to the British Government against their liabilities.

Having premised so much, I beg leave to state that the first object of the association which I represent is, to provide for the construction of the two main lines of railway which are to traverse New Brunswick, namely, the European and North American and the Quebec line. The course of the former is pretty well defined by the physical geography of the country; the direction of the Quebec line through New Brunswick, however, is not yet ascertained, but

there is little doubt that a favourable central line can be found that shall open up the interior of the country, materially shorten the distance, and reconcile all conflicting interests.

The first step to be taken is to have the country carefully explored and surveyed in the direction which may be approved by the Legislature, and for this purpose the association will be prepared to send out competent staff under the direction of Joseph Locke, Esq., M.P., civil engineer, so soon as the season will admit. By these means accurate surveys, plans, sections, working drawings, and estimates of both the lines will be provided, and the Association offer to bear one half the cost and expenses, upon the understanding that should their proposals not be eventually accepted, the provinces shall reimburse the amount, and receive all the plans, estimates, and other fruits of the surveys.

The Association will then be ready to provide all the capital, and to undertake the construction of both lines on their own account and risk upon the following terms and conditions.

The British Government to guarantee the debentures of the Association as the works progress to the extent of one half the cost of construction and equipment, agreeable to estimates to be duly made, taking by way of indemnity or counter security a first mortgage or hypothecation of the lines and their tolls, provision being made for a sinking fund as may be arranged hereafter.

The province of New Brunswick to contribute the sum of 30,000*l.* sterling per annum for twenty-five years, to provide the breadth of way and stations, and to concede to the Association for purposes of colonisation, four million acres of ungranted lands along the lines, or as near thereto as circumstances will admit.

So far as New Brunswick is concerned the foregoing presents the full amount she will be required to contribute; and one great advantage of the plan is, that it will admit of an early commencement of operations. The European and North American line will naturally be the first to be constructed, and whilst it is in progress there will be ample time to determine the course and direction of the Quebec line.

Should it become necessary or expedient, the Association will undertake to carry out the whole line from Halifax to Quebec upon the like guarantee of the British Government, and upon obtaining from the provinces of Canada and Nova Scotia such aid in money and lands as may be hereafter agreed upon.

I have, &c.

The Right Hon. Earl Grey, &c. &c. &c.

(Signed) W. JACKSON.

No. 2.

Copy of a LETTER from F. Peel, Esq., M.P., to W. Jackson, Esq., M.P.

Sir, Downing Street, January 27, 1851.

I am directed by Earl Grey to acknowledge the receipt of your letter of the 12th instant, submitting for his Lordship's consideration certain proposals for the construction of railways in British North America.

In order to place you fully in possession of Lord Grey's views on this subject, and to explain the present position of the question, I am to transmit to you copies of a recent correspondence between his Lordship and the Lieutenant-Governor of Nova Scotia, which has been occasioned by a misunderstanding on the part of the local authorities of the intentions of Her Majesty's Government in regard to the assistance that was proposed to be afforded to the Halifax and Quebec line; and I am to observe, that although Her Majesty's Government are very anxious to encourage, as far as may be possible, the construction of railways in British North America, they cannot, for the reasons herein explained, undertake to recommend to Parliament that direct assistance should be given to any other than one work having for its object the common benefit of the empire. On this ground it was never intended to extend the proposed assistance beyond the line projected from Halifax to Quebec.

Lord Grey, 292, Nov. 27, 1851.
Sir J. Harvey, 40, Dec. 11, 1851.
Sir J Harvey, 44, Dec. 26, 1851.
Lord Grey, 297, Jan. 9, 1852.

I am to add that if any definite proposal for constructing the railway in conformity with these views by the gentlemen with whom you are associated can

be suggested to Lord Grey, his Lordship will be happy to consider it, and, if it should appear practicable, to recommend it to the Provincial Legislatures.

I have, &c.

W. Jackson, Esq. (Signed) F. PEEL.

No. 3.

No. 3.

Copy of a LETTER from W. Jackson, Esq., M.P., to F. Peel, Esq., M.P.

Sir, February 5, 1852.

I have the honour to acknowledge the receipt of your letter of the 27th ultimo, with the several enclosures explanatory of the misunderstanding which has arisen in Nova Scotia in regard to the assistance proposed to be afforded by Her Majesty's Government to the contemplated railways in British North America. I now understand that Her Majesty's Government, with every desire to encourage the construction of those railways, cannot undertake to recommend to Parliament to extend the proposed assistance beyond the projected grand trunk line from Halifax to Quebec, which from its vast importance to the empire at large is regarded as an exceptional case.

Begging, for the purpose of saving time and recapitulation, to refer to my letter to Earl Grey under date of the 12th* ultimo, I will now proceed, in accordance with your invitation, to submit certain definite proposals for the construction of that line of railway in conformity with what I believe to be the views of Her Majesty's Government.

* Page 97.

The important purposes which this great inter-colonial highway is intended to serve imperatively demand that the work should not only be of the most substantial character, but that the route and direction of the line should be the most favourable that the nature of the country will admit. It may be safely assumed that that line which experienced parties (who have to construct and maintain the railway at their own cost and risk, and who have the best engineering skill at their command,) shall select will also prove the best for all national and public purposes; and the first proposal I have to make is, that the country be thoroughly explored and surveyed with a view of fixing the shortest and best practicable route, and for this purpose the parties with whom I am associated will be prepared to send out a competent staff as early as the season will admit. By these means accurate and reliable surveys, plans, sections, working drawings, and estimates of the whole line from Halifax to Quebec will be made, and the Association offer, in the first instance, to bear one half the cost and expenses, upon the understanding that should their proposals for carrying out the undertaking not be eventually accepted the provinces shall reimburse the amount, and possess all the plans, estimates, and other fruits of the surveys.

In my former communication it is assumed that for the re[illegible] therein stated Her Majesty's Government will appoint some engineer of eminence to superintend the construction of this important work, to whom, as a matter of course, all the plans and estimates will be submitted, and when by these or other means the route shall be determined, and the cost of construction and equipment satisfactorily ascertained, the Association will undertake to provide all the funds, and to construct and work the whole line on their own account and risk, upon the following terms and conditions; namely,

First. That the Association shall be incorporated by Royal charter, recognised and confirmed by the several Provincial Legislatures, and that all needful enactments and facilities shall be conceded. "Clauses to be inserted regulating "tolls, &c. &c."

Secondly. That Her Majesty's Government guarantee the bonds or debentures of the Association as the works progress to the extent of one half the estimates, taking by way of indemnity or counter security a first mortgage or hypothecation of the line; provision being made for a sinking fund as may be hereafter agreed upon.

Thirdly. That an annual sum to be hereafter agreed upon be allowed to the Association by Her Majesty's Government for the transmission of the mails to and from Great Britain over the whole of the line, such amount to be held by Her Majesty's Government as a guarantee towards the payment of the interest on the guaranteed bonds.

Fourthly. That the provinces of Canada, Nova Scotia, and New Brunswick shall grant to the Association the sum of ninety thousand pounds sterling per annum for thirty years.

Fifthly. That the three provinces shall concede to the Association six million acres of the ungranted lands along the line, or as near thereto as circumstances will admit, and shall in their respective territories provide the breadth of way and stations.

I have thus endeavoured to present in the simplest form the terms and conditions upon which the parties I represent are ready and willing to undertake the construction and management of this great national work, which is universally admitted to be of immense importance to the empire at large, and absolutely essential to the wellbeing of the British North American possessions.

I have, &c.

F. Peel, Esq. (Signed) W. JACKSON.
&c. &c.

No. 4.

Copy of a LETTER from W. Jackson, Esq., M.P., to F. Peel, Esq., M.P.

Sir, February 5, 1852.

Referring to my letter of this day's date, conveying proposals for the construction of the great trunk line of railway from Halifax to Quebec, I beg now to state that in the event of those proposals being accepted, the same parties will undertake to construct a line of railway from the Halifax and Quebec line, by way of the city of St. John's, to the United States frontier, without requiring the province of New Brunswick to contribute more than is provided for by the facility bills in aid of the European and North American Railway; the Company being at the same time free to negotiate with the province for any modification of existing enactments or arrangements that circumstances may render necessary or expedient.

The company will also undertake in the same manner and on the same terms and conditions to survey the country for the purpose of determining the best route.

(Signed) I have, &c.
W. JACKSON.

F. Peel, Esq.
&c. &c.

Other Correspondence.

CANADA.

No. 1.

COPY of a LETTER from H. B. WILLSON, Esq., to the Right Hon. Sir JOHN S. PAKINGTON.

SIR, 36, Bloomsbury Square, April 28, 1852.

I BEG most respectfully to submit for the consideration of Her Majesty's Government the accompanying memorandum on the subject of the proposed inter-colonial railway from Halifax to Quebec, and thence to the western frontier of Canada, to construct which Imperial aid is being sought at the present time by agents from the provinces.

I believe that my views are perfectly in accordance with those of the great majority of the people of western, and of a large number in eastern Canada.

In consequence of the necessity of placing these views in the hands of Her Majesty's ministers, before they should decide upon the expediency of complying with the request of the colonial agents, I have not had time to communicate with my friends in Canada to obtain their co-operation.

In order to supply this deficiency, and to corroborate my statements, I have added in the shape of Appendices several extracts from Canadian newspapers, and the resolutions of the Honourable Mr. Merritt, late President of the Canadian Government, and also remarks on Major Robinson's report, to which I beg respectfully to invite your earnest attention.

I have, &c.

To the Right Hon. Sir J. Pakington, &c. &c. &c.

(Signed) H. B. WILLSON, of Hamilton, Canada West.

If it will not be trespassing too greatly upon your valuable time, I shall be happy to afford any personal explanation that you may desire.

H. B. W.

MEMORANDUM respecting the proposal of the Honourable Mr. Hincks, Inspector General of Canada, to the Imperial Government, to obtain aid in the construction of the proposed system of Railways in the provinces of Canada, New Brunswick, and Nova Scotia ; and reasons against its adoption by the British Government.

Mr. Hincks's scheme, as set forth in the published correspondence between the Commissioners of the three provinces, at their recent meetings at Halifax, and as explained more at length in his resolutions and speech in the Parliament of Canada during its last session, embraces the following leading features :—

First. A main trunk line from Halifax to Quebec, by way of the Valley of the St. John's, to be constructed and owned jointly by the three provinces, on condition that the British Government guarantee the debentures of the said provinces, which are to bear interest at the rate of 3½ per cent., and on certain conditions set forth in a despatch from Earl Grey to the Governor of Nova Scotia on that subject, specifying that the entire line shall be within the British territory :

Second. A line from Quebec to the western frontier of Canada, passing through Montreal, Toronto, and Hamilton, and all the intermediate towns on or near the margin of the St. Lawrence and the shore of Lake Ontario, to be undertaken and constructed by the province of Canada as a provincial work, with the like guarantee by the Imperial Government if it can be obtained, and without it, if withheld.

It is not yet made public whether these two propositions have been submitted for the consideration of the Imperial Government by Mr. Hincks, separately or conjoined as an entire plan, to be adopted or rejected by the Home authorities. The inference to be drawn from the proceedings of the joint commission at Halifax, and the resolutions of the Canadian legislature, strongly indicate that they are to be urged upon this Government as separate measures.

Assuming this to be the fact, and that the promise of Earl Grey, late Secretary of State for the Colonies, to recommend to Parliament a measure to afford the Imperial guarantee in the manner set forth in his despatch, was made upon ex-parte representations, the following considerations are respectfully submitted as worthy the attention of the Imperial Government. It may here be noted that the despatch above referred to was

subsequently explained by another, dated 9th January 1852, limiting the promised guarantee to such line only as might be considered national in its character.

1. The principle of undertaking the construction and management of railways, as well as of many other public works, by popular governments, has been found in Canada, and in nearly all the adjoining states, to be open to the most serious objections. Owing to the party character which all such Governments generally assume, the outlay of large sums of money upon state or provincial works is made the subject of bitter political strife and contention. In many of the States the tendency to abuse the discretionary power which the Executive must be allowed in the construction and management of public works has been such, that very many of them have amended their constitutions, or framed new ones, expressly to limit the power of their Legislatures to raise money on loan for such purposes. Even in the great state of New York, where the system of canals has been a source of large profit in consequence of that State's being the great highway between the Atlantic seaboard and the Western States and Canada, rather than owing to economy in their construction and management, such a clause was inserted in the new constitution framed in 1848. The gross mismanagement of State works in Mississippi, Arkansas, Michigan, and Indiana, on account of the state of parties, has even been alleged to have been one of the fruitful causes of repudiation, and in Pennsylvania and Maryland for nonpayment of the interest on their debts.

2. In 1848 and 1849 Canada was only saved from being placed in the same disgraceful position as the latter States by the issue of nearly a million dollars of ten and twenty dollar promissory notes, bearing six per cent. interest, and payable one year after date. This arose from the profligate expenditure of sums beyond the resources of the province at the time upon unproductive public works. It is not a subject for discussion here, whether these works have not been of substantial benefit to the province, particularly the large extent of plank and macadamized roads for which a part of the debt was incurred; the question is, whether they could not have been constructed at a greatly reduced cost by incorporated companies, either with or without Government aid.

3. The latter is now the only mode by which such roads are made in Canada, except in a few instances where the county councils have lent their aid. But even here abuses are found to exist; and it may now be fairly assumed, that no macadamized or plank roads are undertaken in that province except by joint stock companies. These companies are becoming very numerous in consequence of the passage of an Act expressly to give them corporate powers, and intended to relieve the Legislature from future applications to make such roads.

4. The public roads constructed by the Government of Canada cost nearly cent. per cent. more than similar roads made by companies, and the profits arising from tolls were proportionably less. So great a burden had these roads become to the province, and so many and so pressing the demands upon the Treasury to keep them in repair, that the Inspector General, Mr. Hincks, obtained from Parliament, in 1850, an Act to authorize their sale. Under this Act, roads, bridges, and harbours, which cost the province nearly two millions of dollars, were sold at auction at less than one third their cost, and are now owned and managed by joint stock companies. Most, if not all, of these works, after a large additional outlay by their new proprietors, to restore them from the dilapidated condition in which the Government agents had left them, are now yielding a handsome profit.

5. Another striking example to illustrate the superior management of companies over State or Provincial Governments may be found in the case of the Central Michigan Railway. This work was originally built by the State, and although the line of road was a most favoured one, and of great importance in shortening the distance between the States of Illinois, Wisconsin, and Indiana, and the seaboard, by 500 miles, as compared with the only other thoroughfare for travel by Lakes Michigan and Huron, it was found, under Government management, not to pay expenses, and the road itself began to fall into disrepair. The Legislature at length resolved to sell it, and passed a Bill for that purpose. As in the case of the roads in Canada sold by Mr. Hincks under his Bill, the Michigan Railroad was purchased by a company, and the same results followed the change of ownership in the one instance as in the other. The new company entirely relaid the line with heavier and better iron; and, under economical and judicious management, the road has for several years paid large dividends.

Vide Mr. Merritt's Resolutions, Appendix No. 1.

6. If the public works of Canada, and the several States referred to, have been the subject of so much extravagance, and have proved so unprofitable in the hands of the respective Governments, when money was hard to be got, even at a high rate of interest, —when their credit was pushed to the utmost, and whilst there was every incentive to economy,—is it to be expected that a different system will prevail, if the British Government pour into the provincial exchequers eight millions sterling at the low rate of interest now ruling?

7. The expenditure of such a sum by the Provincial Governments, it is to be feared, would become the subject of political strife. The gates of peculation and corruption would be thrown wide open, and the results would, in all probability, prove most disastrous to the morals and interests of the community. There is, perhaps, no country in America where the elements of abuse of such a system of works exist in greater abundance than in the British provinces. They are comparatively poor, and are full of needy adventurers, who,

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when no better occupation offers, are sure to turn political agitators, and are by no means scrupulous how they rise to power and consideration in the State. The experience of the past leaves no room to hope that the Governments which would have the management of these great lines of railway would not be composed, more or less, of such men.

8. The next point to be considered is, whether these lines of road, if constructed upon the most economical principles, would, as Government works, be any more productive than the other public works of Canada. There is already in a forward state of completion a railway from the Niagara Falls to the western frontier opposite Detroit, which touches the head of Lake Ontario at Hamilton. This road is called the Great Western, and is building by a company which recently negotiated in England on favourable terms 200,000*l.* of their bonds. This railway it is proposed by Mr. Hincks to buy up, in order that the Government may have a monopoly of the entire railways of the provinces. The Great Western forms a part of the great main trunk line from Hamilton westward, 200 miles ; being also, by having an extension eastward to the Niagara Falls, a link in the great system of American railroads, with which it is to be connected at each end ; and, running through the best settled part of Canada for its whole length, will undoubtedly prove a most productive enterprise.

9. That portion of the main trunk line between Hamilton and Quebec would skirt the borders of Lake Ontario and the St. Lawrence all the way, and be subject to the steamboat competition during seven months of the year. But as it passes through all the large towns, such as Toronto, Port Hope, Cobourg, Kingston, Montreal, and numerous others of considerable commercial importance, and cuts through the most rich and flourishing parts of Canada, there is every reason to think favourably of it, under the judicious management of one or more companies. If the Government of Canada would lend its aid to such companies, with or without the Imperial guarantee, there are responsible parties ready to undertake the contracts for its completion.

10. To this mode of affording aid to the projected line of railways there can be no objection, provided the Government advance only one half or two thirds of the cost of construction, and take a mortgage on the road and equipment. If the British Government desire to aid the province of Canada in its railway enterprises they will be perfectly safe in guaranteeing provincial debentures, to be thus loaned to joint stock companies, taking care to have a margin of from 33 to 50 per cent. as a warranty that the money will be prudently expended, and the works well managed.

11. If, on the contrary, the proposal now submitted by Mr. Hincks should be acceded to, and the roads be made as Government works, it would be better for the British Government in the first instance to build them through its own agents, and retain the management in its own hands. This would save any unpleasant collision between this country and the colonies in consequence of a failure to meet either interest or principal on so large an addition to the already heavy debts of the provinces, and especially of Canada.

Vide App. No. 4. Remark on Major Robinson's Report.

12. There are many forcible if not conclusive reasons for believing that the portion of the trunk line from Quebec to Halifax, by way of the St. John's or any other route, can never pay running expenses and repairs. It would extend this paper to too great a length to adduce these arguments in detail. A few general facts will, however, elucidate the true position of this part of the project.

13. The advocates of the line from Quebec to Halifax, in making up their data for a business for their favourite scheme, are compelled to rely largely upon the local or way traffic to be created by the future settlement of the country traversed. The settlements are at present very limited, and the people very poor. At least two thirds of the entire distance is through a perfect wilderness, hitherto seldom trod by the foot of civilized man. This vast wilderness, of more than 400 miles, is only in part susceptible of cultivation. Much of it is of the same mountainous character as that described by the North-eastern Boundary Commissioners, and the proposed railway would run through the country a little north of, but adjacent to, the boundary line between Maine and New Brunswick, which is formed for about 100 miles by the river St. John. When the advocates of a line of railway predicate the business of their road upon the future settlement of the country, some ten or twenty years hence, it is difficult to combat their figures. With disinterested financiers such calculations must go for little or nothing.

14. Hitherto the projectors of railways, instead of selecting lines with a view to settling new countries, which require at least a quarter of a century before they can afford any considerable traffic beyond the scanty supplies required for the sustentation of the settlers, have invariably chosen routes through the wealthiest and most populous districts. Although this rule has been so generally observed, railway investments have not been found to be so extremely productive as to warrant the adoption of a directly opposite principle, as in the present instance. Besides, there are millions of acres of more fertile lands in Upper Canada and the Western States, where the climate is more genial, to attract the attention of the better class of emigrants for half a century to come.

15. The estimates based upon the enhanced value of the lands, and the proceeds to arise and flow into the provincial exchequers therefrom, are no more reliable than the predicated sources of revenue for the railway itself. It is an indisputable fact, that the Crown Lands departments in the provinces have not realized enough, from the entire

gross sales of land, to defray the expenses of management. This fact is sufficient to overthrow the assumption of profit from that source.

16. It is evident that a railway from Quebec to Halifax cannot compete for the traffic of Western Canada, with the numerous lines running from New York, Boston and Portland, to the Canada frontier. There are, at least, eight better routes, each of which is shorter by two thirds or one half, by which the freight and passenger traffic can reach one or the other of these seaports. These different railways tap the Canadian frontier at the following points; namely, at Dunkirk on Lake Erie, Buffalo, Niagara Falls, Rochester, Oswego, Kingston, on Lake Ontario, Ogdensburg on the Saint Lawrence, and the Province line near Montreal. All these lines, except the New York and Erie, which leads direct to New York, afford a choice between the markets of that city and Boston, the two greatest centres of civilization and commerce in America, where all the mail steamers plying to Europe depart and arrive. In addition to these lines there is the St. Lawrence and Atlantic railway, connecting Montreal with Portland. This route is about 250 miles in length, whilst from Montreal to Halifax viâ Quebec is more than 800 miles.

See App. No. 1. and also No. 5.

See App. No. 4.

17. It would therefore be absurd to suppose that the business of Montreal, or any of the productions of Western Canada, would find their way to Halifax, for shipment to foreign markets by the route in question. But, more than this, it is questionable if the business of Quebec itself will not be drawn over the line of road now building from that city to intersect the St. Lawrence and Atlantic Railway at Melbourne, and so to Portland. Quebec by this route will be about 300 miles from that city, whilst it is 600 distant from Halifax by the one proposed.

18. The proposed line, in order to get round the State of Maine, which makes a deep indentation into the territory of the provinces, has to be carried more than 100 miles out of a direct course, which must greatly increase the cost and running expenses, and give to the numerous competing lines running through Maine, Vermont, and the State of New York immensely superior advantages.

19. It will be an act of great injustice to the people of Upper Canada to be compelled by a majority of members in Lower Canada to pay a heavy tax for the construction of a work in which they have no interest whatever. Indeed, the chief burden would fall upon them, in consequence of their being by far the largest consumers of goods paying duty upon importation into the provinces.

20. The following vote, taken last summer in the Assembly at Toronto, upon Mr. Hincks's resolutions on this question, will show how the members from the two sections of the province viewed the subject:—

	For.	Against.
Upper Canada members - - -	11	20
Lower „ „ -	27	3
	38	23

Of the eleven Upper Canada members who voted for the resolutions, three or four, including Mr. Hincks, were members of the administration, and as many more of them were rejected by their constituents at the recent elections, and persons opposed to the scheme elected in their places.

See App. No. 3. Extracts from Toronto Globe and other Papers.

21. Should the Imperial Government, therefore, extend its aid to the construction of this part of the great main trunk line, and refuse assistance to the part from Quebec to Hamilton, it will become a subject of the most serious dissatisfaction to the people of Western Canada, who require but a small motive to go *en masse* in favour of a dissolution of the union with the lower or eastern section of the province. What ulterior results might follow such a movement it is impossible to predict.

22. The only advantage which the British Government would derive from the construction of a railway from Quebec to Halifax would be the facility it would afford for the transportation of troops and munitions of war. Should Earl Grey's proposal to withdraw the troops from Canada, and to throw the burden of self-defence on the province, be carried into effect, even this small advantage would be lost. But it is doubtful whether a railway on the proposed line would be available for this purpose in case of war with the United States; and it would only be in case of such a contingency that a military highway between the provinces would be required. This doubt arises from its proximity to the State of Maine, whence it would be easy to send detached forces to break up the road, or otherwise intercept communication.

23. In conclusion, it must be borne in mind by all parties concerned, that it is matter almost of equal importance to this country, as to the provinces themselves, that so large a liability as eight millions sterling should not be incurred for the construction of railways under circumstances and in localities so little encouraging. Canada is already heavily indebted, and has been compelled to levy a duty of $12\frac{1}{2}$ per cent. on all British as well as foreign manufactures, in order to keep faith with her creditors. If she should expend three or four millions more upon unproductive works this duty will have to be increased to 20 or 25 per cent. to meet interest and principal.

H. B. Willson,
of Hamilton, Canada West.

April 28, 1852.

Appendix No. 1.

In striking contrast with the extravagant systems by which the Provincial Governments have managed their lands and conducted their sale, may be cited the economy and prudence of the Canada Company. The Crown lands in the provinces were the gift of the Imperial Government, whilst the association just mentioned acquired their domain by purchase. Nevertheless the latter have made their lands a source of large annual profit to the shareholders. On the other hand, the provincial lands departments have been so prostituted to political patronage as to require, in addition to the gross receipts of sales, annual grants to make up the deficits. Is not this another powerful argument in favour of leaving the railways of the provinces to be constructed by private enterprise, as in England and the United States? To such legitimate enterprises the Provincial and Imperial Governments may properly lend their credit in the manner pointed out. The following resolutions, taken from a series moved by the Honourable William Hamilton Merritt, in amendment to those introduced by Mr. Hincks in the Legislative Assembly of Canada last summer, are valuable as bearing on this question. Mr. Merritt is the father of the canal system of that province, and has had more experience in these matters than any other man in it. He was, moreover, for some time president of Mr. Hincks's ministry, and had then but recently resigned the presidency of the Board of Works and his place in the administration. His opinions are therefore entitled to great consideration.

" 2. That all former experience, both in the United States and in Canada, tending to " prove that the construction and management of railways by Government is unwise " and inexpedient, and has invariably resulted either in great public loss, or in a total " failure to produce the anticipated benefits; as, for example, in the state of Michigan, " where it is alleged that the central railroad, constructed by the State created offices " for maintaining political paupers at public expense; giving employment to a class of " persons incompetent for the duty to be performed; and ultimately causing so much " dissatisfaction that the road was sold, at a great loss, to a private company, who, by " their prudent and economical management have since made it a profitable concern. " That, in like manner, the removal of local works in Canada from the management of " local commissioners to that of the provincial Government has been attended with " similar results, by occasioning a yearly increase of the public expenditure, until, by " experience, the Government became convinced that all public works, except such as " relate to the leading water communications, ought to be under local management; con- " sequently a transfer of the same into the hands of municipalities or private companies " has been effected.

" 3. That, in the opinion of this House, it would be inexpedient, with the imperfect " information it now possesses, to undertake the construction of 1,216 miles of railway; " involving an expenditure (at 6,500*l.* per mile) of about 8,000,000*l.*, which, in the event " of the roads not being economically managed and yielding a profit, would, at three " and a half per cent. interest, subject the province to an increased tax of 280,000*l.* per " annum, unless some additional security be provided to guard against future loss."

Appendix No. 2.

The last published despatch from the Imperial Government, on the subject of the Quebec and Halifax railway, is from Mr. F. Peel to Mr. Hincks, and was written under the direction of Earl Grey, and dated 20th February last. It concludes as follows:—

" Lord Grey directs me to add, that no proposal for obtaining assistance of Parliament " towards the construction of the proposed railway could be entertained by Her Majesty's " Government, unless it can be shown that it would establish a complete line wholly on " British territory."

The question then resolves itself into this:—Of what value will such road be, either to England or the colonies, if it is incapable of competing with the numerous shorter lines of the United States, which everywhere intersect the great line of communication by the lakes and the St. Lawrence, by which larger and better markets are reached? All the provinces are earnestly seeking to obtain reciprocal free trade with the United States; numerous agents have been from time to time sent by the Provincial Governments to Washington, and Mr. Hincks amongst the number, to promote this object. This proves that what the provinces most want is to extend their commercial intercourse with that country, and not with each other. It is the great markets of the Union with which they wish to have intercourse. These markets also afford the best entrepôts through which to carry on a foreign and transatlantic trade. The trade between the provinces themselves forms a very insignificant part of their entire commerce, as will appear by the following

official statement of the imports and exports of Canada for the year 1850, given in Halifax currency, equal to 16*s.* 8*d.* sterling to the pound.

Total of Imports	£4,245,517
From Great Britain	£2,407,980
From United States	1,648,715
From all British North America	96,464
From all other countries	92,358
Total of Exports (1850)	£2,669,998
To Great Britain	£1,200,849
To United States	1,237,789
To all British North America	202,194
To all other countries	29,166

By the above table it will be seen that the United States were better customers to Canada for her productions by 37,000*l.* in 1850 than Great Britain, and by 1,035,000*l.* than all the rest of British North America put together, and this in the face of considerable custom-house restrictions. Any attempt to force a trade between the colonies by legislative enactments, and high tariffs against other countries, would be contrary to the present policy of the empire, and would, most certainly, prove disastrous to the commerce and prosperity of the colonies. The result of such a policy it would be difficult to calculate. A measure calculated to destroy half their commerce would probably not only prove the destruction of the Provincial Administration that attempted it, but might lead to a speedy severance of these colonies from British connexion. It is not reasonable to suppose that the great mass of people in Canada, and especially those of Upper Canada, who have all the energy and enterprise of the Anglo-Saxon race, which only requires scope for developement to make them a great people, will quietly submit to be taxed in order to favour any particular branch of industry or commerce, or one line of railway or water communication, at the expense of any other which may present itself, whether it be British or foreign.

Appendix No. 3.

Extracts from Canadian and New Brunswick Papers.

From the Toronto Globe (Reform, formerly the organ of Mr. Hincks's Government), 28th August 1851.

"The Trunk Railway.—We beg our readers to peruse the debate in another column on the trunk railway from Halifax to Quebec; and if they are not then satisfied that Upper Canada interests are completely sacrificed to the demands of the French Canadians, nothing will convince them. Mr. Hincks has absolutely induced the House of Assembly to authorize a debt of sixteen millions of dollars, for which, at this moment, not the slightest necessity has been shown, nor one calculation exhibited of anticipated traffic, revenue, or expenditure. Were a road built from Quebec to Detroit, the prospect of profitable traffic eastward from Quebec would even then be exceedingly doubtful for years to come; but, without a road west from Quebec, it is difficult to imagine what business can be done upon it. Yet, with this prospect, Mr. Hincks pushes on the scheme and sinks the millions! And, besides its unprofitable aspect, it is very clear that ere the road could be built we will have railway communication to Halifax by the Portland route without paying a sixpence. So there is no justification for the thing, except that the French Canadians want it.

"The debate brings out very clearly several important facts. First, that Novia Scotia and New Brunswick are not only to have the trunk line through their country, entirely built with the 3½ per cent. loan, but are to have the surplus of the loan to build their road to Portland in the United States, in direct opposition to the Canadian line, in direct frustration of the very object it was intended to accomplish, namely, to turn the highway of the European passenger trade through the British provinces. How Mr. Hincks could have agreed to this, we cannot imagine. Second, it is clear that the prospect held out of a surplus being received from the Imperial loan to build the Quebec and Hamilton route, is a complete delusion. There will be no such surplus, and if there were the Halifax and Portland line would get it all; and if it did not get all, it would be four or five years before it could be known if there was to be anything over,—a period of time we could scarcely wait for;—and if we could wait, and there were any over, Mr. Hincks admits there is no security for our getting it then. Thirdly, Mr. Hincks builds the Lower Canada railroad at the expense of the whole province; the Upper Canada road he purposes to build half from our local funds, and half from provincial funds.

"The whole scheme is perfectly outrageous, and ought to have been kicked out without hesitation. A trunk road from Halifax to Detroit and Sarina, with the British guarantee for the whole, we could comprehend; but to sink sixteen millions on a road through a wil derness, which must be closed for a great part of the year, and leave to chance the

road really needed, is a scheme which none but the Honourable Francis Hincks dared to enunciate. The explanation of it is only too obvious:—"Concessions must be made to preserve the union," as well in railways as in rectories. We ask Upper Canada reformers to notice the manner in which Mr. Hincks has carried this scandalous bill.

	For.	Against.
" Upper Canadians - - - -	11	20
" Lower Canadians - - - -	27	3
	38	23

" The only Upper Canadians not in the Government, who voted for the bill, were Messrs. Bell, Fergusson, Morrison, Prince, Richards, Smith of Durham, and Wilson, 7."

From the TORONTO COLONIST (Conservative), July 11, 1851.

" Our assent to the proposition for the construction of the Quebec and Halifax Railway would be qualified most decidedly by the condition that the Imperial guarantee shall be extended to the whole line of road from Halifax to Hamilton (head of Lake Ontario). Without this it would, in our estimation, be folly on the part of the Province to Canada to involve herself for the construction of the Quebec and Halifax Line. Let it be a Halifax, Quebec, and Hamilton line, and we will go for it most cordially."

From the ST. JOHN'S COURIER (New Brunswick), February 1852.

" That a railroad from Quebec to Halifax, especially as constructed and managed by Government, will not for the first twenty years pay half its working expenses, there not being at present capable of travelling by it over fifty thousand people on the whole seven hundred miles. Before the money can be got, there are various questions to be settled;—such as the approval of the route,—a provision for the troops stationed in the province, say some trifle of 30,000*l.* a year,—salaries of 2,000*l.* or 3,000*l.* a year to the Imperial Commissioners, who are to take charge of our revenues,—and various other such minor details."

From the KINGSTON NEWS (Conservative), July 1851.

" It is really too much, however, to ask the Canadian people to tax themselves for £16,000,000 additional debt, on the demand of Mr. Hincks, to accomplish an object which not only can be productive of no adequate benefit to them, but which, if attained, may and doubtless will effectually prevent the undertaking for years and years to come of that line of railway communication throughout the province, which has long been to them an object of ambition. Our Government may, with the aid of the Imperial guarantee, raise the four millions required for the Halifax and Quebec line; but they cannot, we feel persuaded, follow up that loan, and obtain the additional three or four millions necessary for the Quebec and Hamilton Railway. If the sum necessary to construct the whole line can be procured under the Imperial guarantee, it would be well enough to enter upon the gigantic undertaking; but it seems to us nothing short of madness to proceed in the reckless manner suggested by Mr. Hincks, and sanctioned by a majority of the late Assembly."

From the COBOURG STAR (Conservative), July 1851.

" Upper Canada plundered to benefit Lower Canada.—The independent portion of the press of Upper Canada, of all shades of politics, is out against the grant for the Halifax and Quebec Railroad. By the terms of Mr. Hincks's Act, Canada is pledged to pay the interest on sixteen millions of dollars; and as Upper Canada pays four fifths of the taxation, we shall be victimised to the extent of one dollar per head for every man, woman, and child for the next hundred years, for interest, to say nothing of the tax for the principal. Should the road not pay expenses—and it will not—we shall have an additional tax for that. True, Mr. Hincks has provided in his Act that if there be any surplus we should have it, as far as it will go, to build a road from Quebec to Hamilton. But no sane man expects that there will be any surplus. Indeed, if Mr. Killally has the management of the Canada portion of the road, we fear that the seven millions will not build the road even to Quebec. The Quebec Chronicle has the cool impudence to tell us that " a line of railroad is not surely so much wanted between Hamilton and Quebec, there being now a direct and speedy communication by water.' The writer is evidently under the impression that our steamers run to Montreal the year through, and, we suppose, will be much astonished to find that for six months we are as much ice-bound as himself. But Mr. Hincks's Act not only compels Upper Canada to pay for a road which is of no more service to her than if built in the moon, but it actually prevents our municipalities from going on with their own road. For not only will the people not consent to pay a double tax, one for a road down there, and another for a road here, but even supposing they were willing to do so, the money could not be obtained, for the sixteen million pledge will have exhausted our credit at home. A country, like an individual, has only a certain amount of credit, and a certain amount of name, and the moment the one or the other reaches its extent it is of no further use."

From the COBOURG STAR, March 1852.

" Halifax and Quebec Railway.—We may now cease to look for Government assistance to the front or rear line of railway from Montreal West. In the above memorandum we find it clearly stated, ' that Canada, in order to complete its trunk line, will have to construct, either by private or public enterprise, the line from Montreal to the Detroit river, a distance of 600 miles.' All our credit being absorbed in providing funds for the Halifax and Quebec road, our line must be built by private enterprise, or not at all. To sink all our resources for a scheme that no man expects to be profitable, to the prejudice of railroads that would pay, and whose construction is of urgent necessity, must be highly injurious."

Appendix No. 4.

REMARKS on Major ROBINSON'S REPORT.

In drawing up the accompanying reasons against the proposal to construct the great inter-colonial railway from Halifax to Quebec, and thence to Hamilton, by the Provincial Governments, instead of leaving the project in its several parts to the enterprise of joint stock companies aided by Government, it was not considered necessary to enter into the voluminous details set forth by Major Robinson and his associates in their Report of the survey of the line between Quebec and Halifax. The facts stated in the memorandum are sufficient to show that Major Robinson has evidently allowed his enthusiasm in making out a case for his favourite scheme to get the better of his judgment. A few facts connected with the estimates of the Report, both as to the cost of construction and the probable business of the road, will serve to show that Major Robinson's data are to be received with great caution.

First, as to cost. The estimates of probable cost are based wholly upon similar undertakings in the United States, and particularly of the roads in Massachusetts, and of the New York and Erie and Hudson River Railways in the State of New York. How far such data can be relied on must be determined by the similarity or dissimilarity of the particular routes chosen. In Massachusetts the average cost per mile of single track is put down at 7,950*l.* sterling ; but, owing to the cheaper rate at which iron can be supplied to the British Provinces, the cost of the Quebec and Halifax line is set down at 7,000*l.*, to which ten per cent. is added for contingencies, making in all 7,700*l.* per mile. The entire line of 635 miles is therefore estimated to cost 5,000,000*l.* sterling.

But the Commissioners have failed to take into account the important fact, that in Massachusetts the railways almost invariably follow the more level courses of the numerous rivers and streams, and rarely cross the mountain ridges. This almost uniform principle observed in selecting the lines of road in New England possessed, in addition to the advantages of avoiding engineering difficulties, the great desideratum of traversing the most densely settled parts of the country. It is an indisputable fact that the valleys of the streams, being the most fertile, were the first settled, and at the commencement of the grand system of railways in New England were thickly peopled with an enterprising industrious population engaged in agriculture and manufactures. Every stream had already been turned to some account, and New England had become famous for its numerous and beautiful towns and villages.

On the other hand, by Major Robinson's own showing (page 8 of his Report), the greater portion of the Quebec and Halifax Railway will not only pass through a perfect wilderness, but will run at right angles to the general courses of the streams and rivers, and consequently to the mountain ridges. But it will be more conclusive to give the words of the Report itself :—

" It will be evident, therefore, that any line from the coast of Nova Scotia to the St. Lawrence has a general direction to follow, which is the most unfavourable that could have occurred for it, having to cross all these mountain ranges, streams, and valleys at right angles nearly to their courses."

This comparison must prove conclusively that the roads of Massachusetts cannot be assumed as correct data for the basis of an estimate for the Quebec and Halifax line.

The rugged broken country traversed by the New York and Erie railway, 450 miles in length, is undoubtedly more characteristic of the line recommended by Major Robinson, or " any line from the coast of Nova Scotia to the St. Lawrence." At page 19, the report gives the estimates for this New York road, then making (August 1848) at " 6,250*l.* per mile, exclusive of equipment." This is an excellent example of the value to be attached to the generality of reports got up to make out a favourable case.

The writer of this paper was one of the invited guests of the New York and Erie Railroad Company, at the grand fête given in May 1851, to celebrate its completion and heard the detailed history of the work over and over again from the mouths of the president and other officers. The entire cost of the road at that time, with only 30 miles of double track, was stated by all the speakers at twenty-five millions of dollars, or more than 5,000,000*l.* sterling. To this must be added another million of dollars (2,000,000*l.* sterling) for subsequent equipment. This will give in round numbers about 11,500*l.* sterling per mile, or 5,250*l.* more than the estimate put down by Major Robinson.

CANADA.

The Hudson River railroad is set down in the Report at 7,440*l.* per mile. Upon its completion in October last, it was found to have cost more than 12,000*l.* per mile.

The latter road follows the river its whole length ; and the New York and Erie the valleys of the Delaware, Susquehanna, Chemung, Gennesee, and Alleghany rivers, and their tributaries, for at least three fourths of the way. The inference therefore is, that they have cost less per mile than a road running across "mountain ranges, streams, and valleys at right angles." It will not be assuming too much to place this disadvantage as a set off against the additional cost of iron in the States. But the New York and Erie railway, by following the courses of the rivers, also followed the lines of settlements where men, horses, and provisions for both ; could be had for a moderate price on the spot ; whilst all these would have to be transported, at enormous cost, through hundreds of miles of wilderness, if the work is to be completed within any reasonable time, for the Halifax line.

But supposing, with all these drawbacks, that the Halifax road can be constructed as cheaply as the New York and Erie, which is assuming more than circumstances warrant, it will cost 11,500*l.* sterling per mile, or for the whole length (633 miles) 7,302,500*l.* which is 2,302,500*l.* more than Major Robinson's estimate. Even this sum is regarded by experienced American engineers as far too low for completing and equipping a road running 600 miles through a wild mountainous country, covered for six months every year with snow (stated by Major Robinson himself to be not less on an average than from three to four feet) ;—a country entirely deficient in men, horses, and food,—in fact in every pre-requisite for cheap construction, excepting only timber and stone, which in America are everywhere cheap.

Another thing must not be lost sight of in taking the American roads mentioned by Major Robinson as data for estimating the probable cost of the Halifax railway ; that is, the fact that the former are owned by companies, which all experience goes to prove to be more economical by far than Governments, whom most of the world seem to regard as legitimate objects for plunder ; whilst it is proposed to construct the latter as a provincial work, through the medium of Government agents. It must also be borne in mind that a work of such magnitude will require some double track, in order to its being worked with safety. This Major Robinson has not estimated for.

Its entire cost and equipment cannot, therefore, under all the circumstances, be honestly estimated at less than from eight to ten millions sterling.

It is not intended to apply any of these arguments against the proposed line from Quebec to Hamilton, or to the Great Western, now in a forward state of construction. The country here is of an entirely opposite character. It is almost a level plain all the way having nearly as regular a grade as the Great River and Lake themselves, whose beautiful, fertile, and well, settled banks it will follow for its whole length, and from which there is a fair promise of a paying business.

Secondly, as to the estimated business resources.

If Major Robinson has been wide of his mark in his estimate of the *cost* of his pet road, he has most certainly taken a higher flight into the regions of fancy in search of data to supply it with traffic. A few facts, to which the four years that have elapsed since his Report was got up have given birth, will serve to bring the subject within the comprehension of ordinary and less excitable minds.

At page 21, the Report assumes the population "within the area which will be benefited by and become contributors to the line" at 400,000. This includes the two termini. It is then taken for granted that each inhabitant will contribute eleven shillings sterling per annum, in the shape of business, towards supporting the line, this being the amount per head in Massachusetts. Now it is *not* to be taken for granted, that a population chiefly engaged in lumbering, and so poor that a St. John's paper published a statement in 1849, to show that about 10,000 persons left New Brunswick every year for the States, would afford the same support for a railway as the wealthier and far more energetic inhabitants of one of the most important States of the Union. Besides, it must first be proved that the people of Quebec, numbering 50,000, and about an equal number in its vicinity, taken into Major Robinson's calculations, will not prefer the shorter way to the sea at Portland or Boston. Taking these circumstances into account this item of the estimate may fairly be shorn of three fourths of its proportions ; or, in other words, the gross sum of 200,000*l.* must be cut down to 75,000*l.* as the probable result

Before going further, it may be as well to have some criterion by which to estimate the probable cost of operating and keeping the line in repair. The editor of the American Railroad journal last summer, having access to the most reliable information, sets down the cost for operating and road repairs and renewals for the New York and Erie Line, 450 miles, at $2,500,000, say 500,000*l.* sterling, per annum. Taking into account the additional length of the Halifax road of 185 miles, that line could not at the same rate be operated and maintained at less than 700,000*l.* per annum.

It may be argued that the business of the Halifax line could not be expected to be equal to that of the New York and Erie, and that consequently these expenses would be less. The answer to this is obvious. If the business does not *exceed* that of the Erie,

then the road will be a hard bargain for the provinces. The larger the traffic of a railway, so that it be within its capacity, the less will be the cost of operating, compared with its business. If this be true, and it is laid down as so established, a road must have a certain amount of traffic before it will pay for operating and maintenance of way, after which a certain portion of the receipts, to be ascertained by experience, will be profit, and the other portion go to defray the increase of expenditure. Now the receipts of the New York and Erie, taking the Company's own statements, are put down for last year at $3,000,000 or 600,000*l.* sterling, leaving for profit on an investment of 5,000,000*l.* sterling the sum of 100,000*l.* or 2 per cent.

If, therefore, the Halifax line should only cost at the same rate per mile as the Erie (11,500*l.*) or 7,300,000*l.* for the whole, and its business should be equal to the latter, a supposition too improbable to be entertained, there would be an annual loss of 100,000*l.*, in addition to the interest to be paid on its cost. Taking the interest under the Imperial guarantee to be 3½ per cent., it would amount to 255,500*l.*, or, including loss on running and maintenance, 355,500*l.* to be provided for out of the provincial revenues. But from the facts adduced in the accompanying Memorandum, supported by Mr. Merritt's resolutions, establishing the improvident and extravagant management of public works by the Provincial Government of Canada, even this estimate of loss on operating and maintenance of way will be found too low ; and it will probably not be too much to put down in round numbers $2,000,000 or 400,000*l.* sterling as the sum that will have to be provided for every year by the provinces. This estimate, it must, however, be recollected, is based upon the supposition that the traffic will equal that of the Erie line. Should it fail in doing so, and no man who knows anything of the subject will be found hardy enough to assert that any other result will follow, then the loss to the provinces will increase in nearly the same ratio that the business decreases. Or, to make it more clear, if the receipts amounted to only one half, or 300,000*l.*, then the expense of operating and maintaining would probably amount to only 500,000*l.*,—the same amount as in the case of the Erie,—which would cause a loss of 200,000*l.* instead of 100,000*l.* to be added to the interest. The sum to be provided by the provinces every year would then amount to two and a half millions of dollars.

Bad as this case may appear for the Halifax line, it is by no means the worst view of the enterprise. It now remains to be shown that nearly all the other estimates of traffic are wholly fallacious and improbable, except that which would grow out of the comparatively small business of transporting supplies of provisions for the local residents, until the products of the country would equal the deficit already existing, or which would be created by a sudden influx of population. This latter source of business cannot be insisted upon as likely to be of any considerable importance.

At pages 22 and 23 of the Report it is attempted to be shown that not only the surplus productions of Western Canada which are sent to England and other transatlantic countries for a market, but also a large quantity of those of the Western States, would find their way to the port of Halifax for shipment.

At the time the Report was delivered to the Secretary of State for the Colonies (August 1848), the system adopted by the American Government, of admitting the transit of Canadian produce and merchandise through its territories for exportation free in bond, was only in its infancy. There was but one line of railway through the State of New York that touched the navigable waters of Lake Ontario, and that line was not permitted to compete with the Erie Canal during the season of navigation, and could not carry freight, even in winter, when the canal was closed, except by payment of "canal dues," as they were called.

Since that time there have been opened several new lines of railway between the ports of New York and Boston, and various points along the Canadian frontier, and there will shortly be several more. These various roads tap the province line, or terminate at harbours on the lakes at the following points ; namely, at Dunkirk and Buffalo on Lake Erie, and the Niagara River at the Falls, which is to be crossed by a substantial railway bridge to carry over heavy trains ; at Rochester, Oswego, Sackett's Harbour, and Kingston, on Lake Ontario, and Ogdensburg, on the St. Lawrence, a road already doing an immense Canadian traffic ; and at Montreal, where there are two lines now open, leading, the one to New York and the other to Boston ; and a third, the St. Lawrence and Atlantic, nearly completed, leading to Portland. Recently a law has been passed in New York to allow all the roads in that State to carry freight, and compete with the canal free of dues. There has also been a reduction of forty per cent. upon the tolls of the Erie Canal.

The effect of the competition of the railways has not yet been felt in reducing the cost of transport, except in the case of the Ogdensburg line ; but the general tendency of these measures has already been to divert more than one half of the traffic from the St. Lawrence. The following statements of the trade of Canada will show how the case stood at the close of 1850.

CANADA.

No. 1.

Exhibiting the comparative value of all articles the produce and manufacture of Canada (excepting the products of the forest) exported into the United States and Great Britain respectively in the years following:

	1849.	1850.
Into the United States - -	£651,803	£1,022,511
„ Great Britain - - -	338,755	229,474
In favour of the United States	£313,048	£793,037

No. 2.

For total of Exports and Imports, including timber, &c., see Tables in Appendix No. 2.

Showing the comparative quantity of flour and wheat, the latter being reduced to barrels, exported into the United States and Great Britain and all other countries by the St. Lawrence, for the years following:

	1848.	1849.	1850.
Into the United States - -	£352,294	£400,928	£673,030
„ Great Britain and other countries, viâ St. Lawrence -	422,105	339,871	301,165

No. 3.

Showing comparative export of wheat in bushels of 60lbs.

	1847.	1848.	1849.	1850.
To the United States	No return.	£297,011	£928,980	£1,213,078
„ Great Britain, &c.	628,091	238,051	72,289	81,951
In favour of the United States.		£58,960	£856,691	£1,131,127

The official returns for 1851 have not yet been filed at the Colonial Office. They will doubtless exhibit a still more striking result in favour of the American routes to the seaboard.

The causes of this rapid diversion of trade from the St. Lawrence to the American channels of traffic are wholly owing to the lower rates of freight and insurance by the latter. It is evident that inland freghts have not yet reached their minimum under the competition of the several lines of railway, and the removal of the 2½ per cent. ad valorem duty until lately charged by the American Government upon all goods passing through in bond. Within two years the enlargement of the Erie Canal will be completed between Albany and Oswego. Vessels of 250 to 300 tons burden can then go from Lake Ontario, and all the upper lakes, with cargoes all the way to New York, without breaking bulk. It is estimated that flour can then be carried from Lake Ontario to New York for 25 cents. or 1*s.* sterling per barrel.

Major Robinson gives the following as the rates for transporting flour in 1848; namely,

From Upper Canada to Quebec - - -	2*s.*
„ Quebec to Liverpool, by the river - -	5*s.*
Total - - - - -	7*s.*

He says, at page 23, that "it has been calculated that the cost of transport for a barrel of flour from the lakes to New York was 5*s.* 1*d.* sterling, to Boston, 6*s.*, exclusive of charges for transhipment." The freight from New York and Boston to Europe is not stated, but could not be put at less than is estimated from Halifax, namely 3*s.* This would make the cost for sending a barrel from the Lakes to Liverpool, viâ New York, 8*s.* 1*d.* sterling, and viâ Boston 9*s.* The estimate for transport by his Halifax line is as follows:

	s.	*d.*
Upper Canada to Quebec - - -	2	0
Quebec, by rail, to Halifax - - - -	2	2
Halifax to Liverpool - - - -	3	0
Total - - -	7	2

According to these data the cost by the Halifax route would be 2*d.* per barrel more than by the river. But this it is argued would be far more than counterbalanced by saving in time, avoiding the risks of a dangerous navigation, and ability to reach a seaport after the St. Lawrence is closed in winter. There would be, as compared with New York, a saving of 11*d.*, and with Boston of 1*s.* 10*d.* These facts are stated in order to contrast them with the present rates of charges.

During the month of October last, the freight on flour from New York to Liverpool ruled at about 7½*d.* and was at one time as low as 6*d.* per barrel. At the present time it is quoted at 1*s.* 7½*d.* to 1*s.* 9*d.* sterling. The average rate would probably be under

1*s.* 6*d.* From Lake Ontario the average may be correctly stated at the same sum, making 3*s.* from Canadian ports on the lake to England as the average cost by the United States.

The effect of this competition has been to bring down the freights by the St. Lawrence. In a little work containing information respecting the trade with Canada, recently published by Messrs. Henry Chapman and Co. of Montreal, commission merchants, the freight on flour is set down for the present year at 2*s.* 6*d.* to 3*s.* 6*d.* If 3*s.* be taken as the average, the cost of transporting a barrel of flour from Montreal or Quebec by the river to Liverpool will be the same as it is from Toronto or Hamilton viâ New York. The cost per barrel from Toronto to Montreal cannot be assumed to be less than 1*s.* 2*d.*, including transhipment and port charges. Thus much have the American routes this permanent advantage over the St. Lawrence.

Giving to the Halifax route the benefit of the reduced charges on freight, and still adhering to Major Robinson's estimates, the case will stand thus at the present time :

		s.	*d.*
Cost per barrel,	Upper Canada to Montreal	1	2
„	thence to Quebec, say	0	4
„	Quebec to Halifax, by rail	2	2
„	Halifax to England	1	6
	In all	5	2

Excess over the river route 1*s.* 2*d.*, over the States route 2*s.* 2*d.* But it can be shown, that Major Robinson has set down the actual cost of transport over his line at only 25 per cent. of what has been found to be the minimum on the American railways. He has evidently been led into this error by the statements published by the New York and Erie Railway company in 1847. It has already been shown, that the estimates of this company as to the probable cost of their road were fully 85 per cent. too low.

The following table is taken from a very able report, published in the American Railroad Journal of 27th March 1852, made by Walter Gwynn, Esq., chief engineer of the James river and Kanhawa canal. It has evidently been compiled with great care, and may be relied upon as exhibiting the nearest approximation to the actual cost of transport on American railroads ever published.

" Actual cost (approximately) per ton per mile of transporting freight on the following " railroads in 1850 :

" Massachusetts.

	Cents.
" Western	1,561
" Boston and Worcester	1,720
" Boston and Maine	2,958
" Boston and Providence	2,206
" Boston and Lowell	2,531
" Old Colony	2,967

" New York.

" (Note that the estimates on the New York roads are exclusive of cost of iron, repairs " of road, depreciation of engines and machinery and freight and passenger cars.)

	Cents.
" Albany and Schenectady	4
" Hudson and Berkshire	2·3
" Hudson River Railroad	4
" Northern Railroad	4·3
" Oswego and Syracuse	2·4
" Rochester and Syracuse	1·6
" Utica and Schenectady	1·8
" New York and New Haven	3·1"

These tables show a maximum of 4 cents and 3 tenths a ton per mile, and a minimum of 1 cent 561 thousandths, which may be called 1½ cents.

In order to extract from the above table anything like reliable data, to form an estimate of the actual cost of transporting freight on the proposed Quebec and Halifax railway, it would be necessary to select some line of road bearing the nearest resemblance to it in its gradients. But giving to the Halifax line the benefit of the lowest estimate, namely, upon the western road from Boston to Albany, and also the advantage of the fraction of $\frac{61}{1000}$ of a cent, thrown off to make the estimate an even cent and a half per ton per mile, the result will be as follows :

Cost per ton over the Halifax road at 1½ cents per mile (635 miles), 9 dollars 52½ cents, equal to about 40*s.* sterling, instead of 11*s.* assumed by Major Robinson upon his erroneous data. At this rate, allowing 10 barrels to the ton (in America the ton in all estimates is taken at 2,000lbs.), the cost for transporting flour from Quebec to Halifax would be 4*s.* sterling per barrel. Add to this the very moderate sum set down in

the report "to pay interest on capital" of 1*s.* 1*d.*, the charge for transporting a barrel will be 5*s.* 1*d.*

But unless there was a very large freight traffic, the expense to the road would be greater, as previously pointed out. Enough however has been shown, upon Major Robinson's own figures, to prove that a railway from Halifax to Quebec, if it should be now constructed, cannot compete either with the St. Lawrence or any of the American routes for the Canadian Transatlantic business.

If any more conclusive evidence in support of this deduction is required, it will be found in the fact that the American routes, by being so much shorter would command the business, if the Governments of the provinces should be so liberal as to carry freight over the Halifax line for nothing and pay all expenses, a piece of liberality which even Major Robinson has not thought it commendable for them to undertake.

If the minimum cost of transport on the American roads be admitted as the basis for estimating for the Halifax line, it does more than overthrow the assumption that this road would command any share of the Canada Transatlantic trade. It establishes, by equally conclusive evidence, that the supplies of Western Canada produce required for home consumption in New Brunswick and Nova Scotia can be transported cheaper both by the St. Lawrence and the American ports. If flour can be carried (as it is regularly done at present) from Lake Ontario to Liverpool at from 3*s.* to 3*s.* 6*d.* per barrel, (the latter may be taken as the maximum,) it is clear that it can be delivered at St. John's and Halifax at the same rate or lower, whilst it is shown that 5*s.* 1*d.* is the lowest charge that could be made for carriage over the proposed railway, to which must be added at least 1*s.* 6*d.* for transport from Upper Canada to Quebec.

The following table of distances will serve to elucidate the subject still further, and ought to convince every unprejudiced person that the chances of the Halifax line are utterly hopeless.

		Miles.
Quebec to Halifax	viâ proposed Railway	635
„ „	„ Valley of the St. John's	600
„ Portland	„ St. Lawrence and Atlantic line	270
„ Boston	„ Montreal	500
„ New York	„ „	570
Montreal to Halifax	viâ Quebec and Halifax Line	815
„ Portland		250
„ Boston		320
„ New York		370
Toronto to Halifax	by Quebec route	1,185
„ New York	viâ Oswego	470

There is only one thing more that need be noted, as a great additional inducement for Canada to trade through and with Boston and New York in preference to Halifax, and that is the advantage always conceded as pertaining to large markets over small ones.

The proceeds expected to arise from the sales of lands opened up by the railway have already been disposed of in the accompanying memorandum. Instead of a profit resulting from them, it will be seen, by reference to the North American Review, published at Boston for January 1852, article, "Commerce of the British Provinces," that in New Brunswick the gross amount of sales is insufficient to defray the expenses of the department which has their management. This part of Major Robinson's estimate of profits must therefore go for nothing, or rather a sum must be added to the interest account of the enterprise to be paid out of the Provincial Treasuries.

By reference to a memorandum signed by Mr. Hincks, Inspector General of Canada, on the subject of the Halifax and Quebec Railway, dated 18th December 1848, and published at page 60 of the Report, it will be seen that that gentleman's views respecting the desirability of the province of Canada affording aid to this enterprise have undergone a great change since that time. Mr. Hincks distinctly condemns the enterprise as a "mere mercantile speculation," and says, "its total unproductiveness ought to be provided for."

He concludes his "Memorandum" as follows:—"Should the Imperial Government be induced to undertake this great national work, the Canadian Legislature would be ready, there can be no doubt, to transfer to the Imperial Government or its Commissioners the lands on each side of the road, to the extent of two miles in depth, where it should pass through the public domain, and would also be at the expense of purchasing all the private property required for the railroad line, and for the stations at the terminus."

Mr. Hincks's liberality has doubtless been acted upon by the large increase of the provincial revenue, for he is now willing that the province of Canada shall not only give two miles on each side of the roadway, but any given quantity of lands, in addition to purchasing the private property required for the use of the road; and he recommends that the provinces shall supply the money to construct and maintain five twelfths of the entire line.

But Mr. Hincks's views about Canadian railways have never been settled for any length of time. He several times changed his opinions on the merits of the Great Western of Canada line; at one time advocating it, and at another time espousing the

cause of a rival company. This fickleness of temper may be seen, both in the columns of the paper (Montreal Pilot) which he formerly edited, and in his speeches in Parliament, as reported.

Appendix No. 5.

Although the facts and circumstances adduced clearly indicate that a railroad from Quebec to Halifax by the route recommended by Major Robinson, or by any other route, must at present, and for many years to come, prove a ruinous enterprise, it does not follow that it may not at some future period become a good mercantile undertaking.

The history of similar enterprises, and the progress of settlement and civilisation in the United States, would suggest the following principles as the true policy of the British provinces in reference to this work, and to the settlement of their waste lands.

Some general plan should be agreed upon by the three provinces of Canada, New Brunswick, and Nova Scotia, and a line selected for a future railway. Companies should be chartered, and aided by the respective governments to commence and construct such portions in each of the provinces as would pay expenses, and afford a profit to the shareholders. The local interests of New Brunswick and Nova Scotia could thus be harmonized by the simultaneous commencement of roads at St. John's and Halifax to unite at some convenient point; thence to be gradually extended as the country becomes settled and affords business to support a common line of railway. At the same time a line might be commenced at Quebec, as an extension of the proposed Montreal and Quebec Railway, and carried forty or fifty miles eastward, through the well-settled part of the country described by Major Robinson.

In order to prevent the present population from emigrating in considerable numbers every year to the United States, and to induce an immigration from Great Britain and other European countries, the public lands should be surveyed into sections, and sold at a low and uniform price, on the principle that has proved so efficacious and attractive in the United States. Not more than one square mile should be sold to one individual. This precaution would be indispensable, in order to prevent that bane to the progress of new countries—private speculation in lands. The principle recommended constitutes a leading feature in the American system, as contrasted with the management of the wild lands of the British colonies. In the latter, companies have been chartered for the express purpose of speculating in lands which ought to have been given, or sold at low rates, to actual settlers. Both the Imperial and Local Governments have hitherto done everything in their power to foster speculation, by selling to such companies, and to large capitalists, at low or nearly nominal rates, whilst they have done very little for the poor man who buys for actual settlement, unless it be to charge him four or five times as much as the rich speculator.

Thus the best lands of the provinces are bought up by private speculators, who make large fortunes and retard the progress of the country. Whilst systems so vicious continue it is in vain to point out to intending emigrants in the mother country the advantages of settling in the British provinces, which in other respects present so inviting a field of enterprise and prosperity. Many millions of the finest lands in Canada are in the hands of such speculators, who, in order to make larger profits, retain them until the Government has opened roads and been at the expense of settling those in the neighbourhood.

Under such management, and with a host of highly paid employés, it is not to be wondered at that the land departments do not pay expenses. The knowledge of the existence of such evils is of itself sufficient to prevent the class of emigrants most useful in a new country, namely, such as have amassed a few hundred pounds by their own industry, from going to the colonies to lay out the fruits of their labour.

From 300,000 to 400,000 emigrants settle every year in the northern and western states, and the accounts they send home to their friends, accompanied by remittances to aid them to follow, keep up the incessant stream and add to it each year increasing numbers. It has been estimated by a nobleman who was several years ago at the head of the colonial department, that the remittances sent from the United States to Ireland alone by settlers to enable their friends to join them amounted in three years to no less than 2,000,000*l.* sterling, as follows: in 1848, 460,000*l.*; in 1849, 540,000*l.*; and in 1850, to 900,000*l.* On the other hand it is computed that nearly one half of the comparatively small numbers of those who go to the British Provinces cross over to the neighbouring states.

If the North American Provinces would set seriously to work to reform the abuses that have hitherto existed in their land departments, and place men of business, instead of adventurous politicians, in their other administrative departments, there would be no necessity for their perpetually besieging the Colonial Office with importunities for aid. Under wise and economical systems of Government, such as exist in most of the states, where governors and public officers of high business qualifications are found to serve for less by half than is paid in the poorer colonies, there might be a reasonable hope of having a good paying line of railroad constructed within twenty years without Imperial assistance, and the basis of a future empire established, second in America only to the United States themselves.

For the Imperial Government to lend its name and credit to the proposal now made to obtain money to construct more than a thousand miles of railway would be to foster and encourage the evils complained of, and to create new and unheard of abuses. They will only do injury instead of good to these important provinces. If aid is given, let it be distinctly understood that the contemplated works shall be left to private enterprise to supply one half the capital. This will afford a guarantee that they will not be undertaken until there is a pretty fair certainty of their turning out good investments.

No. 2.

No. 2.

Copy of a LETTER from Earl Desart to H. B. Willson, Esq.

Sir, Downing Street, May 10, 1852.

I am directed by Secretary Sir John Pakington to acknowledge the receipt of your letter of the 28th ultimo, with its accompanying memorandum relative to the proposed Halifax and Quebec railways, and I am to express his thanks for the views on this subject with which you have favoured him.

I have, &c.

H. B. Willson, Esq. (Signed) DESART.

No. 3.

No. 3.

Copy of a LETTER from R. Gillespie, Esq. to the Right Hon. Sir John S. Pakington.

33, York Place, Portman Square,

Sir, March 20, 1852.

Although I may be unknown to you, I have had the honour of frequently communicating with Lord Derby on matters connected with Canada, political and commercial, and I am disposed to think that his Lordship gave due credence to my statements in regard to that important appendage of this country.

But before travelling farther on the line of this my first letter to you, and the only letter I have of late addressed to the Colonial Department, allow me to congratulate you, and particularly the inhabitants of Canada, on the appointment to that office of a gentleman who has visited the province, and no doubt made himself acquainted with its resources, its wants, and the wishes of its inhabitants.

Sir, much has lately been said and much has been written in regard to the construction of contemplated public works in that, and in the neighbouring British provinces. I refer espccially to the railroad between Halifax, Quebec, and Montreal, and to the misunderstanding, or rather misconception, of the conditions on which the late Colonial Secretary, on the part of the Government, offered to guarantee the payment of the interest annually on a sum of money to be raised in this country to defray in part the expense of constructing the said railroad.

Sir, I shall not stop to inquire the cause of such misconception, or who was at fault, but I believe the line of road contemplated by Canada and Nova Scotia did not suit the views of New Brunswick, neither did the application of part of the funds altogether meet the wants of the latter province, and hence the whole work is in abeyance. I do not regret the delay, for more time was required to consider the most advantageous line that could be adopted for political and mercantile purposes, as well as to weigh the probable result of so great an undertaking when completed. That railroad in my opinion would be of comparatively little use unless emigration set that way, and unless vessels carrying passengers to Halifax found return cargoes at that port. Such would depend on the rate of charge for transport along the line, and again on the rate of freight from Halifax to a port in this country or elsewhere. Even supposing the land conveyance and ocean freight were much less than the usual rate of freight from Montreal direct to Liverpool, I apprehend the expense of bringing produce to this country would still be much higher than from New York.

The question of establishing a line of steamers between Canada and England has, therefore, lately been taken up with much energy by the Colonial Govern-

ment; the measure has been supported by many influential men in Montreal, and it is said that a deputation from the provinces is on the way to this country to urge not only the establishment of steamboats between Montreal and Liverpool, but a railroad between Quebec and the provinces, thus giving double facilities of shipping produce to market without touching a foreign soil.

I apprehend, however, that the construction of a railroad from Quebec to Halifax, and at same time to establish a line of steamers direct from Montreal to a port in this kingdom, would entail more expense than the mother country or the colony could prudently submit to. Allow me to say of the two schemes I would prefer the steamboat communication under proper regulations, provided always that the rates of transport from the province to Great Britain should be assimilated to the rates between New York and this country. No company, however, would undertake to carry goods to and from the province at so low a rate as sailing vessels do to and from the United States without an annual allowance, and as these steamers might carry the mail for all the North American British provinces it would not be unreasonable to expect that the home Government should extend the rule in their favour as it did to other Royal mail steamboats.

The Legislature of Canada might be enabled to hold out sufficient inducement to a company, without the aid of this country, to provide a line of steamers for said route calculated to convey passengers and goods to and from Canada at such rates as would make the St. Lawrence, while open, the most convenient, shortest, and less expensive route, not only to Western Canada, but to the far west of the United States.

It is reported that the St. Lawrence in all its length is to open to foreign vessels, and consequently American bottoms will navigate the great inland lakes, and descend the St. Lawrence with their cargoes, and in like manner ascend the same waters with goods and emigrants to the regions of the west.

Much produce, indeed I may say that two thirds of the wheat and flour of Canada West, is at present either purchased by or consigned to agents for sale in New York, and thence taken by canal and railroad for consumption or shipment, in consequence of low freights between that port and Liverpool or London, to the injury of the direct trade of Canada. Very many goods are now shipped viâ Boston destined for Canada, likely to be increased by a treaty of reciprocity in trade between that province and the United States at this moment, I believe, before Congress, with a prospect of being agreed to, and if passed will draw the province and the republic closer together, unless some effort be made to prevent it. That effort is within the means of the Government of this country and the provinces.

Let either the railroad to Halifax or line of steamboats from Quebec to this country (much less expensive), or both, be established,—let a line of railroad be constructed from Quebec to Montreal and Toronto on the north, and continued westward so as to open up a rich inland country in the rear of the latter city, already partially settled, and a fine climate, capable of producing vast quantities of grain for shipment, now a waste and difficult of access,—let the expense of transport from the interior of the province to and from Montreal be reduced, and sufficient conveyances supplied,—then I can scarcely estimate the extent of trade that would pass up and down the St. Lawrence during the active season of business; in fact a new trade would be opened, and instead of Canada becoming American as must in time be the case in the present position of the province, the very reverse would be the consequence.

Canada now not only sends her produce to New York in consequence of getting higher prices there than the Montreal merchant can safely give for it, exposed as he is to higher ocean freights, but New York supplies the Canadas with large quantities of American and British goods, and I may with truth assure you that the trade between Canada and the United States equals in value the trade between Canada and this country.

When the river St. Lawrence is shut, the railroads made and now making from Eastern and Western Canada to the United States would give ample facilities in winter to transport to an Atlantic port all that might remain after the direct channel was closed, in the event of the Quebec and Halifax railroad not being made.

Let, I repeat, lines of burdensome steamboats be established between the St. Lawrence, the Mersey, and the Thames, let inland railways be made

within the province to carry freight and passengers both ways at low rates, and we shall not only have the produce of Canada conveyed to Quebec and this country, but the produce of the Western States of the Union bordering on the lakes sent down our rivers, and supplies would be imported direct to Quebec and taken up the St. Lawrence to both sides of the lakes in the far west.

This letter is already too long, and I shall only hint that if anything was wanting to establish an enormous trade through Canada to this country it would be to admit here free all grain and flour shipped from a British colonial port, and impose a small fixed duty on the same coming from a foreign country.

Should any of the foregoing remarks require explanation I shall most readily wait on you at any time most convenient to yourself.

I have, &c.

The Right Hon. Sir J. S. Pakington, &c. &c. &c. (Signed) ROBT. GILLESPIE.

No. 5.

No. 4.

Copy of a LETTER from Earl Desart to R. Gillespie Esquire.

Sir, Downing Street, March 31, 1852.

I am directed by Secretary Sir John Pakington to acknowledge the receipt of your letter of the 20th instant on the subject of the contemplated line of railroad through the British North American Provinces, and I am to express to you Sir John Pakington's thanks for that communication.

I have, &c.

R. Gillespie, Esq. (Signed) DESART.

No. 4.

No. 5.

Copy of a LETTER from T. Wilson, Esq., to the Right Hon. Sir John S. Pakington.

Sir, 12, Craven Street, Strand, May 8, 1852.

Though I have no reason to suppose that Her Majesty's present Government will favourably consider either of the projected lines for a railroad from Halifax to Quebec, yet upon my last letters from Canada, and seeing the serious consequences that may result from an error in this important question, I have the honour to follow up my interview by addressing you thereon.

The purposes for which all works of this nature are constructed may be classed under two heads, military and commercial, for neither of which can this road be recommended.

Without going closely into the question of relying upon any railroad for important military services, which I think is open to very grave objections, the proposed line from Halifax to Quebec will not meet satisfactorily first considerations.

It will pass for some hundreds of miles through a wilderness, beyond the possibility of any protection, and could be effectually rendered useless as a means of communication or for the transport of troops by half a dozen Indians in a few hours. Next, it would be laid through a country so deeply covered with snow for five months in the year and exposed to that severity of cold that it could not be looked to in winter with any confidence from these natural impediments. And, lastly, from the place where it would enter the province of Canada till it reached Quebec it would be laid through a country inhabited by French Canadians, who ever have been and are impatient under British authority, opposed to British interests, and who, I believe, would be the first to break up this road if it became important in the service of the Crown of England.

Then as a commercial work it can be of no service whatever, its uses on this head are already supplied by roads constructed and about being finished answering all the purposes of carriage to the export and import trade of Canada, and that by better routes not more than one third the distance.

This projected road from Quebec to Halifax has not in fact one single substantial recommendation; it is determinedly opposed by the responsible and intelligent population of Canada, and if there was a probability of its being

carried out as now proposed, I believe there would be a public protest from that colony which might render it necessary for the Imperial Government to arrest the measure or assume the liability of the cost.

There is, however, a consideration in this movement which I hope will not be lost sight of, which may be encouraged without risk, and which, if granted, would be productive of the best consequences in binding the colonies and parent country together in interests of inseparable attachment, and that is, that Great Britain should lend her credit to the colonies to borrow the means at a low rate of interest to construct such railroad communications, exclusively provincial, as will enable them to hold an honourable commercial position with the adjoining states of the neighbouring republic; and if the colonists should ask this assistance, which I think not improbable, I believe I shall be able to show Her Majesty's Government and the Parliament of Great Britain that they have tenable and just grounds for making the request, and that it may be granted without risk.

I have, &c.

The Right Hon. Sir John Pakington, &c. &c. &c.

(Signed) THO. WILSON.

No. 6.

Copy of a LETTER from Earl Desart to T. Wilson, Esq.

Sir, Downing Street, May 22, 1852.

I am directed by Secretary Sir John Pakington to acknowledge the receipt of your letter of the 8th instant on the subject of the projected line of railway from Halifax to Quebec.

I have, &c.

T. Wilson, Esq.

(Signed) DESART.

APPENDIX.

CANADA.

No. 1.

Cap. 51.

An Act to consolidate and regulate the General Clauses relating to Railways.

[30th August 1851.]

Preamble.

WHEREAS it is expedient to establish a general and uniform system for the construction and management of all railways hereafter to be undertaken in Canada: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to re-unite the Provinces of Upper and Lower Canada, and for the "Government of Canada," and it is hereby enacted by the authority of the same, That this Act shall apply to every railway which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save in so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

This Act to apply to any railway to be hereafter constructed.

Name by which it shall be cited.

2. And be it enacted, That in citing this Act in any special railway Act and in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression, "The Railway Clauses Consolidation Act."

What shall be sufficient in making an incorporation of this Act with special Acts.

3. And be it enacted, That for the Purpose of making any incorporation of this Act with special Acts hereafter to be passed, it shall be sufficient in any such Acts to enact, that the clauses of this Act, with respect to the matter so proposed to be incorporated, describing such matter as it is described in this Act, in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with such Acts, and thereupon all the clauses and provisions of this Act, with respect to the matter so incorporated, shall, save in so far as they shall be expressly varied or excepted by such Acts, form part thereof, and such Acts shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Acts shall relate.

Power to construct railway, &c. to be exercised subject to provisions of this Act.

4. And be it enacted, That the power given by the special Act to construct the Railway, and to take lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act, and compensation shall be made to the owners and occupiers of and all other parties interested in any such lands so taken or injuriously affected by the construction of the Railway, for the value and for all damages sustained by reason of such exercise, as regards such lands, of the powers by this or the special Act, or any Act incorporated therewith, vested in the company; and, except where otherwise provided by this Act or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act.

Deposit of stock book in Provincial Secretary's office by companies desirous of obtaining special Acts.

5. And be it enacted, That any Company desirous to obtain a special Act for the construction of a railway shall deposit with the secretary of the province, previous to the application to the Legislature, a copy of their stock-book, showing the number of their subscribers and the actual bonâ fide amount of the subscriptions, and that at least one quarter of the intended capital has been actually subscribed, the truth whereof shall be supported by the affidavit or solemn affirmation, as the case may be, of two of the directors or shareholders of the Company; and the Company shall also at the same time deposit with the said secretary a certificate of the cashier of some chartered bank in this province, of the deposit therein of a sum equal to ten per cent. upon the amount of subscriptions, with authority to the said secretary to control the withdrawal of the said deposit for such time as the secretary may think proper, not longer than six months after the railway shall have been actually commenced and proceeded with.

No Bill to be received by Legislature unless a certificate of deposit of stock book, &c. be produced to the respective clerks.

6. And be it enacted, That no Bill for a special Act for the allowance or establishment of a railway shall be received by the Legislature unless and until there shall be deposited with the clerks of both branches a certificate from the secretary of the province, that the Company applying has complied in all respects with the requirements of the next preceding clause.

INTERPRETATION.

Interpretation of words:

"The Special Act:"

7. And with respect to the construction of this Act, and of any special Act, and of other Acts to be incorporated therewith, be it enacted as follows:—

Firstly. The expression "the Special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed authorizing the construction of a railway, and

with which this Act shall be so incorporated as aforesaid; and the word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used; and the expression "the lands" shall mean the lands which shall by the special Act be authorized to be taken or used for the purpose thereof; and the expression "the undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed. "Prescribed:" "The lands:" "The undertaking:"

Secondly. The following words and expressions, both in this and the special Act, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

The word "Lands" shall include all real estate, messuages, lands, tenements, and hereditaments of any tenure: "Lands:"

The word "Lease" shall include any agreement for a lease: "Lease:"

The word "Toll" shall include any rate or charge or other payment payable under this Act or the special Act for any passenger, animal, carriage, goods, merchandise, articles, matters, or things conveyed on the railway: "Toll:"

The word "Goods" shall include things of every kind conveyed upon the railway, or upon steam or other vessels connected therewith: "Goods:"

The expression "Superior Courts" shall mean the Courts of Chancery, Queen's Bench, and Common Pleas in Upper Canada, and the Superior Court in Lower Canada, as the case may be: "Superior Courts:"

The word "County" shall include any union of counties, county, riding, or like division of a county in the province, or any division thereof, into separate municipalities in Lower Canada: "County:"

The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications: "Highways:"

The word "Sheriff" shall include under-sheriff, or other legal competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression "the Sheriff," or the expresion "Clerk of the Peace," shall in such case be construed to mean the sheriff or clerk of the peace of the district, county, riding, division, or place where such lands shall be situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one district, county, riding, division, or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county, riding, division, or place where any part of such lands shall be situate: "Sheriff." "Clerk of the Peace:"

The word "Justice" shall mean justice of the peace acting for the district, county, riding, division, city, or place where the matter requiring the cognizance of any such justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands being the property of one and the same party, situate not wholly in any one district, county, riding, division, city, or place, shall mean a justice acting for the district, county, riding, division, city, or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two justices, the expression "two justices" shall be understood to mean two justices assembled and acting together: "Justice:" "Two Justices:"

Where, under the provisions of this Act or the Special Act, any notice shall be required to be given to the owner of any lands, or where any act shall be authorized or required to be done with the consent of any such owner, the word "Owner" shall be understood to mean any corporation or person who, under the provisions of this Act or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company: "Owner:"

The expression "the Company" shall mean the company or party which shall be authorized by the Special Act to construct the railway: "The Company:"

The expression "the Railway" shall mean the railway and works by the Special Act authorized to be constructed: "The Railway:"

The word "Clause" shall mean any separate section of this Act, or any other Act therein referred to, distinguished by a separate number: "Clause:"

The word "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder. "Shareholder."

Thirdly. The Interpretation Act of this Province shall, in so far as the provisions thereof shall apply hereto, be deemed to form part hereof in the particulars not provided herein. Interpretation Act to apply.

Incorporation.

8. And be it enacted, That every company established under any Special Act shall be and is hereby declared to be a body corporate, under such name as shall be declared in the Special Act, and shall be and is hereby invested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are Companies established under Special Acts declared to be bodies orporate, &c.

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incident to such corporation, as are expressed or included in the Interpretation Act of this Province.

POWERS.

Powers:

9. And be it enacted, That the company shall have power and authority:

to receive grants of land, &c.;

Firstly. To receive, hold, and take all voluntary grants and donations of land or other property which shall be made to it, to aid in the construction, maintenance, and accommodation of the railway, but which shall be held and used for the purpose of such grants or donations only.

purchase land;

Secondly. To purchase, hold, and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation, and use of the Railway, and also to alienate, sell, or dispose of the same.

occupy beaches;

Thirdly. To take, use, occupy, and hold, but not to alienate except by way of lease, so much of the public beach or of the land covered with the waters of any river or lake in this province as may be required for the railway, doing no damage to nor causing any obstruction in the navigation of the said rivers or lakes, provided that the lease shall be conditioned not to extend beyond the time during which such beach or land is required for the Railway.

carry railway across lands of corporation, &c.;

Fourthly. To make, carry, or place the railway across or upon the lands of any corporation or person whomsoever on the line of the railway, or within the distance from such line as may be stated in the Special Act, although the name of such party be not entered in the book of reference herein-after mentioned, through error or any other cause, or although some other party be erroneously mentioned as the owner of or entitled to convey or be interested in such lands.

and across or along streams, &c.;

Fifthly. To construct, maintain, and work the railway across, along, or upon any stream of water, watercourse, canal, highway, or railway which it shall intersect or touch; but the stream, watercourse, highway, canal, or railway so intersected or touched, shall be restored by the company to its former state, or to such state as not to have impaired its usefulness.

complete railway with one or more tracks, &c.;

Sixthly. To make, complete, alter, and keep in repair the railway with one or more sets of rails or tracks to be worked by the force and power of stream, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them.

erect necessary buildings, wharves, &c.;

Seventhly. To erect and maintain all necessary and convenient buildings, stations, depôts, wharves, and fixtures, from time to time to alter, repair, or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats, and other machinery and contrivances necessary for the accommodation and use of the passengers, freights, and business of the railway.

branch railways;

Eighthly. To make branch railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise and possess all the powers, privileges, and authorities necessary therefor, in as full and ample a manner as for the railway.

all other matters and things necessary for railway;

Ninthly. To construct, erect, and make all other matters and things which shall be necessary and convenient for the making, extending, and using of the railway, in pursuance of and according to the meaning and intent of this Act and of the Special Act.

convey persons and goods on railway;

Tenthly. To take, transport, carry, and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and and compensation to be paid therefor, and to receive such tolls and compensation.

borrow money, &c.;

Eleventhly. To borrow from time to time, either in this province or elsewhere, such sums of money as may be expedient for completing, maintaining, and working the railway, and at a rate of interest not exceeding eight per cent. per annum, and to make the bonds, debentures, or other securities granted for the sums so borrowed payable either in currency or in sterling, and at such place or places within this province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient or as shall be necessary, and to hypothecate, mortgage, or pledge the lands, tolls, revenues, and other property of the company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than twenty-five pounds.

enter upon Her Majesty's lands, &c.;

Twelfthly. To enter into and upon any lands of Her Majesty without previous license therefor, or of any corporation or person whatsoever lying in the intended route or line of the railway.

make surveys of lands;

Thirteenthly. To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as shall be necessary and proper for the railway.

remove trees;

Fourteenthly. To fell or remove any trees standing in any woods, lands, or forests where the railway shall pass, to the distance of six rods from either side thereof.

unite with other railways.

Fifteenthly. To cross, intersect, join, and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connexion; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor, and in case of

disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connexion, the same shall be determined by arbitrators to be appointed by a judge of the superior courts in Lower Canada or Upper Canada, as the case may be.

PLANS AND SURVEYS.

10. And be it enacted, That plans and surveys shall be made and corrected as follows:

Provision respecting surveys and levels.

Firstly. Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a book of reference for the railway, in which shall be set forth a general description of the said lands, the names of the owners and occupiers thereof, so far as they can be ascertained, and everything necessary for the right understanding of such map or plan; and the map or plan and book of reference shall be examined and certified by the person performing the duties formerly assigned to the surveyor general or his deputies, who shall deposit copies thereof in the office of the clerks of the peace in the districts or counties through which the railway shall pass, and also in the office of the secretary of the Province, and shall also deliver one copy thereof to the said company; and all persons shall have liberty to resort to such copies, and to make extracts or copies thereof, as occasion shall require, paying to the said secretary of the Province, or to the said clerks of the peace, at the rate of sixpence for every hundred words; and the said triplicates of the said map or plan and book of reference so certified, or a true copy thereof certified by the secretary of the Province or by the clerks of the peace, shall be and is and are hereby declared to be good evidence in any court of law and elsewhere.

Omissions, how remedied.

Secondly. Any omission, mis-statement, or erroneous description of such lands, or of such owners or occupiers thereof, in any map or plan or book of reference may be corrected by two justices on application made to them, after giving ten days notice to the owners of such lands, for the correction thereof, and the justices shall certify the same accordingly if it shall appear to them that such omission, mis-statement, or erroneous description arose from mistake; and the certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the said clerks of the peace of the districts or counties respectively in which such lands shall be situate, and be kept by them respectively along with the other documents to which they relate; and thereupon such map or plan or book of reference shall be deemed to be corrected according to such certificate; and it shall be lawful for the company to make the railway in accordance with such certificate.

Alterations from original survey.

Thirdly. If any alterations from the original plan or survey be intended to be made in the line or course of the railway, a plan and section in triplicate of such alterations as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of such plan and section as shall relate to the several districts or counties in or through which such alterations shall have been authorized to be made, shall be deposited with the clerks of such several districts and counties.

Railway not to be proceeded with until map, &c. deposited.

Fourthly. Until such original map or plan and book of reference, or the plans and sections of the alterations, shall have been deposited as aforesaid, the execution of the railway, or the part thereof affected by the alterations, as the case may be, shall not be proceeded with.

Clerks of the Peace to receive copies of original plan, &c.

Fifthly. The clerks of the peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for default of one pound currency.

Copies certified to clerk to be good evidence in courts.

Sixthly. The copies of the maps, plans, and books of reference, or of any alteration or correction thereof or extracts therefrom, certified by any such clerk of the peace, which certificate such clerk of the peace shall give to all parties interested when required, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof.

Line not to deviate more than a mile.

Seventhly. No deviation of more than one mile from the line of the railway, or from the places assigned thereto in the said map or plan and book of reference or plans or sections, shall be made, nor into, through, across, under, or over any part of the lands not shown in such map or plan and book of reference or plans or sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act.

Error in the name of a person entered in a book of reference.

Eighthly. Provided that the railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person be not entered in the book of reference through error or any other cause, or although some other person be erroneously mentioned as the owner of or entitled to convey, or be interested in such lands.

Extent of lands to be taken without consent of proprietor.

Ninthly. The lands which may be taken without the consent of the propietor thereof shall not exceed thirty yards in breadth, except in such places where the

railway shall be raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets shall be established, or where stations, depôts, or fixtures are intended to be erected, or goods be delivered, and then not more than two hundred yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shown on the map or plan, or plans or sections, so far as the same may be then ascertained, but their not being so shown shall not prevent such extra breadth from being taken, provided it be taken upon the line shown or within the distance aforesaid from such line.

Extent of public beach to be taken.

Tenthly. The extent of the public beach, or of the land covered with the waters of any river or lake in this Province taken for the railway, shall not exceed the quantity limited in the next preceding clause.

Lands, and their Valuation.

11. And be it enacted, That the conveyance of lands, their valuation, and the compensation therefor, shall be made in manner following:

Corporation, &c. may convey lands.

Firstly. All corporations and persons whatever, tenants in tail or for life, grevés de substitution, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn lunatics, idiots, femes covert, or other persons, who are or shall be seised, possessed of, or interested in any lands, may contract for, sell, and convey unto the company all or any part thereof; and any contract, agreement, sale, conveyance, and assurance so to be made, shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute, usage, or custom to the contrary thereof in anywise notwithstanding, and such corporation or person so conveying as aforesaid is hereby indemnified for what he or it shall respectively do by virtue of or in pursuance of this Act.

Effects of contracts made before deposit of map.

Secondly. Provided that any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they shall be afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may in the meantime have become the property of a third party; and possession of the land may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as herein-after provided, and the agreement shall be in the place of an award.

Corporations who cannot sell may agree upon a fixed rent.

Thirdly. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum to be paid for the lands; and if the amount of the rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner herein prescribed, and all proceedings shall in that case be regulated as herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor shall agree to leave unpaid, the railway and the tolls thereon shall be and are hereby made liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the registry office of the proper county.

As to proprietors par indivis.

Fourthly. Whenever there shall be more than one party proprietor of any land as joint tenant or tenants in common, or par indivis, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one-third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common and par indivis; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be.

After one month's notice of deposit of map, &c., application to the owner of lands.

Fifthly. After one month from the deposit of the map or plan and book of reference as aforesaid, and from notice thereof in at least one newspaper, if there be any, published in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway, and thereupon agreements and contracts may be made with the said parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as shall seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which shall arise between them, shall be settled as follows; that is to say:

Deposit to be general notice.

Sixthly. The deposit of a map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required for the said railway and works.

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Seventhly. The notice served upon the party shall contain a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them; a declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages, and the name of a person to be appointed as the arbitrator of the Company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for Upper Canada or Lower Canada, as the case may be, disinterested in the matter, and not being the arbitrator named in the notice, that the land, if the notice relate to the taking of land shown on the said map or plan and, is required for the railway, or is within the limits of deviation hereby allowed, that he knows the land, or the amount of damage likely to arise from the exercise of the powers, and that the sum so offered is in his opinion a fair compensation for the land and for the damages as aforesaid.

Notice to opposite party.

Sic.

Eighthly. If the opposite party be absent from the district or county in which the lands lie, or be unknown, then, upon application to a judge of the district, county, or circuit court, as the case may be, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate to be inserted three times in the course of one calendar month in some newspaper published in the said district or county.

If the party be absent or unknown.

Ninthly. If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the Company, appoint a sworn surveyor for Upper or Lower Canada, as the case may be, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Party not accepting the Company's offer, and not appointing an arbitrator.

Tenthly. If the opposite party shall, within the time aforesaid, notify to the Company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the judge shall, on the application of the party or of the Company, (previous notice of at least one clear day having been given to the other party) appoint a third arbitrator.

Appointment of arbitrators by opposite party.

Third arbitrator.

Eleventhly. The arbitrators, or any two of them, or the sole arbitrator, being sworn before some justice of the peace for the district or county in which the lands lie as aforesaid, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, shall deem best, and the award of such arbitrators, or any two of them, or of the sole arbitrator, shall be final and conclusive; provided that no such award shall be made, or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator shall have at least one clear day's notice, or to which some meeting at which the third arbitrator was present shall have been adjourned; and no notice to either of the parties shall be necessary, but they shall be held sufficiently notified through the arbitrator they shall have appointed, or whose appointment they shall have required.

Duties of arbitrators.

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Twelfthly. Provided, that if in any case where three arbitrators shall have been appointed, the sum awarded be not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the judge aforesaid.

Costs, how paid.

Thirteenthly. The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation, and any wilfully false statement made by any witness under such oath or affirmation shall be deemed wilful and corrupt perjury, and punishable accordingly.

Arbitrators may examine on oath.

Fourteenthly. The judge by whom any third arbitrator or sole arbitrator shall be appointed shall at the same time fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time for making it shall have been prolonged, either by the consent of the parties or by the order of the judge (as it may be for reasonable cause shown on the application of such sole arbitrator or of one of the arbitrators after one clear day's notice to the others), then, the sum offered by the Company as aforesaid shall be the compensation to be paid by them.

Time within which award must be made.

Fifteenthly. If the arbitrator appointed by such judge, or if any arbitrator appointed by the parties, shall die before the award be made, or be disqualified or refuse or fail to act within a reasonable time, then, upon the application of either party, such judge, being satisfied by affidavit or otherwise of such disqualification, refusal, or failure, may in his discretion appoint another arbitrator in the place of him by the judge previously appointed, and the Company and party may each appoint an arbitrator in the place of their arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case.

Arbitrator dying, &c.

Sixteenthly. Any such notice for lands as aforesaid may be desisted from and new notice given, with regard to the same or other lands, to the same or any other party, but

Company may desist paying costs.

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in any such case the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment shall subsist.

Arbitrators not disqualified for certain circumstances.

Seventeenthly. The surveyor or other person offered or appointed as valuator or as arbitrator shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation ; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but shall be made before the same, and its validity or invalidity shall be summarily determined by the judge ; and no cause of disqualification shall be urged against any arbitrator appointed by the Company or by the opposite party after the appointment of a third arbitrator ; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by any such judge, on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified shall be held to have appointed no arbitrator.

Awards not avoided for want of form.

Eighteenthly. No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right, or thing for which such sum is to be the compensation ; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Possession may be taken on payment, tender, &c. of sum awarded.

Nineteenthly. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner herein-after mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon ; and if any resistance or forcible opposition shall be made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the said Company in possession and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do ; provided that such warrant may also be granted by any such judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice is necessary to carry on some part of the said railway with which the said Company are ready forthwith to proceed ; and upon the said Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession shall be given, and with such costs as may be lawfully payable by the Company.

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As to incumbrances upon lands, &c. purchased or taken in Upper Canada.

Twentiethly. The compensation for any lands which might be taken without the consent of the proprietor shall stand in the stead of such lands ; and any claim to or incumbrance upon the said lands, or any portion thereof shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party ; provided that if the Company shall have reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent or any part thereof shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful, if the lands be situated in Upper Canada, for them to pay such compensation into the office of either of the superior courts for Upper Canada, with the interest thereon for six months, and to deliver to the clerk of the court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned ; and a notice, in such form and for such time as the said court shall appoint, shall be inserted in some newspaper, if there be any published in the county in which the lands are situate, and in the city of Toronto, which shall state that the title of the Company, that is, the conveyance, agreement, or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same ; and the court shall make such order for the distribution, payment, or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the special Act, and to law, shall appertain ; and the costs of the proceedings, or any part thereof, shall be paid by

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the Company, or by any other party as the court shall deem it equitable to order; and if such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault, or neglect of the Company, it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right.

Case in which lands are situate in Lower Canada, and Company have reason to fear incumbrances, provided for

Twenty-firstly. If the lands so taken be situate in Lower Canada, and if the said Company shall have reason to fear any such claim, mortgage, hypothec, or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the prothonotary of the superior court for the district in which such land is situate, with the interest thereon for six months, and to deliver to the said prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the prothonotary shall state that the title of the Company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the court; and the judgment of confirmation shall for ever bar all claims to the land, or any part thereof (including dower not yet open), as well as any mortgage, hypothec, or incumbrance upon the same; and the court shall make such order for the distribution, payment, or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the special Act, and according to the provisions of this Act, and to law, shall appertain; and the costs of the said proceedings, or any part thereof, shall be paid by the Company, or by any other party as the court shall deem it equitable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault, or neglect of the Company it shall not be obtained until after the six months are expired, the court shall order the Company to pay the prothontary the interest for such further period as may be right.

Case in which railway shall pass through Indian lands, provided for.

Twenty-secondly. If the said railway shall pass through any land belonging to or in possession of any tribe of Indians in this province, or if any Act occasioning damage to their lands shall be done under the authority of this Act or the special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it shall be necessary that arbitrators shall be chosen by the parties, the chief officer of the Indian department within this province is hereby authorized and required to name an arbitrator on behalf of the Indians, and the amount which shall be awarded in any case shall be paid, where the lands belong to the Indians, to the said chief officer, for the use of such tribe or body.

As to lands belonging to Her Majesty, &c.

Twenty-thirdly. Whenever it shall be necessary for the Company to occupy any part of the lands belonging to the Queen's Majesty, reserved for naval or military purposes, they shall first apply for and obtain the licence or consent of Her said Majesty, under the hand and seal of the Governor for the time being, and having obtained such licence and consent, they may at any time or times enter into or upon, have, hold, use, occupy, and enjoy any of the said lands for the purposes of the railway: Provided always, that in the case of any such naval or military reserves no such licence or consent shall be given but upon a report first made thereupon by the naval or military authorities in which such lands shall for the time being be vested, approving of such licence and consent being so given as aforesaid.

Proviso.

Highways and Bridges.

12. And be it enacted, That the highways and bridges shall be regulated as follows:

Railway not to be carried along any highway without leave from municipal authorities.

Firstly. The railway shall not be carried along any existing highway, but merely cross the same in the line of the railway, unless leave be obtained from the proper municipal authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than ten pounds for any contravention; but, in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

Railway not to rise more than one inch above level of high-

Secondly. No part of the railway which shall cross any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the

ways when crossing the same.

highway more than one inch; and the railway may be carried across or above any highway within the limits aforesaid.

Height and breadth of bridge over highways.

Thirdly. The space of the arch of any bridge erected for carrying the railway over or across any highway shall at all times be and be continued of the open and clear breadth and space under such arch of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet.

Ascent of bridges.

Fourthly. The ascent of all bridges erected to carry any highway over any railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge.

Precautions when railway crosses a highway.

Fifthly. Signboards stretching across the highway crossed at a level by any railway shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of signboard, and in letters not less than six inches in length; and for every neglect to comply with the requirements of this section, a penalty not exceeding ten pounds currency shall be incurred.

Fences.

13. And be it enacted, That,—

Fences to be erected on each side of railway.

Firstly. Fences shall be erected and maintained on each side of the railway of the height and strength of an ordinary division fence, with openings, or gates, or bars therein and farm crossings of the road, for the use of the proprietors of the lands adjoining the railway, and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway; and until such fences and cattle guards shall be duly made, the Company shall be liable for all damages which shall be done by their trains or engines to cattle, horses, or other animals on the railway; and after the fences or guards shall be duly made, and while they are duly maintained, no such liability shall accrue for any such damages unless negligently or wilfully done; and if any person shall ride, lead, or drive any horse or other animal upon such railway, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding ten pounds, and shall also pay all damages which shall be sustained thereby to the party aggrieved, and no person other than those connected with or employed by the railway shall walk along the track thereof, except where the same shall be laid across or along a highway.

Dividing and separating of lands for railway from neighbouring lands.

Secondly. Within six months after any lands shall be taken for the use of the railway, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, the lands shall be by the Company divided and separated, and kept constantly divided and separated from the lands or grounds adjoining thereto, with a sufficient post or rail, hedge, ditch, bank, or other fence sufficient to keep off hogs, sheep, and cattle, to be set and made on the lands so taken, and which the Company shall, at their own costs and charges, from time to time, maintain, support, and keep in sufficient repair.

Tolls.

14 And be it enacted, That tolls shall be established as follows:

Tolls to be fixed by byelaws.

Firstly. Tolls shall be from time to time fixed and regulated by the byelaws of the Company, or by the directors, if thereunto authorized by the byelaws, or by the shareholders at any general meeting, and shall and may be demanded and received for all passengers and goods transported upon the railway or in the steam vessels to the undertaking belonging, and which shall be paid to such persons and at such places near to the railway, in such manner and under such regulations as the byelaws shall direct; and in case of denial or neglect of payment of any such tolls, or any part thereof, on demand to such persons, the same may be sued for and recovered in any competent court, or the agents or servants of the Company may, and they are hereby empowered to seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof; and if the said tolls shall not be paid within six weeks, the Company shall thereafter have power to sell the whole or any part of such goods, and out of the money arising from such sales to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the surplus, if any, of the money realized from such sale, or of such of the goods as may remain unsold, to the person entitled thereto; and if any goods shall remain in the possession of the Company unclaimed for the space of twelve months, the Company shall thereafter, and on giving public notice thereof by advertisement for six weeks in the Canada Gazette, and in such other papers as they may deem necessary, have power to sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof to pay such tolls and all reasonable charges for storing, advertising, and selling such goods; and any balance of such proceeds shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto; and in default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General, to be

applied to the general purposes of the province, until such time as the same shall be claimed by the party entitled thereto; and all or any of the said tolls may, by any byelaw, be lowered and reduced and again raised as often as it shall be deemed necessary for the interests of the undertaking; provided that the same tolls shall be payable at the same time and under the same circumstances upon all goods and persons, so that no undue advantage, privilege, or monopoly may be afforded to any person or class of persons by any byelaws relating to the tolls.

Proviso.

Secondly. In all cases a fraction in the distance over which goods or passengers shall be transported on the railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton.

A fraction of a mile to be considered as a whole one in charging tolls.

Thirdly. The directors shall from time to time print and stick up, or cause to be printed and stuck up, in the office and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularising the price or sum of money to be charged or taken for the carriage of any matter or thing.

Table of tolls to be stuck up in cars, &c.

Fourthly. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the Canada Gazette of the byelaw establishing such tolls, and of the Order in Council approving thereof.

Fifthly. Every byelaw fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time after approval thereof as aforesaid; and after an Order in Council reducing the tolls fixed and regulated by any byelaw shall have been twice published in the Canada Gazette, the tolls mentioned in such Order in Council shall be substituted for those mentioned in such byelaw so long as such Order in Council remains unrevoked.

General Meetings.

15. And be it enacted, That the shareholders shall always have power to assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, and elect directors in the manner provided by the next succeeding clause.

Shareholders may hold general meetings.

Directors—their Election and Duties.

16. And be it enacted, That—

Firstly. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the special Act, and if such election shall not be held on the day so appointed, it shall be the duty of the directors to notify and cause such election to be held within thirty days after the day so appointed; and on the day so notified no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held; and vacancies in the Board of Directors shall be filled in such manner as may be prescribed by the byelaws; and no person shall be a director unless he be a stockholder, owning stock absolutely in his own right and qualified to vote for directors at the election at which he shall be chosen.

Board of directors.

Secondly. The method of calling general meetings, and the time and place of the first meeting of stockholders for the appointment of directors, shall be determined and settled in the special Act.

Calling of special meetings, &c.

Thirdly. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given shall be in the proportion to the number of shares held by him, unless otherwise provided by the special Act; and all shareholders, whether resident in this province or elsewhere, may vote by proxy, if they shall see fit; provided, that such proxy do produce from his constituent an appointment in writing in the words or to the effect following; that is to say,

Votes to be in proportion to shares.

"I of one of the shareholders of the do hereby
"appoint of to be my proxy, and in my absence to vote or give
"my assent to any business, matter, or thing relating to the said undertaking, that
"shall be mentioned or proposed at any meeting of the shareholders of the said
"Company, or any of them, in such manner as he the said shall think
"proper. In witness whereof I have hereunto set my hand and seal, the day
"of in the year "

Fourthly. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the shareholders shall be determined by the majority of votes and proxies then present and given as aforesaid; and all decisions and acts of any such majority shall bind the Company, and be deemed the decisions and acts of the Company.

Votes by proxy.

Fifthly. The directors first appointed, or those appointed in their stead, in case of vacancy, shall remain in office until the next annual election of directors at the time appointed therefor, at which time an annual general meeting of the shareholders shall be held to choose directors for the ensuing year, and generally to transact the business

Term of office of directors.

of the Company: Provided always, that the said directors, in case of the death, absence, or resignation of any of them, may appoint others in their stead; but if such appointment be not made, such death, absence, or resignation shall not invalidate the acts of the remaining directors.

Proviso.

President.

Sixthly. The directors shall, at their first or at some other meeting after the day appointed for the annual general meeting, elect one of their number to be the president of the Company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he shall cease to be a director or until another president shall be elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president.

Vice-president.

Quorum of directors.

Seventhly. The directors at any meeting at which not less than a quorum to be settled by the special Act shall be present shall be competent to use and exercise all and any of the powers vested in the said directors, but no one director shall have more than one vote at any meeting except the chairman, who shall, in case of a division of equal numbers, have the casting vote, and the directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all byelaws of the Company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act; and provided also, that the act of any majority of a quorum of the directors present at any meeting regularly held shall be deemed the act of the directors.

Proviso.

Officers of Company cannot be directors.

Eighthly. No person holding any office, place, or employment in or being concerned or interested in any contracts under or with the Company, shall be capable of being chosen a director or of holding the office of director.

Byelaws for management of stock, &c.

Ninthly. The directors shall make byelaws for the management and disposition of the stock, property, and business affairs of the Company, not inconsistent with the laws of this province, and for the appointment of all officers, servants, and artificers, and prescribing their respective duties.

Calls.

Tenthly. The directors may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them, as they shall deem necessary, provided that thirty days notice at the least be given of each call, and that no call exceed the prescribed amount to be determined therefor in the special Act, nor made at a less interval than two months from the previous call, or a greater amount be called in, in any one year, than the prescribed amount therefor in the special Act, and every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the Company or the directors.

Interest to be charged on unpaid calls.

Eleventhly. If before or on the day appointed for payment any shareholder do not pay the amount of any call he shall be liable to pay interest for the same at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

Twelfthly. If at the time appointed for the payment of any call any shareholder shall fail to pay the amount of the call, he may be sued for the same in any court of law or equity having competent jurisdiction, and the same may be recovered with lawful interest from the day on which such call was payable.

Certain formalities not necessary in actions for calls.

Thirteenthly. In any action or suit to recover any money due upon any call it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said Company by virtue of the special Act.

Certificate of proprietorship primâ facie evidence.

Fourteenthly. The certificate of proprietorship of any share shall be admitted in all courts as primâ facie evidence of the title of any shareholder, his executors, administrators, successors, or assigns, to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

Fifteenthly. Any persons neglecting or refusing to pay a rateable share of the calls as aforesaid for the space of two calendar months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the Company for the benefit thereof.

Forfeiture of share not to be taken advantage of, unless declared at general meeting.

Sixteenthly. Provided that no advantage shall be taken of the forfeiture, unless the same shall be declared to be forfeited at a general meeting of the Company, assembled at any time after such forfeiture shall be incurred, and every such forfeiture shall be an indemnification to and for every shareholder so forfeiting against all actions, suits, or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the said undertaking.

Directors may sell forfeited shares by auction.

Seventeenthly. The directors of the said Company may sell, either by public auction or private sale, and in such manner and on such terms as to them shall seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the

capital stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company.

Certificate of treasurer to be evidence of forfeiture.

Eighteenthly. A certificate of the treasurer of the Company that the forfeiture of the shares was declared shall be sufficient evidence of the fact therein stated, and of their purchase by the purchaser; and with the receipt of the treasurer for the price of such shares shall constitute a good title to the shares; and the certificate shall be by the said treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the byelaws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold.

Interest to be allowed to shareholders paying money in advance on their shares.

Nineteenthly. Shareholders willing to advance the amount of their shares, or any part of the money due upon the respective shares beyond the sums actually called for, may pay the same, and upon the principal monies so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at the legal rate of interest for the time being as the shareholders paying such sum in advance and the said Company may agree upon, provided such interest shall not be paid out of the capital subscribed.

Directors to cause annual accounts to be kept.

Twentiethly. The directors shall and they are hereby required to cause a true, exact, and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the Company, or by the directors or managers thereof, or otherwise for the use of the Company, and of the charges and expenses attending the erecting, making, supporting, maintaining, and carrying on of the undertaking, and of all other receipts and expenditures of the Company or the directors; and at the general meetings of the shareholders of the undertaking to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otberwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the Company as such meeting shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call shall have been paid.

Proviso.

Directors may pay interest on sums called up in respect of shares.

Twenty-firstly. The directors of the Company may, in their discretion, until the railroad shall be completed and opened to the public, pay interest at any rate not exceeding six pounds per centum per annum on all sums called up in respect of the shares from the respective days on which the same shall be paid, such interest to accrue and be paid at such times and places as the directors shall appoint for that purpose: Provided always, that no interest shall accrue to the proprietors of any share upon which any call shall be in arrear in respect of such shares or any other share to be holden by the same shareholder during the period which such call shall remain unpaid, nor shall any interest be paid or taken from the capital subscribed or any part thereof.

Proviso.

Directors may appoint officers.

Twenty-secondly. The directors shall from time to time appoint such and so many officers as they may deem requisite, and take from them such sufficient security by one or more bond or bonds, in a sufficient penalty or penalties or otherwise from the manager and officers for the time being, for the safe keeping and accounting of the monies to be raised by virtue of this Act and the special Act, and for the faithful execution by them of their offices respectively, as the directors shall think proper.

Vice-president to act in the absence of the president.

Twenty-thirdly. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and shall be competent to sign all notes, bills, debentures, and other instruments, and to perform all acts which by the regulations and byelaws of the Company or by the Acts incorporating the Company are required to be signed, performed, and done by the president; and the directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of five shillings, and such certificate shall be taken and considered as primâ facie evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise.

Notices to be published in Canada Gazette.

Twenty-fourthly. All notices of meetings or of calls upon the shareholders of the Company shall be published weekly in the Canada Gazette, and the said Gazette shall, on production thereof, be conclusive evidence of the sufficiency of the said notices.

Shares and their Transfer.

17. And be it enacted, That—

Shareholders may dispose of shares.

Firstly. Shares in the undertaking may be by the parties sold and disposed of by instrument in writing, to be made in duplicate in the form following, one part of which

CANADA.

shall be delivered to the directors to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book to be kept for that purpose ; but no interest on the shares transferred shall be paid by the purchaser until said duplicate shall be so delivered, filed, and entered.

Form of sale.

Secondly. Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require ;

" I *A.B.*, in consideration of the sum of , paid to me by *C.D.*,
" hereby do sell and transfer to him share (*or* shares) of the stock of
" the , to hold to him the said *C.D.* his heirs, executors, admi-
" nistrators and assigns, subject to the same rules and orders, and on the same conditions
" that I held the same immediately before the execution thereof. And I, the said *C.D.*
" do hereby agree to accept of the said share (*or* shares) subject
" to the same rules, orders, and conditions. Witness, our hands this
" day of in the year of "

Thirdly. The stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or the said shares shall have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Fourthly. If any share in the Company shall be transmitted by the death, bankruptcy, or last will, donation, or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer herein-before mentioned, the party to whom such share shall be so transmitted shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation, or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as to the holder thereof.

Municipalities.

18. And be it enacted, That—

Municipal corporations may take stock.

Firstly. Municipal corporations in this province may subscribe for any number of shares in the capital stock of, or lend to or guarantee the payment of any sum of money borrowed by the Company from any corporation or person, or indorse or guarantee the payment of any debenture to be issued by the Company for the money by them borrowed, and shall have power to assess and levy from time to time upon the whole rateable property of the municipality a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose to issue debentures payable at such times and for such sum respectively, not less than five pounds currency, and bearing or not bearing interest, as such municipal corporation may think meet.

Debentures issued by them to be binding.

Secondly. Any such debenture issued, indorsed, or guaranteed shall be valid and binding upon such municipal corporation, if signed or indorsed, and countersigned by such officer or person, and in such manner and form as shall be directed by any byelaw of such corporation, and the corporation seal thereto shall not be necessary, nor the observance of any other form with regard to the debentures than such as shall be directed in such byelaw as aforesaid.

They cannot subscribe for stock unless bye-laws are made for that purpose.

Thirdly. No municipal corporation shall subscribe for stock or incur any debt or liability under this Act or the special Act, unless and until a byelaw to that effect shall have been duly made, and adopted with the consent first had of a majority of the qualified electors of the municipality, to be ascertained in such manner as shall be determined by the said byelaw, after public advertisement thereof, containing a copy of such proposed byelaw, inserted at least four times in each newspaper printed within the limits of the municipality, or if none be printed therein, then in some one or more newspaper printed in the nearest city or town thereto and circulated therein, and also put up in at least four of the most public places in each municipality.

Mayor, &c. to be ex officio a director in certain cases.

Fourthly. The mayor, warden, or reeve, being the head of such municipal corporation subscribing for and holding stock in the company to the amount of five thousand pounds or upwards, shall be and continue to be ex officio one of the directors of the Company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers, and duties as any of the directors of the Company.

Shareholders.

19. And be it enacted, That,—

Shareholders individually liable.

Firstly. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, and until the whole amount of his stock shall have been paid up ; but shall not be liable to an action therefor before an execution against the Company shall have been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

Stock may be increased.

Secondly. The original capital stock may be increased from time to time to any amount, but such increase must be sanctioned by a vote, in person or by proxy, of at least two thirds in amount of all the shareholders, at a meeting of them expressly called

by the directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the post office nearest to his place of residence at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the capital stock may be increased to the amount sanctioned by such a vote.

Thirdly. The funds of the Company shall not be employed in the purchase of any stock in their own or any other Company.

Funds of company not to be employed in purchasing other stock.

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES, AND THEIR PROSECUTION.

20. And be it enacted, That,—

Firstly. All suits for indemnity for any damage or injury sustained by reason of the railway shall be instituted within six calendar months next after the time of such supposed damage sustained, or if there shall be continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the defendants may plead the general issue, and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the special Act.

Limitation of assignees for damages.

Secondly. All persons by any means or in any manner or way whatsoever obstructing or interrupting the free use of the railway, or the carriages, vessels, engines, or other works incidental or relative thereto or connected therewith, shall, for every such offence, be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the common gaol of the district or county where the conviction shall take place, or in the provincial penitentiary, for a term not to exceed five years.

Penalty on persons obstructing free use of railway.

Thirdly. All persons wilfully and maliciously, and to the prejudice of the railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depôts, wharves, vessels, fixtures, machinery, or other works or devices incidental and relative thereto or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the railway, vessels or works, or obstructing, hindering, or preventing the carrying on, completing, supporting, and maintaining the railway, vessels or works, shall be adjudged guilty of a misdemeanor, unless the offence committed shall, under some other Act or Law, amount to a felony, in which case such person shall be adjudged guilty of a felony, and the court by and before whom the person shall be tried and convicted shall have power and authority to cause such person to be punished in like manner as persons guilty of misdemeanor or felony (as the case may be) are directed to be punished by the laws in force in this province.

Penalty on persons damaging railway.

Fourthly. All fines and forfeitures imposed by this Act or the special Act, or which shall be lawfully imposed by any byelaw, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more justice or justices of the peace for the district, county, or place where the act occurred, either by the confession of the parties or by the oath or affirmation of any one credible witness, which oath or affirmation such justice or justices is or are hereby empowered and required to administer without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices; and all fines, forfeitures, and penalties, the application whereof is not herein-before particularly directed, shall be paid into the hands of the treasurer of the Company, to be applied to the use thereof, and the overplus of the money so raised, and after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expense, the offender shall be sent to the common gaol for the county or district in which he shall have been convicted, there to remain without bail or mainprise for such term not exceeding one month as the justice or justices shall think proper, unless the penalty or forfeiture, and all expenses attending the same, shall be sooner paid and satisfied; but every such person or persons may within four calendar months after the conviction appeal against the same to the court of general quarter sessions to be holden in and for the county or district.

Fines how recovered.

Fifthly. All contraventions of this Act or of the special Act, by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the special Act of the privileges conferred on them by the said Acts, if by the provisions thereof or by law the same be forfeited by such contravention.

Contraventions of this Act or of Special Act to be misdemeanors.

Sixthly. All byelaws, rules, and orders regularly made shall be put into writing and signed by the chairman or person presiding at the meeting at which they were adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as may relate to or affect any party other than the members or servants of the Company, shall be affixed openly in all and every passenger car, and in all and every of the places where tolls are to be gathered, and in like manner so often as any change or alteration shall be made to the same; and any copy of the same, or of any of them, certified as

Byelaws to be put into writing, and signed by chairman.

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correct by the President or Secretary shall be deemed authentic, and shall be received as evidence thereof in any court, without further proof; provided nevertheless, that all such byelaws, rules, and orders shall be submitted from time to time to the Governor General or person administering the government of this province for approval.

Copies of minutes to be primâ facie evidence.

Seventhly. That copies of the minutes of proceedings and resolutions of the shareholders of the Company, at any general or special meeting, and of minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the Company, and by him certified to be true copies, extracted from such minute books, shall be primâ facie evidence of such proceedings and resolutions in all courts of civil jurisdiction, and all notices given by the secretary of the Company, by order of the directors, shall be deemed notices by the said directors and Company.

Working of the Railway.

21. And be it enacted, That—

Servants to wear badges.

Firstly. Every servant of the undertaking employed in a passenger train or at stations for passengers shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property.

Trains to start at public hours.

Secondly. The trains shall start and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as shall within a reasonable time previous thereto be offered for transportation at the place of starting, and at the junctions of other railways and at usual stopping places established for receiving and discharging way-passengers and goods from the trains, and such passengers and goods shall be taken, transported, and discharged at, from, and to such places, on the due payment of the toll, freight, or fare legally authorized therefor, and the party aggrieved by any neglect or refusal in the premises shall have an action therefor against the Company.

Checks to be fixed on parcels.

Thirdly. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop, or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same; and if such check be refused on demand, the Company shall pay to such passenger the sum of two pounds, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he shall have paid his fare, the same shall be refunded by the conductor in charge of the train; and any passenger producing such check may himself be a witness in any suit brought by him against the Company, to prove the contents and value of his baggage not delivered to him.

Baggage cars not to be in rear of passage cars.

Fourthly. The baggage, freight, merchandise, or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be deemed guilty of a misdemeanor, and be punished accordingly.

Locomotive to be furnished with bells or steam whistles.

Fifthly. Every locomotive engine shall be furnished with a bell, of at least thirty pounds weight, or a steam whistle, and the bell shall be rung or the whistle sounded at the distance of at least eighty rods from every place where the railway shall cross any highway, and be kept ringing or be sounded at short intervals until the engine shall have crossed such highway, under a penalty of two pounds for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, one half of which penalty and damages shall be chargeable to and collected by the Company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid.

Passengers refusing to pay fare may be put out.

Sixthly. Passengers refusing to pay their fare may, by the conductor of the train and the servants of the Company, be, with their baggage, put out of the cars, using no unnecessary force, at any usual stopping place, or near any dwelling house, as the conductor shall elect, first stopping the train.

Intoxicated conductor of locomotives.

Seventhly. All persons in charge of a locomotive engine, or acting as the conductor of a car or train of cars, who shall be intoxicated on the railway, shall be deemed guilty of a misdemeanor.

Passengers to have no claim if injured when on platform of cars, &c.

Eighthly. Any passenger injured while on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations posted up at the time in a conspicuous place, inside of the passenger cars then in the train, shall have no claim for the injury, provided sufficient room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

General Provisions.

22. And be it enacted, that—

Company not bound to see to execution of trusts.

Firstly. The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive to which any of the shares may be subject; and the receipt of the party in whose name any share shall stand in the books of the company, or

if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trusts, and the Company shall not be bound to see to the application of the money paid upon such receipts.

Provisions to the carriage of Her Majesty's mail, &c.

Secondly. Her Majesty's mail, Her Majesty's naval or military forces or militia, and all artillery, ammunition, provisions, or other stores for their use, and all policemen, constables, and others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Provincial Postmaster General, the Commander of the Forces, or any person having the superintendence or command of any police force, and with the whole resources of the Company, if required, be carried on the railway, on such terms and conditions, and under such regulations as the Governor in Council shall make; and the Company may be required by the Governor, or any person thereunto authorized by him, to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service; provided that any further enactments which the Legislature of this province may hereafter make, for the carriage of the mail or Her Majesty's forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the special Act.

Account of names and residence of shareholders to be kept.

Thirdly. A true and perfect account of the names and places of abode of the several shareholders shall be kept and entered in a book to be kept for that purpose as well as of the several persons who shall from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings, and transactions of the said Company and of the directors from the time being.

Map, &c. of railway to be filed in the Board of Works Office.

Fourthly. A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Commissioners of Public Works, and also like maps of the parts thereof located in different counties shall be filed in the Registry Offices for the counties in which such parties shall be respectively; and every such map shall be drawn on such a scale and on such paper as may from time to time be designated for that purpose by the Chief Commissioner of Public Works, and shall be certified and signed by the president or engineer of such corporation.

Account to be submitted to Legislature.

Fifthly. An account shall be annually submitted to the three branches of the Legislature, within the first fifteen days after the opening of each session of the Provincial Parliament after the opening of the railway or any part thereof to the public, containing a detailed and particular account, attested upon oath of the president, or vice president in his absence, of the monies received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement; and no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Ten per cent. to be paid within three years from passing of special Act.

Sixthly. If the construction of the railway shall not have been commenced, and ten per cent. on the amount of the capital shall not have been expended thereon within three years after the passing of the special Act, or if the railway shall not be finished and put in operation in ten years from the passing of such special Act as aforesaid, its corporate existence and powers shall cease.

Parliament may reduce tolls on railways.

Seventhly. The Legislature of this province may from time to time reduce the tolls upon the railway, but not without consent of the Company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Commissioners of Public Works of the amount received and expended by the Company, the net income from all sources for the year then last passed shall have been found to exceed fifteen per cent. upon the capital so actually expended.

As to goods of a dangerous nature.

Eighthly. No person shall be entitled to carry or to require the Company to carry upon their railway any aqua fortis, oil of vitriol, gunpowder, lucifer matches, or any other goods, which, in the judgment of the Company may be of a dangerous nature; and if any person send by the said railway any such goods without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servants of the Company with whom the same are left at the time of so sending the said goods, he shall forfeit to the Company the sum of five pounds currency for every such offence; and it shall be lawful for the Company to refuse to take any package or parcel that they may suspect to contain goods of a dangerous nature or require the same to be opened to ascertain the fact.

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Forging debentures, &c. deemed felony.

Ninthly. The offence of forging any debentures or a coupon of any debenture issued under the authority of this Act or of the Special Act, or of uttering any such debenture or coupon knowing the same to be forged, or of being accessory before or after the fact to any such offence, shall be deemed felony, and be punished accordingly.

Company bound to make and repair fences, roads, &c. in Lower Canada, &c.

Tenthly. The Company shall make and keep in repair all fences, roads, and watercourses, and be subject to all municipal regulations and provisions in respect thereof in or for lands belonging to or held by the Company, and subject to any such regulations, or to any charges, public, municipal, or local, as the case may be, in any county, parish, or township in Lower Canada through which the railway shall pass; and the said Company may, in default or contravention thereof, be prosecuted therefor by the officers of the municipality, before the commissioners court or circuit court within the jurisdiction of which such fence, road, or watercourse shall be, and the service of the summons upon any clerk or officer in charge of the section of the railway within the said jurisdiction, or at the nearest depôt of the railway, shall be good service upon the Company.

Special Act to be a public Act.

Eleventhly. Every special railway Act shall be a public Act.

And may dissolve any corporation formed under this Act.

Twelfthly. The Legislature may at any time annul or dissolve any corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers, or servants, for any liability which shall have been previously incurred.

Saving of Her Majesty's rights.

Thirteenthly. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever the rights of Her Majesty, Her heirs and successors, or of any person or persons, or of any bodies politic, corporate, or collegiate, such only excepted as are herein mentioned.

Interpretation.

Fourteenthly. No amendment or alteration in this Act shall be held to be an infringement of the rights of any company authorized to construct a railway by any Act of this or any future session with which this Act is or shall be incorporated.

I certify the above to be a true copy of the Act passed by the Legislative Council and Legislative Assembly of the province of Canada, in the fourth session of the third Provincial Parliament, and assented to in Her Majesty's name by his Excellency the Governor-General, on the Thirtieth day of August one thousand eight hundred and fifty-one.

Attest. J. F. TAYLOR,
Clk. Leg. Council.

No. 2.

Cap. 73.

An Act to make Provision for the Construction of a Main Trunk Line of Railway throughout the whole Length of this Province.

WHEREAS it is of the highest importance to the progress and welfare of this province that a main trunk line of railway should be made throughout the length thereof, and from the eastern frontier thereof, through the provinces of New Brunswick and Nova Scotia, to the city and port of Halifax, and it is therefore expedient that every effort should be made to insure the construction of such railway, whilst as an act of justice to those who have advanced their money upon provincial securities, and as the best means of sustaining the credit of the province, and of readily commanding such further pecuniary assistance as may from time to time become necessary for great provincial works of internal communication, it is expedient that the Provincial Parliament should pledge itself not to allow the public debt and liabilities of the province to be increased, except in the cases and under the conditions herein-after mentioned: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to reunite the Provinces of Upper and Lower Canada, and for "the Government of Canada," and it is hereby declared and enacted by the authority of the same, That excepting only as regards such sum as may be raised for the purposes of this Act, under the authority and guarantee of the Parliament of the United Kingdom, and as regards the guarantee of the province to be given under the Act passed in the twelfth year of Her Majesty's reign, and intituled "An Act to provide for affording the "Guarantee of the Province to the Bonds of Railway Companies on certain Conditions,

" and for rendering Assistance in the Construction of the Halifax and Quebec Railway," for the interest only of debentures issued or to be issued by the St. Lawrence and Atlantic Railroad Company, the Great Western Railway Company, or the Ontario, Simcoe, and Huron Railroad Union Company, on the conditions in the said Act and herein-after mentioned, the public debt and liabilities of this province shall not be increased under this Act, nor will the Provincial Parliament hereafter authorize the increase thereof without the consent of the agents through whom loans may have been negotiated in England, or the previous offer to pay off all debentures then outstanding, and the actual payment of all such as shall be presented for payment pursuant to such offer, at the place therein appointed, within one month from the first publication thereof in the London official Gazette, in which it shall be published during the period aforesaid, at least; and the expenditure herein-after authorized shall not be made, nor the liabilities herein-after mentioned incurred on behalf of the province, except only in so far as it may be found practicable to make or incur the same, or any part thereof, without increasing the debt or liabilities of the province, otherwise than in the cases and under the conditions aforesaid.

And be it enacted, That provided the funds necessary for the purpose shall be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this province under the said authority, it shall be lawful for the Governor of this province in Council to enter into such arrangements as he may deem conducive to the interests of this province, with the Government of the United Kingdom and with the Governments of the provinces of New Brunswick and Nova Scotia, with respect to the construction of a railway from some point opposite the city of Quebec to the city of Halifax, in Nova Scotia, either by constructing the same on the joint account of this province and the said provinces of Nova Scotia and New Brunswick in equal proportions, or by engaging to construct at the expense of this province that part of the said railway lying within Lower Canada, or by making such other arrangements for the construction of the said railway as may be agreed upon with the said Government of the United Kingdom and the said provincial Governments; and for facilitating such arrangements all the ungranted lands within this province lying within ten miles on either side of the line of the said railway are hereby placed at the disposal of the Governor of this province in Council, to be appropriated, pledged, or otherwise dealt with in such way as he may think best for the interests of the province with regard to such arrangements as aforesaid, it being understood and hereby declared that the Parliament of this province will confirm and carry out by such legislative enactments (if any) as may be necessary to give full effect to the same, any arrangement and agreement which may be made by the Governor in Council, in the spirit and for the purposes of this Act.

And be it enacted, That it shall be lawful for the Governor, out of the funds to be raised or advanced for the purpose as aforesaid, to pay all such sums as may be required to defray all the expenses of making such part of the said railway as shall be to be made at the expense of this province under any such arrangement as aforesaid, or any other expenses which under any such arrangement shall be to be borne by this province.

And be it enacted, That provided the funds necessary for the purpose shall be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this province under the said authority, the whole of the main trunk line of railway from the city of Quebec, or a point opposite thereto, to the city of Hamilton or some convenient point on the line of the Great Western Railroad, or so much of the said main trunk line of railway as the funds so raised or advanced as aforesaid shall be sufficient to make, shall be made as a provincial work, and it shall be lawful for the Governor, out of any such funds as aforesaid, to pay all such sums as shall be required to defray all the expenses of making such main trunk line of railway, or such part thereof as aforesaid.

And be it enacted, That if the funds necessary for making the main trunk line of railway mentioned in the next preceding section shall not be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this province, under the said authority, then the said main trunk line of railroad, or so much thereof as shall not be made by funds so raised or advanced as aforesaid, may be made with funds of which one half shall be raised on the credit of the consolidated revenue fund of this province, provided the other half shall have been subscribed for by municipal corporations in this province.

And be it enacted, That if the Governor in Council shall determine that it is expedient that the whole or any part of the said main trunk line of railway shall be made with funds to be raised in the manner mentioned in the next preceding section, the Governor shall, by proclamation, declare the total amount required for such purpose, and the sum to be raised by subscriptions of municipal corporations under this Act; and it shall then be lawful for any municipal corporation in this province to subscribe for such amount of the sum last mentioned as it may think proper, by a byelaw declaring such subscription and the amount thereof, which declaration shall suffice; and it shall not be necessary by such byelaw to impose any rate, or to make

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any provision or enactment other than such declaration as aforesaid, which shall be sufficient to enable the proper officers to assess and levy, from time to time, such rate as may be necessary to produce a clear sum equal to that payable to the receiver general under the said byelaw and this Act, and ten per cent. over to make up any deficiency, which ten per cent., or so much thereof as may not be required to make up any deficiency, shall remain in the hands of the proper officer of the corporation, and go in deduction of the next sum to be assessed and levied under such byelaw, or, if not required for that purpose, then for the general uses of the corporation; and any sum payable to the receiver general under any such byelaw and this Act shall be a debt due from the municipal corporation so in default to the Crown; and the warrant of the receiver general, countersigned by the inspector general, directed to the sheriff of the proper district, county, or united counties, certifying that any such sum is so payable and remains unpaid, and commanding him to levy the same, shall be sufficient authority to the said sheriff to levy such sum with interest and costs, and to pay over such sum when levied to the receiver general, in like manner as he might do under a writ of execution for such sum issuing out of any court in which judgment might have been obtained for the same in favour of the Crown; and no such byelaw shall be repealable except with the express consent of the Governor in Council; and if more money be subscribed for than is required to be raised by subscription of municipal corporations as aforesaid, then the sum subscribed for by each shall be *ipso facto* proportionately reduced, and such reduction shall be notified to the municipal corporations concerned, in such way as the Governor may direct: Provided always, that no municipal corporations shall subscribe for stock, or incur any debt or liability under this Act, unless and until a byelaw to that effect shall have been duly made and adopted, with the consent first had of a majority of the qualified electors of the municipality, to be ascertained in such manner as shall be determined by the said byelaw, after public advertisement thereof containing a copy of such proposed byelaw, inserted at least four times in each newspaper printed within the limits of the municipality, or, if none be printed therein, then in some one or more newspaper printed in the nearest city or town thereto and circulated therein.

And be it enacted, That the sums subscribed for as aforesaid shall form a fund to be called the Railway Municipal Subscription Fund; and so soon as the sum required shall have been subscribed for as aforesaid, it shall be lawful for the Governor in Council from time to time to authorize the issuing of debentures to an amount not exceeding in the whole that so subscribed for, in such form, for such separate sums, and at such rate of interest not exceeding six per centum per annum, and to make the principal and interest payable at such periods and at such places, as to him shall seem most expedient, the said principal and interest being hereby made chargeable upon the consolidated revenue fund of this province, but after the principal and interest of any sum to be raised under this Act or any Act of the present session, by advance from the Government of the United Kingdom or with the guarantee of the said Government: And it shall also be lawful for the Governor in Council from time to time to authorize the issuing of debentures to an amount not exceeding in the whole that so subscribed for as aforesaid, (and not exceeding at any time that for which debentures shall then be issued under this section on the credit of the consolidated revenue fund) in such form, for such separate sums, and at the lowest rate of interest not exceeding seven per centum per annum at which they can be negotiated at par, and to make the principal payable at any period, not being less than twenty years from the date of such debentures respectively, and the interest at such periods as he may think proper, and to make the principal and interest payable at such places as he may deem most expedient, such principal being chargeable not upon the said consolidated revenue fund, but solely upon the railway municipal subscription fund aforesaid and the sinking fund herein-after mentioned.

Provided always, and be it enacted, That the total sum to be raised for the purposes of this Act, upon the credit of the consolidated revenue fund of this province, with or without any guarantee under the authority of the Parliament of the United Kingdom, and including any sum which may be advanced under the authority of the said Parliament, on the credit of the said consolidated revenue fund, added to any sum which may be raised on the credit of the municipal subscription fund, shall never exceed in the whole the sum of four millions of pounds currency.

And be it enacted, That the funds to be raised under the seventh section of this Act on the credit of the consolidated revenue fund, and those to be raised under the said section on the credit of the railway municipal subscription fund shall be expended as nearly as may be in equal proportions, as the work advances in the several sections into which the railway to be made may be divided by the Governor in Council.

And be it enacted, That as well the cost of that part of the said main trunk line of railway which is to be constructed with funds to be raised partly on the credit of the province and partly on that of the railway municipal subscription fund, as all the expenses and outlay of any kind to be incurred while the work is in progress, shall be defrayed out of the funds so to be raised as aforesaid; and that the municipal corporations so subscribing as aforesaid shall be called upon to pay the interest on the

sums for which they have subscribed, whenever at any time the said fund, and their share of the profits from any part of the work which shall have been completed, shall be insufficient to pay the interest on the sums borrowed on the credit of the municipal subscription fund; in which case they shall from time to time pay such sums to the receiver general as may be sufficient, with any sums he may have in his hands applicable to the purpose, to enable him to pay such interest as it becomes due, the sum to be paid in such case by each municipal corporation being in proportion to the sum for which it may have subscribed.

And be it enacted, That the share of the profits of that part of the said railway last aforesaid which may belong to the said municipal corporations, and shall not be required to pay the interest on the sums raised on the credit of the railway municipal subscription fund, shall be invested by the receiver general, and shall, with the interest thereon, form a sinking fund for the redemption of the debentures to be issued on the credit of the said railway municipal subscription fund; and that the share of the said profits which shall belong to the province, after deducting three and a half per cent. per annum on the sums raised on the credit of the consolidated revenue fund, shall be also invested by the receiver general, and shall, with the interest thereon, form a sinking fund for the redemption of the debentures to be issued on the credit of the consolidated revenue fund under the seventh section of this Act; and the share which the province and the said municipal corporations shall respectively have in the profits of the said railroad, shall be in proportion to the sums which shall have been raised on the credit of the consolidated revenue fund, and of the said railway municipal subscription fund, respectively.

And be it enacted, That if at any time after the expiration of two years from the completion of that part of the said railway last aforesaid it shall appear to the receiver general that the sinking fund first aforesaid will not produce enough to pay off the principal of the debentures issued on the credit of the said railway municipal subscription fund, at the time when the same will become payable, it shall be lawful for him to add not exceeding three per cent. per annum on the amount of such debentures to the sum which would otherwise be payable to him in any year by each municipal corporation, and such per-centage shall form part of the said sinking fund, and shall be paid by such municipal corporations respectively, in like manner as any other monies payable by them to the receiver general under this Act.

And be it enacted, That the said main trunk line of railway, including that part thereof lying between the city of Quebec and the city of Halifax, or such part thereof as shall be made under the provisions of the preceding sections of this Act, shall be a public provincial work, to be constructed and managed by the Commissioners of Public Works, under the control of the Governor in Council, and subject to such supervision by the Board of Railway Commissioners herein-after mentioned, as the Governor in Council shall direct; and all the powers vested in the Commissioners of Public Works, with regard to the taking of lands required for public works, and all other powers vested in them, and the provisions of the several Acts now in force relative to public works, and not inconsistent with this Act, shall apply to that part of the said railway to be made as aforesaid as fully as to any other public provincial work; and the said railway, and every part thereof, shall be made on such line, and in such places as the Governor in Council shall determine and appoint as best adapted to promote the general interests of this province.

And be it enacted, That the said Commissioners of Public Works, with the consent of the Governor in Council, shall have full power to treat and agree with the Montreal and Lachine Railroad Company, or the St. Lawrence and Atlantic Railroad Company, for the purchase or use of the whole or any part of their respective railroads, rights, and property which it may be found expedient to adopt as part of the said main trunk line or railway, and to pay such sum as may be agreed upon, to either of the said companies, as compensation for any such railroad or portion thereof, rights or property, out of any monies which might be applied to making part of the said main trunk line of railway at the same place; and the directors of the said companies respectively shall have full power and authority to treat and agree with the said Commissioners of Public Works for any of the purposes aforesaid, and to receive the compensation that may be agreed upon, and to given a valid discharge for the same, and to surrender and convey to Her Majesty, for the public uses of the province, such railroad or part thereof, rights or property as aforesaid, which shall hereafter be vested in Her Majesty for the uses aforesaid: Provided always, that nothing herein contained shall be construed to affect or impair any right now vested in Her Majesty to take the said railroads, or either of them, or any of the rights or property of the said companies, or either of them, under any Act incorporating such company, or amending the Act incorporating it.

And be it enacted, That if it be found to be impracticable to raise the funds for constructing the said main trunk line of railway in any of the modes herein-before mentioned, then the Governor of this province may by proclamation declare that the same may be undertaken by any private companies thereunto authorized by the Legislature; and any company in whose Act of incorporation a clause may have been inserted suspending its operation until the Governor should issue a proclamation declaring it

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in force, shall, by the issuing of such proclamation, receive authority to commence its operations.

And whereas, although it is highly desirable to afford every possible encouragement to the construction of railways in all parts of the country, yet for the purpose of confining the liabilities of the province within proper limits, and at the same time ensuring effectual aid to those undertakings which are most necessary to its progress and development, it is expedient to restrict the provisions of the Railway Guarantee Act, herein-before cited, in the manner herein-after provided: Be it therefore enacted, That the guarantee offered by the said Act, and all the provisions of the said Act relative to such guarantee, shall be and are hereby restricted and confined to those railroads which may form part of the said main trunk line (in case of any part thereof being constructed by private companies), and to the St. Lawrence and Atlantic Railroad which has already received the said guarantee, and forms part of the said main trunk line, the Great Western Railroad which has been commenced and partly constructed on the faith of the said guarantee, and forms part of the said main trunk line, and the Ontario, Simcoe, and Huron Union Railroad, for the construction of which certain arrangements have been made in expectation and upon the faith of the said guarantee: Provided always, that the expression "the Great Western Railroad" in this Act shall mean only the main line of railway which the Great Western Railroad Company are authorized to make from Burlington Bay to the Detroit River, and shall not include any branches which the said company is or may be authorized to make, nor shall the said guarantee be extended to any such branch.

And for better ensuring the attainment of the objects proposed in the said Act and in this Act, be it enacted, That the Receiver General, the Inspector General, the Commissioner and Assistant Commissioner of Public Works, and the provincial Postmaster General shall constitute a Board of Railway Commissioners; and each of the said officers shall be a member of the said Board by virtue of his office, and so long and so long only as he shall hold the same; such one of the said officers as the members of the Board shall agree upon shall be the chairman and official organ of the Board; the secretary of the Commissioners of Public Works shall be the secretary of the said Board; and any report concurred in by a majority of the Board shall be deemed the report of the Board.

And be it enacted, That no railway company shall be entitled to the benefit of the said guarantee until the said Board shall have examined and approved the line selected for such railroad, the intended gauge, the form and weight of rail, and general mode of construction of the road, and of the larger bridges, viaducts, and principal works upon such line, and shall have reported such approval to the Governor in Council, with their opinion that the road is one which may advantageously form part of such main trunk line as aforesaid, that the Act incorporating the company contains all such provisions as they think essential to the protection of the public interest, or that the company have consented to the amendment of their charter by the insertion of such provisions, and that the road, when completed, will afford ample security to the province against loss under the guarantee to be given with regard to it; and the line and mode of construction so approved shall not be altered or deviated from without an express report of the said Board in favour of such alteration or deviation, nor unless such report shall be approved by the Governor in Council, on pain of forfeiting the right of the company to the said guarantee: Provided always, that the Ontario, Simcoe, and Huron Railroad Union Company shall be entitled to the said guarantee on complying with the other conditions aforesaid, although their road does not form part of the said main trunk line.

And be it enacted, That any company having received such approval as aforesaid shall be empowered, if the length of their railway exceeds one hundred miles, to divide the same into sections of not less than fifty miles each, and being, as nearly as the total length of the railway and other circumstances will admit, of seventy-five miles each, and each of such sections may, after such division shall have been approved by the Governor, be considered for all the purposes of the said Act and of this Act as a distinct railway; and when the requirements of the said Act and of this Act are complied with, as regards any such section, the guarantee of the province may be given for the sum required to complete such section, which sum shall not be applied to any other purpose; and the company shall keep and render separate accounts of receipt and expenditure for each such section, and if any receipt or expenditure be common to two or more sections, the same shall be fairly apportioned among them in such accounts, to the satisfaction of the said Board.

And be it enacted, That the said guarantee shall not be given with regard to any railway or section until the said Board shall have reported to the Governor in Council, that the land for the whole railway or section has been acquired and paid for, that a part of the work thereon has been completed to their satisfaction, and that the fair cost of the part so completed, including the fair cost of the land and of all materials then procured by and the property of the company, (and not merely the sum the company may have actually expended upon the same,) would not be less than the cost of the part remaining to be done, according to an estimate made upon tenders received and approved

by the company and by the said Board as fair and reasonable, in which case the guarantee of the province may be granted for the sum necessary to complete such remaining part of the work according to such estimate; and, generally, it shall be the duty of the said Board to obtain and report to the Governor all such information, and to do all such things as may be necessary to ensure the faithful execution of the said Act and of this Act; and any duty assigned to the Commissioners of Public Works by the said Act shall hereafter be performed by the said Board.

And be it enacted, That no contract shall be entered into by any company for the performance of work or the furnishing of materials for that part of their railway for the making whereof the said guarantee is to be granted, except with the approval of the said Board; that the said Board may suggest and the Governor in Council may impose upon the company such further conditions as they may think requisite for guarding the province against loss; and that the guarantee may be granted to the company from time to time, and as may be necessary, to enable them to meet their engagements under such contracts as aforesaid, when the work has been performed to the satisfaction of the said Board.

And be it enacted, That the said guarantee may, as regards those companies whose railways will form part of the said main trunk line, and upon such conditions as the Governor in Council shall think fit, be extended to the payment of the principal of the sum guaranteed, as well as to the payment of the interest thereon, provided the bonds guaranteed are made payable at periods previously approved by the Governor in Council, or, in his discretion, provincial debentures for the amount to be guaranteed, or any part thereof, may be delivered to the company in exchange for their bonds, for like sums, and the principal and interest whereof shall be made payable at like periods, or at such others as may be agreed upon; and for the principal and interest of such bonds, the province shall have the same priority of hypothec, mortgage, and lien upon the railway, tolls, and property of the company, as by the said Act is given for sums paid or guaranteed by the province, and subject to the same provisions, and the said guarantee may be given either at once for the whole sum to be raised by the company, or from time to time, and by portions, as the same shall be required for carrying on the works, according to the terms and conditions which shall have been made in that behalf: Provided always, that it shall be lawful for the Governor in Council, if he shall deem it expedient and consistent with the interests of the province, and the due maintenance of the public credit, to grant the same advantages, or any of them, to the "Ontario, Simcoe, and Huron Railroad Union Company," as he may under this section grant to companies whose railways form part of the said main trunk line of railway; and provided also, that one of the conditions on which the benefit of this section shall be granted to any company shall be, that no byelaw of such company imposing tolls, or affecting others than the company, shall have force or effect until approved by the Governor in Council, and that no such byelaw shall remain in force for more than three years from the passing thereof, so that such byelaws may be subject to periodical revisions by the said Governor in Council, and that the company shall consent to such amendments (if any) of the Act incorporating it as may be requisite to give full effect to this proviso.

And be it enacted, That so much of the Act first above cited, or of any other Act or Law, as may be inconsistent with the provisions of this Act shall be and is hereby repealed.

And be it enacted, That the word "railway" in this Act shall include all viaducts, bridges, station-houses, depôts, and other works, machinery, engines, vessels, carriages, and things of every kind which may be necessary or convenient to the making or using of any railway.

And be it enacted, That the due application of all monies expended under the authority of this Act shall be accounted for to Her Majesty, her heirs or successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs and successors, shall direct; and that an account of all monies so expended shall be laid before the Provincial Parliament within fifteen days after the opening of the session thereof next after such expenditure.

I certify the above to be a true copy of the Act passed by the Legislative Council and Legislative Assembly of the province of Canada, in the fourth session of the third Provincial Parliament, and assented to in Her Majesty's name by his Excellency the Governor-General, on the thirtieth day of August one thousand eight hundred and fifty-one.

Attest. J. F. TAYLOR,
Clk. Leg. Council.

No. 3.

Cap. 74.

An Act to extend the Provisions of an Act passed in the present session, intituled "An "Act to make provision for the Construction of a main Trunk Line of Railway "throughout the length of this Province."

WHEREAS the Great Western Railroad Company are authorized by their Acts of incorporation to make a main line of railway throughout the whole distance between the Niagara River and the Detroit River, by the way of Burlington Bay: And whereas it is desirable that the provisions of the Act herein-after mentioned should extend to the whole of the said main line of railway although not to any of its branches, and that no doubt should exist as to the intention of the Legislature to that effect: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to "reunite the provinces of Upper and Lower Canada, and for the government of Canada," and it is hereby enacted by the authority of the same, that the expression, "The Great Western Railroad" in the Act of the present session, intituled "An Act to make provision for "the Construction of a main Trunk Line of Railway throughout the Length of the Province," shall mean and include the whole of the said main line of railway which the said Great Western Railroad Company are authorized to make from the Niagara River by the way of Burlington Bay to the Detroit River, anything contained in the proviso to the sixteenth section of the said Act or in any other part thereof to the contrary notwithstanding, but shall not include any branches which the said company are or may be authorized to make, nor shall the guarantee in the said Act mentioned be extended to any such branch.

I certify the above to be a true copy of the Act passed by the Legislative Council and Legislative Assembly of the province of Canada, in the fourth session of the third Provincial Parliament, and assented to in Her Majesty's name by his Excellency the Governor-General, on the thirtieth day of August one thousand eight hundred and fifty-one.

Attest. J. F. TAYLOR,
Clk. Leg. Council.

No. 4.

Cap. 75.

An Act for raising, by way of Loan, a sum not exceeding Four millions of Pounds Currency for making a main Trunk Line of Railway throughout the length of this Province.

WHEREAS by a despatch from the Right Honourable Earl Grey, Her Majesty's Secretary of State for the Colonies, to the Right Honourable the Earl of Elgin and Kincardine, Governor-General of British North America, and Governor of this province of Canada, bearing date the fourteenth day of March one thousand eight hundred and fifty-one, and the documents laid with the said despatch before both Houses of the Parliament of this province by message from his Excellency the Governor-General, it appears that Her Majesty's Government in the United Kingdom is disposed, on certain conditions, to recommend to Parliament that the credit of the said United Kingdom should be employed to enable the provinces of Canada, New Brunswick, and Nova Scotia to raise upon advantageous terms the funds necessary for the construction of a line of railway from Halifax in Nova Scotia to Quebec or Montreal in this province: And whereas the Parliament of this province hath during the present session passed an Act for the construction of that portion of the said railway from Halifax to Quebec, which ought to be made by this province, provided the necessary funds shall be raised under the authority and guarantee of the Parliament of the said United Kingdom, or advanced as a loan to this province under the said authority, and for continuing the said railway, by and at the expense of this province, from Quebec to the city of Hamilton, or some convenient point on the Great Western Railroad, or so far as the said railway can be made with funds to be so raised or advanced as aforesaid, and it is the earnest wish and hope of the people of this province that the great advantages which must accrue not only to Canada but to the other provinces of British North America, and to the empire at large, and more especially to all Her Majesty's subjects who may be desirous of becoming settlers in this province, or either of the provinces aforesaid, will induce Her Majesty's Government to

recommend to Parliament that the sum required to make the whole length of the said railway may be raised with the benefit of the credit of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An "Act to reunite the Provinces of Upper and Lower Canada, and for the Government of "Canada," and it is hereby enacted by the authority of the same, That the sum necessary for defraying the expenses of making such part of the railway from some point opposite the city of Quebec to the city of Halifax in Nova Scotia as may, under the provisions of the Act passed in the present session, and intituled "An Act to make provision for the con- "struction of a main Trunk Line of Railway throughout the length of this Province," and the arrangements made under the same, be to be made at the expense of this province, or any other expenses which under any such arrangement shall be to be borne by this province, and such further sum as may be necessary to defray the expense of making, under the provisions of the said Act, the whole or any part of the railway therein mentioned from a point opposite the city of Quebec to the city of Hamilton, or some other convenient point on the line of the Great Western Railroad, may be raised and borrowed under the provisions of any Act to be passed by the Parliament of the United Kingdom authorizing the advance of such sums to this province from the Treasury of the United Kingdom, or the granting of any guarantee under the authority of such Act for the repayment of the sums so borrowed, or the due payment of the dividends and interest thereon, or providing in any other way for the employment of the credit of the said United Kingdom so as to ensure the raising of the said sum on advantageous terms; and being so raised, shall be applied to the purposes for which they are hereby authorized to be raised, and to no other; provided always, that the sums to be raised under the authority of this Act shall not in the whole exceed the sum of four millions of pounds currency.

And be it enacted, That the said sums may be raised and borrowed under and subject to the provisions of any such Act as aforesaid of the Parliament of the United Kingdom, by any person or persons appointed in that behalf by Her Majesty, her heirs or successors, or by the Governor of this province, by loan, debentures, or otherwise, and the principal sum so raised, the dividends and interest thereupon, and a sinking fund for the payment of the said principal sums not exceeding two per centum per annum on the said principal sums, shall be and are hereby charged on the consolidated revenue fund of this province, (of which the profits coming to this province from any part of the said railway, made with funds raised under this Act, shall form part,) and shall be the first charge thereon after any previously existing debts of the province, and the sums payable under any Act or Acts then in force granting a civil list to Her Majesty, her heirs and successors.

And be it enacted, That the principal sums so to be raised and borrowed shall be received from time to time as the same shall be raised, by the receiver general, who shall, upon the warrants of the Governor of this province, pay out of the same such sums as may from time to time be required for defraying the expenses made payable out of the same by this Act and the said Act of this session, and shall also, upon warrants of the Governor, pay the dividends and interest upon the sums so raised and borrowed as the same shall become due, together with the sums accruing to the said sinking fund; and the said sinking fund shall consist of such sum per centum per annum on the principal sums so to be raised and borrowed, and shall be paid and managed in such manner for the redemption and payment of the said principal sums, as shall be agreed upon and negotiated when the said principal sums shall be raised and borrowed, or if there be no such agreement in that behalf, then in such manner as the Governor of this province, by and with the advice and consent of the Executive Council thereof, shall from time to time direct and appoint; and it is hereby declared, that the Parliament of this province will confirm and carry out, by such legislative enactments (if any) as may be necessary to give full effect to the same, any arrangement or agreement, not inconsistent with the spirit of this Act and of the Act of this session herein before referred to, which may be made or authorized by the Governor in Council with regard to the raising and borrowing the sums aforesaid, under the provisions of any Act to be passed by the Parliament of the United Kingdom in that behalf, and for the purpose of complying with the requirements of such Act.

And be it enacted, That the receiver general shall, before each session of the Provincial Parliament, transmit to the Govenror, for the purpose of being laid before the two Houses of the Legislature, a correct and detailed statement and account of the sums raised under the authority of this Act, and of the debentures and other securities which shall have been issued, and of the dividends and interest paid thereon, and of the sinking fund, and of the redemption of the whole or any part of the principal sum by means of the said sinking fund, or otherwise, and of the expenses attending the negotiation, management, payment, and redemption of the said loan.

And be it enacted, That the due application of the monies to be raised under the authority of this Act, and of all sums to be expended under the said authority, shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her

Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs and successors, shall direct; and an account in detail of all sums expended under the authority of this Act shall be laid before both Houses of the Provincial Parliament, within fifteen days after the opening of the session thereof next after such expenditure.

I certify the above to be a true copy of the Act passed by the Legislative Council and Legislative Assembly of the Province of Canada, in the fourth session of the third Provincial Parliament, and assented to in Her Majesty's name by his Excellency the Governor-General, on the thirtieth day of August one thousand eight hundred and fifty-one.

Attest. J. F. TAYLOR,
Clk. Leg. Council.

No. 5.

Cap. 143.

An Act to incorporate the Montreal and Kingston Railway Company.

WHEREAS the construction of a railway connecting the extremities of the province must conduce greatly to the interest and welfare of its inhabitants: And whereas John Young, the Honourable George Moffatt, the Honourable A. N. Morin, L. H. Holton, A. T. Galt, George E. Cartier, M.P.P., and Ira Gould have prayed to be incorporated with the powers requisite for making and maintaining a portion of such railway: Now, therefore, be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to re-unite "the provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, That John Young, the Honourable A. N. Morin, the Honourable George Moffatt, L. H. Holton, A. T. Galt, George E. Cartier, M.P.P., and Ira Gould, together with such person or persons as shall under the provisions of this Act become subscribers to and proprietors of any share or shares in the railway hereby authorized to be made, and their several and respective heirs, executors, administrators, curators, and assigns, being proprietors of any share or shares in the said railway, are and shall be a company for constructing and maintaining the said railway according to the rules, orders, and directions herein-after expressed, and shall for that purpose be one body politic and corporate, by the style and title of "The Montreal and Kingston Railway "Company;" and the said company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen, and servants, to make and complete a railway to be called "The Montreal and "Kingston Railway," from the city of Montreal by such line as may be found most advantageous to the city of Kingston, or such other point on or near the river St. Lawrence or Lake Ontario in the vicinity of Kingston as shall seem most suitable to the purposes of the said company.

And be it enacted, That the Governor shall, with all convenient speed, cause to be ascertained by actual survey the shortest and most direct line between Montreal and Kingston, having due regard to the best grades and the interests of the province; and that the said company shall construct the said railway on the line selected by the Governer after such survey.

And be it enacted, That if the line so selected be such as in the opinion of the Governor to require that the company hereby incorporated should purchase, and the Montreal and Lachine Railroad Company shall be willing to sell to them, the railroad and property, rights, privileges, and advantages of the said last-mentioned company, but the said two companies shall not be able to agree upon the price to be paid for the same, such price shall be established by the award of arbitrators, one of whom shall be named by each of the said companies, and the third by the Governor, and the decision of the said arbitrators or any two of them, the third being present, duly notified to attend, shall be final and conclusive, and binding on both companies; and on payment by the company hereby incorporated to the said Montreal and Lachine Railroad Company of the sum ascertained by such award, the railroad and property, rights, privileges, and advantages of the said last-named company shall be transferred to and vested in the company hereby incorporated: Provided always, that in estimating the price to be paid as aforesaid, the said arbitrators shall be guided by the consideration of the actual value of the said railroad and property, rights, privileges, and advantages of the company hereby incorporated at the time when the said arbitration shall take place; and if at that time the actual or prescribed gauge of the railway of the said company shall be different from that of the railroad of the said Montreal and Lachine Railroad Company, the value of the locomotive

engines, cars, tenders, and other equipments of the said railroad not adapted for use on a railroad of a different gauge, shall not be taken into account by the said arbitrators, nor shall the property or possession thereof be transferred by or under the said award, or otherwise without the full and free consent of both companies.

And be it enacted, That the several clauses of "the Railway Clauses Consolidation Act," to be passed during the present session with respect to the first, second, third, and fourth clauses thereof, and also the several clauses of the said Act with respect to the "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for indemnity, and fines and penalties, and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated in this Act.

And be it enacted, That the gauge of the said railway shall not be broader or narrower than five feet six inches.

And to the end that the said company may be enabled to carry on so useful an undertaking, be it enacted, That it shall and may be lawful for the said company, and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said railway and all such other works, matters, and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining, and using the said railway and other works: Provided always, that the before-mentioned John Young, the Honourable A. N. Morin, the Honourable Geo. Moffatt, G. E. Cartier, M.P.P., L. H. Holton, Ira Gould, and A. T. Galt, or a majority of them, shall cause books of subscription to be opened in the cities of Montreal and Kingston and elsewhere, as they may from time to time appoint, until the first meeting of shareholders herein-after provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall be held and bound to give public notice in the Canada Gazette and such other newspaper or newspapers as they or a majority of them shall think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions, and every person who shall write his or her signature in such book as a subscriber to the said undertaking shall thereby become a member of the said company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said company.

And be it enacted, That the sum so to be raised or subscribed shall constitute the capital stock of the said company, and shall not exceed in the whole the sum of six hundred thousand pounds currency, and the money so to be raised is hereby directed and appointed to be laid out and applied, in the first place, for and towards the payment, discharge, and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans, and estimates incident thereunto, and all the rest, residue, and remainder of such money for and towards making, completing, and maintaining the said railway, and other the purposes of this Act, and to no other use, intent, or purpose whatever.

And be it enacted, That the said sum of six hundred thousand pounds shall be divided and distinguished into twenty-four thousand equal parts or shares, not exceeding twenty-five pounds each, and that such shares shall be deemed personal estate, and shall be transferred as such, and that the said twenty-four thousand shares shall be and are hereby vested in the said several subscribers and their several respective heirs, executors, curators, administrators, and assigns, to their and every of their purpose, use, and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate, or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators, and assigns, who shall severally subscribe and pay the sum of twenty-five pounds, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended railway, shall be entitled to and receive, after the said railway shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered, or received by the authority of this Act, in proportion to the number of shares so held, and every body politic, corporate, or collegiate, or community, person, or persons, having such property of one twenty-four thousandth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

And be it enacted, That in case the said sum of six hundred thousand pounds hereinbefore authorized to be raised shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said company to raise and contribute amongst themselves in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended railway, and its branches and other works or conveniences incidental or relative thereto, not exceeding the sum of four

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hundred thousand pounds currency aforesaid; and every subscriber towards raising such further or other sum of money shall be a shareholder in the said undertaking, and have a like vote by himself or herself, or his or her proxy, in respect of every share in the said additional sum so to be raised, and shall also be liable to such obligations and stand interested in all the profits and powers of the said undertaking in proportion to the sum he, she, or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised and a part of the said first sum of six hundred thousand pounds, anything herein contained to the contrary notwithstanding.

And be it enacted, That it shall be lawful for the directors of the said "Montreal and Kingston Railway Company," or a majority of a quorum of them, to enter into and make any arrangement with the directors of any other railway company now or hereafter to be chartered in any portion of the country between Montreal and Toronto, and more particularly with the directors of the Montreal and Lachine Railroad Company, for the union, junction, amalgamation, or purchase of any railway now or hereafter to be constructed and wholly or partially completed; and in case of the amalgamation or purchase of such railway the same shall become to all intents and purposes a portion of the said "Montreal and Kingston Railway Company," and the capital stock of the said Montreal and Kingston Railway Company, if the said company think fit to increase the same, shall be thereupon increased to the extent of the capital stock of the road so purchased, independently of all other increase of the same authorized by this Act.

And be it enacted, That the number of votes to which each shareholder in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said company are to be given, shall be in proportion to the number of shares held by him: Provided always, that no one shareholder as aforesaid shall have more than three hundred votes.

And be it enacted, That the first general meeting of the shareholders for putting this Act in execution may be held at the Court House in the city of Montreal whenever one thousand shares in the said undertaking shall have been subscribed, provided that public notice thereof be given during one week in the Canada Gazette and in any other paper published in Montreal, and in some paper published at Kingston aforesaid; and at such said first general meeting the shareholders assembled, together with such proxies as shall be present, shall choose nine persons, being each a shareholder of twenty or more shares in the said undertaking, out of whom any five or more of them shall be a committee for managing the affairs of the said company until the due appointment of directors as herein-after provided, and such committee shall have the same powers and authorities as are by law conferred on the said directors, and shall be subject to the same restrictions and control.

And be it enacted, That the said committee or any five of them shall call a general meeting of the shareholders for the purpose of putting this Act into effect, to be held in the city of Montreal within one month after one fourth of the capital stock authorized to be raised under this Act shall have been subscribed, fifteen days public notice thereof being given in the Canada Gazette, and in not less than one other newspaper published in each of the cities of Montreal and Kingston, at which said general meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons, being each a shareholder of not less than twenty shares in the said undertaking, to be directors of the said company in such manner as is herein-after directed.

And be it enacted, That in the month of February in each year an annual general meeting of the said company shall be held to choose directors in the room of those whose office may at that time become vacant, and generally to transact the business of the company; but if at any time it shall appear to any eleven or more of such shareholders, holding together two thousand shares at least, that for more effectually putting this Act in execution a special meeting of shareholders is necessary to be held, it shall be lawful for such eleven or more of them to cause fifteen days notice at least to be given thereof in the Canada Gazette and in any other newspaper in each of the cities of Montreal and Kingston, or in such manner as the shareholders or their successors shall, at any general meeting, direct or appoint, specifying in such notice the time and place, and the reason and intention of such special meeting respectively; and the shareholders are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the shareholders, or the majority of them, at such special meetings assembled, such majority not having either as principals or proxies less than two thousand shares, shall be as valid to all intents and purposes as if the same were done at general meetings: provided always, that it shall and may be lawful for the said company at such special meetings, in case of the death, absence, resignation, or removal of any person named of the committee to manage the affairs of the said company in manner aforesaid, to choose and appoint another or others, in the room or stead of those of such committee who may die or be absent, resign or be removed as aforesaid, anything in this Act to the contrary notwithstanding.

And be it enacted, That at the said annual meeting three of the said nine directors shall annually retire in rotation, the retirement of the said first elected nine directors being decided by lot, but the directors then or at any subsequent time retiring shall be

eligible for re-election: Provided always, that no such retirement shall have effect except the shareholders at such general meeting proceed to fill up the vacancies thus occurring in the direction.

And be it enacted, That any meeting of the said directors, at which not less than five directors shall be present, shall be competent to do and perform all and any of the powers hereby vested in the said directors of the said company.

And be it enacted, That the stock qualification of shareholders to be directors of the said company shall be twenty shares of twenty-five pounds currency each of the capital stock.

And be it enacted, That every such annual general meeting shall have power to appoint not exceeding three auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the treasurer, receiver and receivers, and other officer and officers to be by the said directors appointed, or by any other person or persons whatsoever employed by or concerned for or under them in and about the said undertaking, and to that purpose shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them.

And be it enacted, That no call of money from the shareholders shall exceed the sum of two pounds ten shillings per share of twenty-five pounds.

And be it enacted, That in all actions or suits at law by or against the company instituted in Lower Canada, recourse shall be had to the rules of evidence laid down by the laws of England as recognized by the courts in Lower Canada in commercial cases; and no shareholder shall be deemed an incompetent witness, either for or against the company, unless he be incompetent otherwise than as a shareholder.

And be it enacted, That if any writ of saisie-arrêt or attachment shall be served upon the said company, it shall be lawful for the secretary or treasurer in any such case to appear in obedience to the said writ to make the declaration in such case by law required according to the exigency of each case, which said declaration or the declaration of the president, shall be taken and received in all courts of justice in Lower Canada as the declaration of the company; and in causes where interrogatories sur faits et articles or serment décisoire may have been or may hereafter be served upon the company, the directors shall have the power, by a vote or resolution entered among the minutes of the proceedings of any meeting, to authorize the president or treasurer to appear in any cause to answer such interrogatories; and the answers of the president or treasurer so authorized shall be held and taken to be the answers of the company to all intents and purposes as if all the formalities by law required had been complied with; and the production of a copy of such resolution certified by the secretary, with the said answers, shall be sufficient evidence of such authorization.

And be it enacted, That it shall and may be lawful for the company to take and appropriate for the use of the railway so much of the land covered with the waters of the rivers Ottawa or Saint Lawrence, or of any other river, stream, or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharfs, quays, inclined planes, cranes, and other works as to the company shall seem meet: Provided always, that it shall not be lawful for the said company to cause any obstruction in or to impede the free navigation of the River Saint Lawrence or of the River Ottawa, or of any other river, stream, or canal to or across which their railway shall be carried; and if the said railway shall be carried across any navigable river or canal the said company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such drawbridge or swingbridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such drawbridge or swingbridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said company to construct any wharf, bridge, pier, or other work upon the public beach or bed of any navigable river or stream, or upon the land covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

And be it enacted, That by any regulations to be made by the Governor in Council touching any such drawbridge or swingbridge as aforesaid, penalties not exceeding ten pounds in any case may be imposed for the contravention thereof, and such penalties shall be recoverable from the said company or from any of their officers or servants by whom the regulations shall have been contravened.

And be it enacted, That the said company shall have power to become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds, and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer, and under the authority of a majority of a quorum of the directors, is and shall be binding upon the company; and every such promissory note or bill of exchange made, drawn, accepted, or endorsed by the president or vice-president of the said company, and countersigned by the secretary and treasurer as such either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted, or endorsed, as the case may be, for the company until the contrary be shown;

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and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note, nor shall the president, vice-president, or the secretary and treasurer of the company so making, drawing, accepting, or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever; provided always, that nothing in this clause shall be construed to authorize the said company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the notes of a bank.

And be it enacted, That if at any time the mayor, aldermen, and citizens of the city of Montreal, or the municipality of the city of Kingston, or the ecclesiastics of the seminary of Saint Sulpice of Montreal, or any other corporate body, civil or ecclesiastical, or any municipality in this province shall be desirous of subscribing for shares of the capital stock of the said company, or of otherwise promoting the speedy completion of the said railway, by loans of money or securities for money at interest or à constitution de rente, it shall be lawful for them respectively so to do in like manner and with the same rights and privileges in respect thereof as private individuals may do under or in virtue of this Act, anything in any Ordinance or Act or instrument of incorporation of any such body, or in any law or usage to the contrary notwithstanding: Provided always, that should the said company require to purchase from the ecclesiastics of the seminary of Saint Sulpice of Montreal any land either on the Lachine Canal, River Saint Lawrence, or in any other place for the purposes of the railway, it shall be lawful for the said ecclesiastics to sell and convey the same to the company without advertising and offering the said lands at public sale, or without any other formality of sale than is herein provided by this Act.

And be it enacted, That the Provincial Government may at any time after the commencement of the said railway assume the possession and property thereof and of all the property which the said company is empowered to hold, and shall then have, and of all the rights, privileges, and advantages vested in the said company, all of which shall, after such assumption, be vested in Her Majesty, on the said Government giving to the company six months notice of the intention to assume the same.

And be it enacted, That the Government shall, within six months after the company shall render an account in writing of the amount of money expended by the said company, and all their then ascertained liabilities up to the time of such assumption, pay to the company the whole amount of the money so expended and of the liabilities so ascertained, together with interest at the rate of six per cent., and ten per cent. additional thereon, after deducting the amount of any dividends before then declared; and the said Government shall also from time to time pay and discharge all liabilities of the company not ascertained at the time of such assumption, as the same shall be established against the said company: Provided always, that in case of difference between the Government and the company as to the amounts so to be paid by the Government, such difference shall be referred to two arbitrators, one to be named by the Government the other by the company, and in case of disagreement, such difference shall be referred to an umpire, to be chosen by the said arbitrators before entering into the consideration of the said difference; and that the said award so made by the arbitrators or the umpire shall be final: And provided also, that in case of refusal by the company to appoint an arbitrator on their behalf, the same shall be appointed by any two of the judges of the superior court for the district of Montreal, on application of the Government.

And be it enacted, That this Act shall be in force so to enable the said Company to enter upon lands, to make all necessary surveys for the construction of the said railway, from the time that the same shall receive the Royal assent, but not for any other purpose, until the Governor shall issue a proclamation declaring it to be in force.

I certify the above to be a true copy of the Act passed by the Legislative Council and Legislative Assembly of the Province of Canada, in the fourth session of the third Provincial Parliament, and assented to in Her Majesty's name by his Excellency the Governor-General, on the thirtieth day of August one thousand eight hundred and fifty-one.

Attest. J. F. TAYLOR,
Clk. to Leg. Council.

No. 6.

Cap. 146.

An Act to incorporate "The Kingston and Toronto Railway Company."

WHEREAS it is desirable, in carrying out the design of a main trunk line of railway through the province of Canada, that a company should be incorporated for the purpose of constructing so much of the said railway as may extend from the city of Kingston to the city of Toronto: And whereas Francis Manning Hill, mayor of the city of Kingston, David Roblin, warden of the united counties of Frontenac, Lennox, and Addington, George Benjamin, warden of the county of Hastings, William Hamilton Ponton, mayor of the Town of Belleville, Asa Allworth Burnham, warden of the united counties of Northumberland and Durham, William Weller, mayor of the town of Cobourg, James Smith, mayor of the town of Port Hope, and John George Bowes, mayor of the city of Toronto, have petitioned for the passing of a law incorporating a joint stock company for the purpose of constructing a single or double track iron railroad or way to extend from Kingston to Toronto aforesaid: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to re-unite the Provinces of Upper "and Lower Canada and for the Government of Canada;" and it is hereby enacted by the authority of the same, That the said Francis Manning Hill, David Roblin, George Benjamin, William Hamilton Ponton, Asa Allworth Burnham, William Weller, James Smith, and John George Bowes, with all such other persons or corporations as shall become shareholders in such joint stock company as is herein-after mentioned, shall be and are hereby ordained, constituted, and declared to be a body corporate and politic in fact, by and under the name and style of "The Kingston and Toronto Railway Company."

And be it enacted, that the several clauses of "The Railway Clauses Consolidation Act," to be passed during the present session, with respect to the first, second, third, and fourth clauses thereof, and also the several clauses of the said Act, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "directors, their election and duties," "shares, and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "working of the railway," and "general provisions," shall be incorporated with this Act.

And be it enacted, that the said company and their agents or servants shall have full power under this Act to lay out, construct, make, and finish a double or single iron railroad or way, at their own costs and charges, on and over any part of the country lying between the said city of Kingston and the said city of Toronto.

And be it enacted, that the Governor shall with all convenient speed cause to be ascertained by actual survey the shortest and most direct line between Kingston and Toronto, having due regard to the best grades and the interests of the province, and that the said company shall construct the said railway on the line selected by the Governor after such survey.

And be it enacted, that all deeds and conveyances for lands to be conveyed to the said company for the purposes of this Act shall and may, as far as the title to the said lands or the circumstances of the party making such conveyances will admit, be made in the form given in the schedule of this Act marked A., and all registrars are hereby required to enter in their registry book such deeds on the production thereof, and proof of execution, without any memorial, and to minute such entry on the said deed, and the said company are to pay to the said registrar for so doing the sum of two shillings and sixpence and no more.

And be it enacted, that the capital stock of the said company shall not exceed in the whole the sum of seven hundred and fifty thousand pounds currency, to be divided in thirty thousand shares of twenty-five pounds each, which amount shall be raised by the persons above named, or some of them, together with such other persons and corporations as may become subscribers towards such stock, and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said railway and other purposes of this Act, and to no other purpose whatever: Provided always, that until the said preliminary expenses connected with the said railway shall be paid out of the capital stock thereof, it shall be lawful for the municipality of any county, city, or town on the line of the said road, to pay, out of the general funds of such municipality, their fair proportion of such preliminary expenses; which sum shall be refunded to such municipality from the stock of the said company, or be allowed to them in payment of stock.

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And be it enacted, that until one third of the capital stock of the said company shall have been subscribed, the affairs of the said company shall be managed by the heads of the municipalities of the counties of Frontenac, Lennox, and Addington, Hastings, Northumberland and Durham, and York, the cities of Kingston and Toronto, and the towns of Belleville, Cobourg, and Port Hope, or by such persons in lieu thereof as may be appointed under the seal of the said municipalities, who, or a majority of them, are hereby authorized to take all necessary measures for opening the stock books and commencing the operations of the company.

And be it enacted, that so soon as one third of the said capital stock shall have been subscribed, a general meeting of the shareholders shall be held at the city of Kingston, for the purpose of putting this act into effect, which meeting may be called by the heads of any five municipalities of cities or counties on the line of road, fifteen days public notice thereof being given, and to be published once in one newspaper in each city or county on the line of road ; at which said general meeting the shareholders present, either in person or by proxy, shall choose nine directors in manner and qualified as herein-after mentioned, who, together with the ex-officio directors, as provided by the Railway Clauses Consolidation Act, shall hold office until the first Monday in April following : Provided, that the heads of municipalities subscribing for stock may represent such stock at the said first meeting, or in their absence such persons as may be duly authorized under the seal of the municipality for the purpose, and such heads of municipalities or persons so voting shall vote according to the scale of votes herein-after mentioned, and in the same manner as individual shareholders.

And be it enacted, that on the first Monday in April in each year, at such time and place as shall be appointed by the directors of the previous year, there shall be chosen by the shareholders nine directors, in the manner herein-after mentioned ; and public notice of such annual election shall be published one month before the day of election in the Canada Gazette, and also once fifteen days before the election in one newspaper in each city or county on the line of road ; and all elections for such directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be directors, and if it shall happen that two or more shall have an equal number of votes, the shareholders shall determine the election by another or other votes until a choice is made ; and if any vacancy shall at any time happen among the directors by death, resignation, or removal from the province, such vacancy shall be filled for the remainder of the year by a majority of the directors, and that the said nine directors, together with the said ex-officio directors, shall from the board of directors.

And be it enacted, that six directors shall form a quorum for the transaction of business : Provided, that the said directors may employ one or more of their said number, as paid director or directors.

And be it enacted, that the persons qualified to be elected directors of said company under this Act shall be any shareholder holding stock to the amount of five hundred pounds, who shall have paid up all calls on the said stock.

And be it enacted, that it shall and may be lawful for the directors at any time to call upon the shareholders for a first instalment of five per cent. upon each share which they or any of them may respectively subscribe for ; and that the residue of the amount of shares of the shareholders shall be payable by instalments at such times and in such proportions as the directors of the said company may see fit, so as no such instalment shall exceed ten per cent. : Provided always, that the said directors shall not commence the construction of the said railway or way until the said first instalment shall be called in.

And be it enacted, that each shareholder, whether in his own right or representing any municipality holding less than two hundred shares, shall be entitled to the number of votes proportioned to the number of shares which he or they shall have had in his or their name at least two weeks prior to the time of voting ; provided that no one shareholder as aforesaid shall have more than three hundred votes.

And be it enacted, that the said company shall have power to become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds, and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted, or endorsed by the president of the company or vice president, and countersigned by the secretary and treasurer, and under the authority of a majority of a quorum of the directors, is and shall be binding upon the said company, and every such promissory note or bill of exchange so made, drawn, accepted, or endorsed by the president or vice president of the said company, and countersigned by the secretary and treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, and accepted or endorsed, as the case may be, for the company until the contrary be shown ; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note, nor shall the president, vice president, or the secretary or treasurer of the company so making, drawing, accepting, or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever : Provided always, that nothing in this clause shall be construed to authorize the said company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the notes of a bank.

And be it enacted, that it shall be lawful for the directors (if authorized by any general meeting of the shareholders to be called for the purpose) to enter into and make any arrangement with the directors of any other railway company now or hereafter to be chartered in any part of this province, more particularly with the company of any railway extending from Kingston to Montreal, for the union, junction, amalgamation, or purchase of any railway or railway company by mutual agreement with such company, and the capital stock of any companies so united shall become the capital stock of the companies so united, and be controlled and managed as such independently of all other increase of stock authorized by this Act.

And be it enacted, that the gauge of the said railway shall not be broader or narrower than five feet six inches.

And be it enacted, that it shall and may be lawful for the said company to take and appropriate for the use of the said railway so much of the land covered with the waters of any river, stream, or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes, and other works, as to the company shall seem meet: Provided always, that it shall not be lawful for the said company to cause any obstruction in or to impede the free navigation of any river, stream, or canal to or across which their railway shall be carried; and if the said railway shall be carried across any navigable river or canal the said company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw bridge or swing bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw bridge or swing bridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said company to construct any wharf, bridge, pier, or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

And be it enacted, that by any regulations to be made by the Governor in Council touching any such draw bridge or swing bridge as aforesaid, penalties not exceeding ten pounds in any case may be imposed for the contravention thereof, and such penalties shall be recoverable from the said company or from any of their officers or servants by whom the regulations shall have been contravened.

And be it enacted, that the Provincial Government may at any time after the commencement of the said railway assume the possession and property thereof, and of all the property which the said company is empowered to hold and shall then have, and of all the rights, privileges, and advantages vested in the said company, all of which shall after such assumption be vested in Her Majesty, on the said Government giving to the company six months notice of the intention to assume the same.

And be it enacted, that the said Government shall, within six months after the company shall render an account in writing to the amount of money expended by the said company, and all their then ascertained liabilities up to the time of such assumption, pay to the said company the whole amount of the money so expended, and of the liabilities so ascertained, together with interest at the rate of six per cent., and ten per cent. additional thereon after deducting the amount of any dividends before then declared, and the said Government shall also from time to time pay and discharge all liabilities of the company not ascertained at the time of such assumption as the same shall be established against the said company: Provided always, that in case of a difference between the Government and the company as to the amount so to be paid by the Government, such difference shall be referred to two arbitrators, one to be named by the Government, the other by the company, and in case of disagreement such difference shall be referred to an umpire to be chosen by the said arbitrators before entering into the consideration of the said difference, and that the said award so made by the arbitrators or the umpire shall be final; and provided also, that in case of refusal by the company to appoint an arbitrator on their behalf, the same shall be appointed by any two of the judges of either of the superior courts of common law for Upper Canada, on application of the Government.

And be it enacted, that this Act shall be in force so as to enable the said company to enter upon lands, to make all necessary surveys for the construction of the said railway, from the time that the same shall receive the Royal Assent, but not for any other purpose until the Governor shall issue a proclamation declaring it to be in force.

SCHEDULE A.

Form of Conveyance.

Know all men by these presents, that I, A.B., of , do hereby, in consideration of (here state the purchase money), paid to me by the Kingston and Toronto Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey, and confirm unto the said Kingston and Toronto Railway Company, their successors and assigns, for ever, all that certain tract or parcel of land situate (here describe the land), the same having been selected and laid out by the said company for the purposes of their road;

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to have and to hold the said land and premises, together with the hereditaments and appurtenances thereto, to the said Kingston and Toronto Railway Company, their successors and assigns, for ever.

Witness my hand and seal, this day of one thousand eight hundred and [L. S.]

Signed, sealed and delivered in presence of

I certify the above to be a true copy of the Act passed by the Legislative Council and Legislative Assembly of the province of Canada, in the fourth session of the third provincial Parliament, and assented to in Her Majesty's name by his Excellency the Governor General, on the thirtieth day of August one thousand eight hundred and fifty-one.

Attest. J. F. TAYLOR,
Clerk, Legislative Council.

NOVA SCOTIA.

NOVA SCOTIA.

No. 1.

An Act to make provision for the Construction of a Trunk Railway through British North America.—(Passed the 29th day of November 1851.) *

Preambles.

WHEREAS the formation of railroads from Halifax to the rivers Detroit and Saint Croix would consolidate and strengthen the provinces of British America, develope their resources, multiply their social and commercial relations, and afford increased facilities for rapid intercommunication with the British Islands and with all parts of this continent:

And whereas Her Majesty's Government is prepared to advance the funds required to construct a portion of these works, on certain conditions:

And whereas Canada has made liberal provision for one third of a trunk line from Halifax to Quebec, and for the extension of that line to the river Detroit:

And whereas there is reason to anticipate the co-operation of New Brunswick in the completion of both lines passing through that province:

Arrangements may be made by the Governor and Council to construct railroad, &c.

I. Whenever the funds necessary for the purpose shall be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this province under such authority, or subscribed or loaned by individuals, as herein-after provided, it shall be lawful for the Governor in Council to enter into such arrangements as may be deemed conducive to the interests of this province, with the Government of the United Kingdom, and with the Governments of Canada and New Brunswick, in reference to the construction of a railway from the Harbour of Halifax, in Nova Scotia, to some point opposite the city of Quebec, either by constructing the same on the joint account of this province and the provinces of Canada and New Brunswick in equal proportions, or by engaging to construct, at the expense of this province, that part of the railway lying within Nova Scotia, or by making such other arrangements for the construction of the railway as may be agreed upon with the Government of the United Kingdom and such provincial Governments; and for facilitating such arrangements, all the ungranted lands within this province lying within ten miles on each side of the line of the railway are hereby placed at the disposal of the Governor in Council, to be appropriated, pledged, or otherwise dealt with as may be thought best for the interests of the province with regard to such arrangements, it being understood and hereby declared that the Legislature of this province will confirm and carry out, by such enactments as may be necessary to give full effect to the same, any arrangement and agreement which may be made by the Governor in Council, in the spirit and for the purposes of this Act.

Expenses how defrayed.

II. It shall be lawful for the Governor, out of the funds to be raised or advanced for the purpose, to pay such sums as may be required to defray the expenses of making that part of the railway which shall be made at the expense of this province under any such arrangement, or any other expenses which, under such arrangement, are to be borne by this province.

Appointment of commissioners.

III. Whenever the Governments of Canada, New Brunswick, and Nova Scotia have completed the arrangements necessary, and determined on the construction of the work contemplated by this Act, it shall be lawful for the Governor in Council to appoint not more than five commissioners, with full powers to construct such work, in conjunction with commissioners to be appointed in the other provinces, who shall be empowered, from time to time, to draw upon the Receiver General for any amount, not to exceed one third of the funds required for the same.

The railway to be a provincial work.

IV. The main trunk line of railway, or such part thereof as may be made under the provisions of the preceding sections of this Act, shall be a public provincial work; and the railway shall be made through this province on such line and in such places as the

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* See further Act passed 8th April 1852, and printed at page 159.

Governor in Council shall determine and appoint as best adapted to promote the general interests.

Lands to be appropriated for road.

V. The commissioners are authorized to enter upon and take possession of any lands required for the track of the railway or for stations, and they shall lay off the same by metes and bounds, and record a description and plan thereof in the registry of deeds for the county, and the same shall operate as a dedication to the public of such lands; but the lands so taken shall not be less than four nor more than eight rods in breadth for the track, nor more than five acres in extent for any station.

Entry, &c. upon other lands.

VI. The commissioners may enter, with workmen, carts, carriages, and horses, upon any lands, and therefrom, for the making of such railroad, dig up and carry away stones and gravel, and cut down and carry away any trees, bushes, logs, poles, and brushwood.

Commissioners may make agreement relative to lands, &c.

VII. The commissioners may make an agreement in writing with the proprietors of the land so taken for damages and fencing, where such fencing shall be considered requisite by the commissioners, and also for materials for the road taken from any lands; and the same shall be laid before the sessions, and, if approved of, shall be confirmed.

Appraisement where no agreement made.

VIII. Where no agreement shall be made, or the same shall not be confirmed, one appraiser shall be appointed by the sessions, a second by the persons interested in the lands, and on their default, after three days notice by the clerk of the peace, such two shall choose a third appraiser; and the appraisers shall be sworn to the faithful discharge of their duty, and they or any two of them shall make a valuation as to damages for lands, and fencing when requisite, or materials taken from any land, which valuation shall be final.

Where proprietor is benefited by the road.

IX. In making such arrangement or appraisement, the benefit likely to be derived by the proprietor from the railway running through his land shall be taken into consideration, and the damages thereby reduced or extinguished.

The amount of appraisement to be a county charge.

X. The monies payable for such lands and fencing shall form a county charge, but in the apportionment of the assessment the session shall have respect to the relative benefits derived from the railway by the several sections of the county, and shall appoint the assessment accordingly.

Investment in the railway, how made.

XI. If any corporation or individual shall desire to invest monies in the railway fund applicable to the construction of this work at their own risk, sharing with the Government the hazard and the profit of the enterprise, it shall be lawful for the Receiver General to issue scrip in sums not less than twenty-five pounds, bearing no interest, but entitling the holder to a share, proportioned to his investment, in the tolls and revenues of the road.

Loans to the province for railroad, how made.

XII. Any person desiring to invest, on the credit of the province, monies in the railway fund, applicable to the construction of this work, may pay any amount to the Receiver General, under the same guards and regulations as now secure the monies invested in the savings bank, provided that the rate of interest to be paid on such instalments shall be the same as the province pays for the loans advanced by Her Majesty's Government.

How the railroad is to be worked.

XIII. Whenever the railway shall be completed from Halifax to Quebec, it shall be lawful for the Governor in Council to make, in conjunction with the Governments of Canada and New Brunswick, such arrangements as may be suitable for working the railway as one line, by a common management, or for working that portion of the line which shall have been constructed at the risk of this province; such arrangements to be submitted to both branches of the Legislature at the session then next ensuing; and during the progress of the work the Governor in Council shall have the like power over the portion of the line within this province, and arrangements made in reference thereto shall be submitted in like manner.

The amount to be raised not to exceed 1,000,000*l.* sterling.

XIV. The total sum to be raised for the purposes of this Act, upon the credit of the revenues of this province, shall never exceed in the whole the sum of one million of pounds sterling, including the stock to be held by the city of Halifax, and any stock that may be taken by private individuals.

Act not to go into operation until, &c.

XV. This Act shall not go into operation unless provision be made by the province of New Brunswick for the construction of a branch line from some convenient point of intersection with the main trunk line to the river Saint Croix.

Government House, Halifax,
11th December 1851.

It is hereby certified, that the foregoing is a true copy of an Act passed in the last session of the Legislature.

J. HARVEY, Lieut.-Governor.

No. 2.

An Act for raising*, by way of loan, a sum not exceeding one million of pounds sterling, for the construction of a trunk railway through British North America.—(Passed the 29th day of November, A.D. 1851.)

Preamble.

WHEREAS Her Majesty's Government is disposed, on certain conditions, to recommend to Parliament that the credit of the United Kingdom shall be employed to enable the provinces of Canada, New Brunswick, and Nova Scotia to raise, upon advantageous

* See further Act passed 8th April 1852, printed at page 161.

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terms, the funds necessary for the construction of a line of railway from the harbour of Halifax in Nova Scotia to Quebec or Montreal in the province of Canada:

And whereas the Parliament of this province hath, during the present session, passed an Act for the construction of that portion of the railway from the harbour of Halifax to Quebec which is to be made by this province, provided the necessary funds shall be raised under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this province under such authority:

Funds for railway, how raised.

I. The sum necessary for defraying the expenses of making such part of the railway from the harbour of Halifax to some point opposite the city of Quebec as may be to be made under the provisions of the Act passed in the present session, and entitled "An Act "to make provision for the construction of a trunk railway through British North "America," and the arrangements under the same, or any other expenses which under any such arrangement are to be borne by this province, may be raised and borrowed under the provisions of any Act which shall be passed by the Parliament of the United Kingdom authorizing the advance of such sums to this province from the Treasury of the United Kingdom, or guaranteeing the repayment of the sums so borrowed, the due payment of dividends and interest thereon, or providing in any other way for the employment of the credit of the United Kingdom, so as to ensure the raising of such sums on advantageous terms; and the sums so raised shall be applied to the purposes for which they are hereby authorized to be raised, and no other; but the sums to be raised under the authority of this Act shall not in the whole exceed the sum of one million of pounds sterling, including the stock held by the city of Halifax as herein-after mentioned, and any stock that may be taken by private individuals.

Money raised charged on the general revenues.

II. Such sums may be raised and borrowed, under and subject to the provisions of any such Act of the Parliament of the United Kingdom, by any person appointed in that behalf by Her Majesty or by the Governor of this province, by loan debentures or otherwise; and the principal sums so raised, and the dividends and interest thereon, are hereby charged on the general revenues of this province, of which the profits coming to this province from any part of the railway made with the funds raised under this Act shall form part, and shall be the first charge thereon after any previously existing debts of the province, and the sums payable under any Act then in force granting a civil list to Her Majesty.

Sinking Fund.

III. The annual sums payable for the transmission of British mails and troops shall be carried to the credit of the loan contracted, and shall, together with the net profits of the railway, after deducting working expenses and interest, form a sinking fund for the liquidation of such loan.

When principal borrowed, to become chargeable on general revenues, &c.

IV. Until the railway shall pay its working expenses, and the annual interest due upon the loan contracted, no part of the principal sum shall be chargeable upon the revenues of this province, nor shall the sinking fund ever consist of more than two per cent. per annum, if chargeable on the provincial revenues, on the principal sums so to be raised and borrowed.

Money borrowed, how to be received and paid.

V. The principal sums so to be raised and borrowed shall be received, from time to time as the same may be raised, by the Receiver General, who shall, upon the warrants of the Governor, pay out of the same such sums as may from time to time be required for defraying the expenses made payable out of the same by this Act and the Act of this session herein-before referred to; and who shall also, upon the warrants of the Governor pay the dividends and interest upon the sums so raised and borrowed, as the same shall become due, together with the sums accruing to the sinking fund; and such fund shall be paid and managed in such manner, for the redemption and liquidation of the principal sums, as shall be agreed upon and negotiated when the principal sums shall be raised and borrowed; or if there be no such agreement in that behalf, then in such manner as the Governor in Council shall from time to time direct and appoint, subject, however, to the provisions of this Act; and it is hereby declared, that the Parliament of this province will confirm and carry out, by such legislative enactments, if any, as may be necessary to give full effect to the same, any arrangement or agreement not inconsistent with the spirit of this Act and of the Act of this session herein-before referred to, which may be made or authorized by the Governor in Council, with regard to the raising and borrowing the sums aforesaid, under the provisions of any Act to be passed by the Parliament of the United Kingdom in that behalf, and for the purpose of complying with the requirements of such Act.

Interest, how paid.

Sinking fund, how managed.

Agreements to be confirmed by Legislature.

Accounts to be laid before the Legislature.

VI. The Receiver General shall, before each session of the provincial Parliament, transmit to the Governor, for the purpose of being laid before the two Houses of the Legislature, a correct and detailed statement and account of the sums raised under the authority of this Act, and of the debentures and other securities which shall have been issued, and of the dividends and interest paid thereon, and of the sinking fund, and of the redemption of the whole or any part of the principal sum by means of the sinking fund, or otherwise, and of the expenses attending the negotiation, management, payment, and redemption of the loan.

City of Halifax to hold stock to the amount of 100,000*l.* sterling.

VII. The city of Halifax shall be considered as holding stock in the railway to the extent of one hundred thousand pounds sterling, and shall be entitled to participate in the profits of the railway in proportion to the amount of such stock, and shall be assessed annually for the amount of interest thereon, at the same rate of interest at which the

loan is obtained; and also for a proportionate amount of such sums as may be chargeable against the general revenues of this province for the sinking fund, such annual sums to be assessed and levied in the same manner in which other city rates are now assessed and levied, and to be paid into the hands of the Receiver General, to form a part of the general revenues of this province, and to continue to be so annually assessed, levied, and paid in, until the loan obtained under this Act shall become extinguished under the provisions thereof.

Application of money to be accounted for to Her Majesty.

VIII. The due application of the monies to be raised under the authority of this Act, and of all sums to be expended under such authority, shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty shall direct, and an account of all sums expended under the authority of this Act shall be laid before both Houses of the provincial Parliament within fifteen days after the opening of the session thereof next after such expenditure.

And whereas, for the maintenance of the credit and good faith of this province, it is indispensable that the annual revenues from all sources should never fall short of the amount collected in the present year while any portion of the loan contemplated by this Act remains due and unpaid:

Tariff not to be reduced.

IX. Until the monies advanced or guaranteed by the Imperial Government shall have been repaid, or until the roads built with the same shall yield a net income of three and one half per cent., the tariff of the year one thousand eight hundred and fifty-one shall form the basis of the revenue laws of this province, and shall not be varied or changed so as to diminish the amount of security which it is the intention and meaning of this Act should be pledged to Her Majesty's Government; but nothing herein contained shall be construed to prevent the Legislature from annually revising such tariff, or from making regulations in respect to trade and the protection of the revenue, due care being taken that any alterations to be made shall not diminish the net income of the province below the amount collected or to be collected in the year one thousand eight hundred and fifty-one, and that changes which may so operate shall, before becoming law, be reported to and approved of by Her Majesty's Government.

Government House, Halifax,
11th December 1851.

It is hereby certified, That the foregoing is a true copy of an Act passed in the last Session of the Legislature.

J. HARVEY,
Lieut.-Governor.

No. 3.

No. 3.

An Act relative to the Crown Land Department. (Passed the 29th day of November, A.D. 1851.)

Commissioner, &c.

1. The Surveyor General and Commissioner of Crown Lands shall hereafter be styled "Commissioner of Crown Lands."

Duties of.

2. It shall be the duty of the Commissioner of Crown Lands, in addition to his present duties, when so required by the Governor in Council,

To make surveys within ten miles of railways;

To cause a survey to be made of all the Crown Lands within ten miles on each side of any line of railroad which may be first put under contract in this province, such lands to be laid off in lots of 100 acres each, except in the neighbourhood of any railway station or other desirable locality, where town lots of smaller dimensions may be laid off.

To prepare plans, &c.;

To prepare and cause to be lithographed plans or maps of such lands, with the lots numbered, and the course of the railroad, or of any streams or public roads running through the same, and the price of the lots clearly indicated thereon.

To sell lots;

To sell, without reference or delay, and where there is no adverse possession, at such price as may have been affixed by order of the Governor in Council, any such lot to which the title of the Crown is clear.

To transmit plans to emigrant agents;

To forward to every emigrant agent in the United Kingdom copies of such plans, with a public advertisement of the lands thus offered for sale.

To correspond with commissioners, &c. in the United Kingdom;

To correspond with the Commissioners of Lands and Emigration in the United Kingdom, or other legally constituted authorities within the same, supplying them from time to time with information, and co-operating with them for the speedy sale and settlement of the public lands.

To collect returns;

To collect, through the deputy surveyors in each county, annual returns of the number of tradesmen, mechanics, labourers, and apprentices which the formed settlements in such counties would probably require.

To transmit same to Commissioners of Lands and Emigration.

To transmit copies of such returns to the Commissioners of Lands and Emigration in December in each year, and generally to superintend and facilitate the transmission and location of such immigrants as may land at any port within the province, of which he shall have due notice.

Regulations may be altered.

3. The Governor in Council may from time to time modify, alter, or change the above

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regulations, such alterations to be published in the "Royal Gazette," and laid before the Legislature at the next ensuing session.

Guardian of young persons landed in this province.

4. The Commissioner of Crown Lands and any deputy surveyor who may be commissioned for the purpose by the Governor shall be the legal guardian of such young persons as may be landed in the province, under the authority and at the expense of the Commissioners of Land and Emigration, or of any legally constituted board having the sanction of Her Majesty's Government; such officers having power to bind by indenture such young persons until they are twenty-one years of age, and to protect them from ill-treatment or neglect, by appeal to the ordinary tribunals, in as ample a manner as other apprentices are now protected by law; but no greater number of such young persons shall be so protected than shall have been forwarded to the province on requisition from the Commissioner of Crown Lands; and the expense of maintaining them after their arrival and forwarding them to their destination, and of the requisite indentures, shall be paid or refunded by the persons to whom they are bound.

Duties.

Governor in Council may order survey of lands.

5. The Governor in Council may direct the surveying and laying off, in manner herein-before mentioned, of other lands than those mentioned in section 2., and may direct plans thereof to be prepared, and such other steps taken in relation thereto as may be deemed advisable.

Duty of deputy Surveyors;

6. It shall be the duty of the deputy surveyors in the different counties,

To collect information;

To collect information within their counties relating to the ungranted lands therein, the quality, description, and value of the buildings on the occupied portions thereof, and the quality of the soil and the quantity and quality of the timber thereon, and transmit the same to the Commissioner of Crown Lands.

To receive and transmit applications for grants, and report thereon.

To receive and transmit to the Crown Lands Office all applications for grants; the same, where no previous survey has been made, to be accompanied by a plan of the lands applied for upon a survey and running out thereof by the deputy surveyor, made at the expense of the applicant; and also by a report setting forth the quality, situation, and value of the land, and whether any and what portion thereof has been occupied or improved, and by whom; when a survey shall have been previously made to refer specifically thereto, and to the number of the lot on any plan thereof, and the state of the land at the time of the application, and whether it has been occupied, and if so, by whom, and what, in his opinion, is the then value of it, the value in either case, if improved, to be estimated as if in its original state, and separately taking into consideration such improvements.

Price of ungranted lands, how settled.

7. The Governor in Council may from time to time, subject to the previous provisions, settle the price to be paid for ungranted lands, and the manner of making application therefor.

Grants to purchasers.

8. Any of Her Majesty's subjects may, upon due application to the Commissioner of Crown Lands, subject to the operation of the previous provisions, become the purchaser of such lands as may be for sale, and he shall immediately pay the price and be entitled to possession, and to a grant in fee simple, subject to such reservations and conditions as may be deemed necessary.

Where lands built upon or improved.

9. If at the time of any application there was any dwelling-house on the lands in which any person other than the applicant then and for a year previously had continually resided, or in case five acres at least of the land had been cleared or cultivated during such person's actual possession, and had been for at least one year in his constant use, then, unless such fact shall have been communicated to the Commissioner before the passing of the grant, the Governor in Council may, within two years from the passing thereof, if it shall appear proper so to do, declare the grant to be vacated, and the same shall thereupon become void.

Power of Governor in Council to sell.

10. The Governor in Council may, from time to time, sell or lease any lands, at such price and for such tenure, time, or use, either as regards the land, or timber, quarries, or mines thereon, or other benefit to be derived therefrom, as may be deemed expedient.

Reservations for the use of Indians.

11. The Governor in Council may reserve lands for the use of the Indians, may divide existing reservations, and vest in the Commissioner of Crown Lands the title to such lands, and the duty of protecting the rights of the aborigines who are disposed to settle thereupon.

Repeal of Cap. 28.

12. Chapter 28 of the revised Statutes is repealed.

Government House, Halifax,
December 11, 1851.

It is hereby certified, that the foregoing is a true copy of an Act passed in the last session of the Legislature.

J. HARVEY, Lieut.-Governor.

No. 4.

An Act for the Incorporation of Land Companies. (Passed the 29th day of November, A.D. 1851.)

Incorporation of Land Companies.

I. Whenever any British subjects desire to form an association for the purchase and improvement of Crown lands on the lines of the contemplated trunk line of railroad from

Halifax to Quebec, they may transmit the names of such persons, not less than twenty, as they wish to represent them, to the Commissioners of Lands and Emigration, to be transmitted to the Lieutenant-Governor of this province, who shall thereupon, if, with the advice of Council, it be determined to invest such persons with corporate powers, direct their names to be inserted in the Royal Gazette, and a patent to issue, clothing such persons and their copartners with the privileges and legal liabilities of a corporation upon the following terms, subject to such restrictions as may by the Governor in Council be deemed necessary.

First. The name of the company, and the names of its directors, to be lodged in the office of the provincial secretary, with an impression of its common seal. — Name and seal to be lodged with provincial secretary.

Second. The directors to be liable to the whole extent of their fortunes for the debts of the company, being vested with power to sue and be sued in their corporate capacity. — Liability of directors.

Third. The shareholders to be liable only to the extent of their shares. — Liability of shareholders.

Fourth. The company to purchase 50,000 acres of Crown lands on the line of railroad at such price as may be determined upon by the Government, with power to purchase any further quantity when one half of the original purchase has been sold and settled. — Purchase of lands.

Fifth. The lands to be laid off in lots of 100 acres at the expense of the Government, and numbered on the plans from 1 to 500, it being provided in the general grant that every lot on which there is not a dwelling house actually occupied, and at least five acres of land cleared and improved, at the end of ten years from the date of its purchase, shall revert to the Government, and become a part of the public domain, upon a declaration of the Governor in Council to that effect, without office found. — Lands to be laid off by Government.

Sixth. Where the lands purchased are in one block, and are not included in any township, they shall be formed into a township, and the inhabitants, whenever they shall number 100 heads of families, shall be invested by law with all the privileges of township organisation. — Formation of townships.

Seventh. The capital of the company shall be limited to 50,000*l.*, but may be increased by 1*l.* for every acre of land purchased from the Provincial Government above the quantity specified in the fourth condition. — Capital.

II. The company shall have power over such lands as they shall purchase—over mines not subject to legal reservation—over the standing timber, mill sites, and water privileges, and may lay off and sell such lands in town lots or blocks of less or more than 100 acres, at their option, and for the general advantage. — Power of company.

III. The company may enter into contracts with any commissioners appointed by the Provincial Government to construct so much of the railway as will run through the lands purchased, and to work and repair such railway after it is made ; but no greater amount shall be charged for the construction and working of such sections of the railway than is paid for constructing and working other portions of the line. — Contracts with commissioners of railroad.

Government House, Halifax, December 11, 1851.

It is hereby certified, that the foregoing is a true copy of an Act passed in the last session of the Legislature.

J. Harvey,
Lieut.-Governor.

No. 5. — No. 4.

An Act to make Provision for the Construction of a Trunk Railway from Halifax to Quebec. (Passed April 8, 1852.)

Whereas the formation of a great trunk line of railway from the harbour of Halifax to Quebec, through British territory, would consolidate and strengthen the provinces of British North America, develope their resources, settle their waste lands, multiply their social and commercial relations, and afford increased facilities for rapid intercommunication with the British islands, and with all parts of this continent: And whereas it is anticipated that Her Majesty's Government will advance or guarantee the funds required to construct this work on certain conditions:

Be it enacted, by the Governor, Council, and Assembly, as follows:—

1. Whenever the funds necessary for the purpose shall be raised by loan, under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this province under such authority, or subscribed or loaned by individuals, as herein-after provided, it shall be lawful for the Governor in Council to enter into such arrangements as may be deemed conducive to the interests of this province with the Government of the United Kingdom, and with the Governments of Canada and New Brunswick, in reference to the construction of a railway from the harbour of Halifax, in Nova Scotia, to some point opposite the city of Quebec, either by constructing the same on the joint account of this province and the provinces of Canada and New Brunswick, or by engaging to construct, at the expense of this province, that part of the railway lying within Nova Scotia, or by making such other arrangements for the construc-

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tion of one fourth part of the said railway as may be agreed upon with the Government of the United Kingdom and such provincial governments; and for facilitating such arrangements all the ungranted lands within this province, lying within five miles on each side of the line of the railway, are hereby placed at the disposal of the Governor in Council, to be appropriated, pledged, or otherwise dealt with as may be thought best for the interests of this province; with regard to such arrangements, it being understood and hereby declared that the Legislature of this province will confirm and carry out, by such enactments as may be necessary to give full effect to the same, any arrangement and agreement which may be made by the Governor in Council in the spirit and for the purposes of this Act.

2. The great trunk line of railway shall be constructed by this province, in conjunction with the provinces of Canada and New Brunswick, in the following proportions; that is to say:

The province of New Brunswick to make provision for, and to contribute to, the construction of the whole line, five twelfths—Canada four twelfths, and this province three twelfths—each province bearing the hazard and sharing the profits of the whole enterprise in the like proportions; and this province, after the debt shall have been paid, to own three twelfths of the whole line.

3. It shall be lawful for the Governor, out of the funds to be raised or advanced for the purpose, to pay such sums as may be required to defray the expenses of making that part of the railway which shall be made at the expense of this province under any such arrangement, or any other expenses which, under such arrangements, are to be borne by this province.

4. Whenever their services are required, it shall be lawful for the Governor in Council to appoint not more than five commissioners, with full powers to construct such work, in conjunction with commissioners to be appointed in the other provinces, who shall be empowered from time to time to draw upon the Receiver-General for any amount not to exceed one fourth of the funds required for the same; provided that not more than one of such commissioners shall at any time hold a seat in the Legislature.

5. The Executive Government shall, in the first instance, fix the rate of salary for the respective commissioners appointed for this province, subject to the revision and confirmation of the Legislature at its first session thereafter.

6. No member of the Legislature shall hold or be appointed to any office of emolument under the commissioners, or be a contractor, or party to any contract arising out of the construction, management, or working of the road, or any part thereof.

7. The main trunk line of railway, or such part thereof as may be made under the provisions of the preceding actions of this Act, shall be a public provincial work, and the railway shall be made through this province on such line and in such places as the Governor in Council shall determine and appoint as best adapted to promote the general interests.

8. The commissioners are authorized to enter upon and take possession of any lands required for the track of the railway or for stations, and they shall lay off the same by metes and bounds, and record a description and plan thereof in the registry of deeds for the county in which the lands are situate, and the same shall operate as a dedication to the public of such lands; but the lands so taken shall not be less than four nor more than eight rods in breadth for the tract, nor more than five acres in extent for any station.

9. The commissioners may enter, with workmen, carts, carriages, and horses, upon any lands, and therefrom, for the making of such railroad, dig up and carry away stones and gravel, and cut down and carry away any trees, bushes, logs, poles, and brushwood.

10. The Commissioners may make an agreement in writing, with the proprietors of the land so taken, for damages and fencing, where such fencing shall be considered requisite by the Commissioners, and also for materials for the road taken from any lands, and the same shall be laid before the sessions, and, if approved of, shall be confirmed.

11. Where no agreement shall be made, or the same shall not be confirmed, one appraiser shall be appointed by the sessions, a second by the persons interested in the lands, and on their default, after three days notice, by the clerk of the peace, such two shall choose a third appraiser, and the appraisers shall be sworn to the faithful discharge of their duty, and they, or any two of them, shall make a valuation as to damages for lands and fencing when requisite, or materials taken from any land, which valuation shall be final.

12. In making such arrangement or appraisement the benefit likely to be derived by the proprietor from the railway running through his land shall be taken into consideration, and the damages thereby reduced or extinguished.

13. The monies payable for such lands and fencing shall form a county charge, but in the apportionment of the assessment the sessions shall have respect to the relative benefits derived from the railway by the several sections of the county, and shall apportion the assessment accordingly.

14. If any corporation or individual shall desire to invest monies in the railway fund, applicable to the construction of this work, at their own risk, sharing with the Government the hazard and the profit of the enterprise, it shall be lawful for the Receiver-

General to issue scrip in sums not less than twenty-five pounds, bearing no interest, but entitling the holder to a share proportioned to his investment in the tolls and revenues o the road.

15. Any person desiring to invest, on the credit of the province, monies in the railway fund, applicable to the construction of this work, may pay any amount to the Receiver General, under the same guards and regulations as now secure the monies invested in the savings bank; provided that the rate of interest to be paid on such instalments shall be the same as the Province pays for the loans advanced by or on the guarantee of Her Majesty's Government.

16. Whenever the railway shall be completed from Halifax to Quebec, it shall be lawful for the Governor in Council to make, in conjunction with the Governments of Canada and New Brunswick, such arrangements as may be suitable for working the railway as one line, by a common management, or for working that portion of the line which shall have been constructed at the risk of this province, such arrangements to be submitted to both branches of the Legislature at the session then next ensuing; and during the progress of the work the Governor in Council shall have the like power over the portion of the line within this Province, and arrangements made in reference thereto shall be submitted in like manner.

17. The total sum to be raised for the purposes of this Act, upon the credit of the revenues of this Province, shall never exceed, in the whole, the sum of eight hundred thousand pounds sterling.

18. An Act passed during the last session of the General Assembly, entitled "An Act "to make provision for the construction of a trunk railway through British North "America," is repealed.

Government House, Halifax,
April 15, 1852.

It is hereby certified, that the foregoing is a true copy of an Act passed in the last session of the Legislature.

JOHN BAZALGETTE,
Administrator.

Halifax, April 15, 1852.

This Act in my opinion is unobjectionable, and should pass into a law.

JAMES B. UNIACKE,
Attorney-General.

No. 6.

No. 6.

An Act for raising, by way of loan, a sum not exceeding eight hundred thousand pounds sterling, for the construction of a trunk railway from Halifax to Quebec.

[Passed 8th April 1852.]

WHEREAS Her Majesty's Government is disposed, on certain conditions, to recommend to Parliament, that the credit of the United Kingdom may be made available to enable the provinces of Canada, New Brunswick and Nova Scotia to raise, upon advantageous terms, the funds necessary for the construction of a line of railway from the harbour of Halifax in Nova Scotia, through British territory to Quebec, in the province of Canada: And whereas the General Assembly of this Province hath, during the present session, passed an Act for the construction of a certain proportion of said railway, provided the necessary funds shall be raised under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province, under such authority:

Be it enacted, by the Governor, Council, and Assembly, as follows:

1. The sum necessary for defraying the expenses of making such part of the railway from the harbour of Halifax to some point opposite the city of Quebec, as may be to be made under the provisions of the Act passed in the present session, and entitled "An Act to make provision for the construction of a trunk railway from Halifax to Quebec," and the arrangements under the same, or any other expenses which, under any such arrangement, are to be borne by this Province, may be raised and borrowed under the provisions of any Act which shall be passed by the Parliament of the United Kingdom, authorizing the advance of such sums to this Province from the Treasury of the United Kingdom, or guaranteeing the repayment of the sums so borrowed, the due payment of dividends and interest thereon, or providing in any other way for the employment of the credit of the United Kingdom, so as to ensure the raising of such sums on advantageous terms; and the sums so raised shall be applied to the purposes for which they are hereby authorized to be raised, and no other; but the sums to be raised under the authority of this Act shall not in the whole exceed the sum of eight hundred thousand pounds sterling.

2. Such sums may be raised and borrowed under and subject to the provisions of any such Act of the Parliament of the United Kingdom, by any person appointed in that behalf by Her Majesty, or by the Governor of this Province, by loan debentures or otherwise; and the principal sums so raised, and the dividends and interest thereon, are hereby charged on the general revenues of this Province, of which the profits coming to

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this Province from any part of the railway made with the funds raised under this Act, shall form part, and shall be the first charge thereon after any previously existing debts of the Province, and the sums payable under any Act then in force granting a civil list to Her Majesty.

3. For creating a sinking fund for payment of the loan to this Province, if required by the Imperial Government, the profits of the railway accruing to this Province, after deducting interest, repairs, working and incidental expenses, to be allowed as such by Her Majesty's Government, and also the proceeds arising from the sale and leasing of the lands appropriated by the first section of the Act passed at this present session, entitled "An Act to make provision for the construction of a trunk railway from Halifax to "Quebec," shall be set apart and shall form such sinking fund.

4. The principal sums so to be raised and borrowed shall be received from time to time as the same may be raised by the Receiver General, who shall, upon the warrants of the Governor, pay out of the same such sums as may from time to time be required for defraying the expenses made payable out of the same by this Act and the Act of this session herein-before referred to; and who shall also, upon the warrants of the Governor, pay the dividends and interest upon the sums so raised and borrowed as the same shall become due, together with the sums accruing to the sinking fund; and such fund shall be paid and managed in such manner for the redemption and liquidation of the principal sums as shall be agreed upon and negotiated when the principal sums shall be raised and borrowed; or if there be no such agreement in that behalf, then in such manner as the Governor in Council shall from time to time direct and appoint, subject, however, to the provisions of this Act; and it is hereby declared, that the Parliament of this Province will confirm and carry out by such legislative enactments, if any, as may be necessary to give full effect to the same, any arrangement or agreement not inconsistent with the spirit of this Act and of the Act of this session herein-before referred to, which may be made or authorized by the Governor in Council, with regard to the raising and borrowing the sums aforesaid, under the provisions of any Act to be passed by the Parliament of the United Kingdom in that behalf, and for the purpose of complying with the requirements of such Act.

5. The Receiver-General shall, before each session of the Provincial Parliament, transmit to the Governor, for the purpose of being laid before the two Houses of the Legislature, a correct and detailed statement and account of the sums raised under the authority of this Act, and of the debentures and other securities which shall have been issued, and of the dividends and interest paid thereon, and of the sinking fund, and of the redemption of the whole or any part of the principal sum, by means of the sinking fund or otherwise, and of the expenses attending the negotiation, management, payment, and redemption of the loan.

6. The due application of the monies to be raised under the authority of this Act, and of all sums to be expended under such authority, shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty shall direct, and an account of all sums expended under the authority of this Act, shall be laid before both Houses of the Provincial Parliament within fifteen days after the opening of the session thereof next after such expenditure.

And whereas for the maintenance of the credit and good faith of this Province, it is indispensable that the annual revenues from all sources should never fall short of the amount collected in the last year, while any portion of the loan contemplated by this Act remains due and unpaid:

7. Until the monies advanced or guaranteed by the Imperial Government shall have been repaid, or until the roads built with the same shall yield a net income of three and one-half per cent., the tariff of the year one thousand eight hundred and fifty-one shall form the basis of the revenue laws of this province, and shall not be varied or changed so as to diminish the amount of security which it is the intention aed meaning of this Act should be pledged to Her Majesty's Government; buc nothing herein contained shall be construed to prevent the Legislature from annually revising such tariff, or from making regulations in respect to trade and the protection of the revenue, due care being taken that any alterations to be made shall not diminish the net income of the Province below the amount collected in the year one thousand eight hundred and fifty-one, and that changes which may so operate shall, before becoming law, be reported to and approved of by Her Majesty's Government.

8. The Act passed during the last session of the Assembly, entitled "An Act for raising, "by way of loan, a sum not exceeding one million of pounds sterling, for the construction "of a trunk railway through British North America," is repealed.

Government House, Halifax, April 15, 1852.

It is hereby certified, That the foregoing is a true copy of an Act passed in the last session of the Legislature.

JOHN BAZALGETTE,
Administrator.

Halifax, April 15, 1852.

This Act, in my opinion, is unobjectionable, and should pass into a law.

JAMES B. UNIACKE,
Attorney General.

NEW BRUNSWICK

No. 1.

No. 1.

An Act to amend an Act to incorporate the European and North American Railway Company. [Passed 7th April 1852.]

WHEREAS the Act passed in the fourteenth year of the reign of Her present Majesty, intituled "An Act to incorporate the European and North American Railway Company," requires to be amended in certain particulars: Preamble. Private Act, 14 Vict. c. 1.

Be it therefore enacted by the Lieutenant-Governor, Legislative Council, and Assembly, as follows:

1. The thirty-eighth section of the aforesaid Act of Incorporation shall be and is hereby amended by the following addition thereto: Provided always, that the Lieutenant-Governor or administrator of the Government for the time being, or any public officer by him appointed for that purpose, may direct the said railway company to make alterations in crossings which the increase of traffic on the highways, turnpikes, or other roads whatsoever arising from that on the railways may render necessary, although at the outset a level crossing might be allowed without danger; and the alteration so directed shall forthwith be made by the company. 14 Vict. c. 1. sec. 38. amended. Railway crossings to be altered on requisition.

2. The sixty-first section of the said Act of Incorporation shall be and the same is hereby repealed; and in lieu thereof it is enacted as follows: The directors of the said railway company shall be bound to provide such conveyance for the officers or soldiers of Her Majesty's forces of the line, Ordnance corps, marines, militia, or police forces at such time or times (whether the same shall be the usual hours of starting trains or not) as shall be required or appointed by any officer duly authorized for that purpose, and with the whole resources of the company, at fares not exceeding twopence sterling per mile for each commissioned officer proceeding on duty, such officer being entitled to conveyance in a first-class carriage; and not exceeding one penny sterling per mile for each soldier, marine, or private of the militia or police force, and also for each wife, widow, or child above twelve years of age of a soldier entitled by Act of Parliament or by competent authority to be sent to their destination at the public expense; children under three years of age so entitled to be taken free of charge, and children of three years of age and upward, but under twelve years of age, so entitled being taken at half price of an adult; such soldiers, marines, and privates of the militia and police force, and their wives, widows, and children, so entitled, being conveyed in carriages which shall be provided with seats with sufficient space for the reasonable accommodation of the persons conveyed, and which shall be protected against the weather: Provided that every officer conveyed shall be entitled to take with him one hundredweight of personal luggage without extra charge, and every soldier, marine, private, wife, or widow shall be entitled to take with him or her half a hundredweight of personal luggage without extra charge, all the excess of the above weights of personal luggage being paid for at the rate of not more than one halfpenny per pound; and all public baggage, stores, arms, ammunition, and other necessary things (except gunpowder and other combustible matters, which the company shall only be bound to convey at such prices and upon such conditions as may from time to time be contracted for between the proper authorities and the company) shall be conveyed at charges not exceeding twopence sterling per ton per mile, the assistance of the military or others being given in loading and unloading such goods. 14 Vict. c. 1. sec. 61. repealed. Railway company to provide when required for conveyance of officers and soldiers, their wives and children, at specified rates. Luggage. Conveyance of public baggage, arms, ammunition, gunpowder, and other combustibles.

3. In the event of a line of electric telegraph being established along the line of the railway, either by the said railway company or by any other company, partnership, person, or persons otherwise than exclusively for Her Majesty's service, or exclusively for the purposes of the railway, or jointly for both, the rate of such electric telegraph for the purpose of receiving and sending messages shall, subject to the prior right of use thereof for the service of Her Majesty, and for the purposes of the company, and subject also to such equal charges and to such reasonable regulations as may be from time to time made by the said railway company, be open for the sending and receiving of messages by all persons alike, without favour or preference. Use of electric telegraph constructed along the line of railway.

4. In the event of the construction of the said European and North American Railway by the company now incorporated for that purpose, the use of so much of said railway as may be common to that line and the Halifax and Quebec line shall be conceded on fair and equitable terms and conditions to the governing body of the Halifax and Quebec Railway, if they demand it; and such terms and conditions shall be fixed by two arbitrators and an umpire, or the majority of them of whom the two arbitrators shall be appointed by the governing bodies of the two railways respectively, and the umpire shall be named by such arbitrators when so appointed. The use of so much of the railway as may be common with the contemplated Halifax and Quebec line to be conceded on equitable terms to the governing body of the latter.

5. Provided always, that the two Acts or Bills intituled respectively "An Act to "facilitate the construction of the European and North American Railway," and "An Act "further to facilitate the construction of the European and North American Railway," which were passed in the last session of the Legislature of New Brunswick. but which Construction of this Act and two Acts of last session if assented to by Her Majesty.

NEWBRUNSWICK.

The Acts for the Halifax and Quebec Railway to be construed so as to give that line the precedence.

have not yet received Her most Gracious Majesty's assent, shall, in the event of both or either of them receiving such assent, be deemed to be and be construed as one Act with this present Act: And provided also, that nothing in such two Acts or Bills contained shall be so construed as to be inconsistent with or impede the concession of any facilities or the enjoyment of any advantages granted by an Act of the present session in favour of the national and provincial undertaking of the Halifax and Quebec Railway; but all provisions of such two Acts or Bills shall be so construed as to give a preference to the construction and maintenance of the said Halifax and Quebec line whenever by reason of its traversing the same ground or otherwise the interests of the two railways may conflict or be incompatible.

J. R. PARTELOW,
Provincial Secretary.

No. 2.

No. 2.

An Act to make provision for the construction of a great trunk line of railway from Halifax to Quebec. [Passed 30th March 1852.]

Preamble.

WHEREAS the formation of a great trunk line of railway from Halifax to Quebec, through British territory, would consolidate and strengthen the provinces of British North America, develope their resources, settle their waste lands, multiply their social and commercial relations, and afford increased facilities for rapid inter-communication with the British islands and with all parts of this continent: and whereas it is anticipated that Her Majesty's Government will advance or guarantee the funds required to construct this work on certain conditions;

Be it enacted by the Lieutenant-Governor, Legislative Council, and Assembly, as follows:

Authority to make arrangements with the Imperial Government, Canada, and Nova Scotia, for the construction of a line of railway from Halifax to Quebec.

1. Whenever the funds necessary for the purpose shall be raised by loan or guarantee under the authority of the Parliament of the United Kingdom, or advanced as a loan to the provinces of Canada, Nova Scotia, and New Brunswick, under such authority, or subscribed or loaned by corporations or individuals as herein-after provided, either wholly or in part, it shall be lawful for the Lieutenant-Governor in Council to enter into such arrangements as may be deemed conducive to the interests of this province with the Government of the United Kingdom, and with the Governments of Canada and Nova Scotia, for the construction of a great trunk line of railway from the harbour of Halifax in Nova Scotia to some point opposite the city of Quebec, to be located on a line commencing at or near Point Levi, opposite Quebec, thence down the Saint Lawrence to or near to the River de Loup or Trois Pistoles, and thence traversing in its main course on British territory watered by the tributaries of the River St. John to the city of Saint John, thence following on or near the proposed route of the European and North American line of railway to the northern boundary of Nova Scotia, on the isthmus between the Bay of Fundy and the Gulf of Saint Lawrence; and thence through Nova Scotia to Halifax, on any line that may be found most eligible.

Proportions of line to be constructed by each of the provinces.

2. The said great trunk line of railway shall be constructed by this province, in conjunction with the provinces of Canada and Nova Scotia, in the following proportions; that is to say, the province of Nova Scotia to make provision for and to contribute to the construction of the whole line three-twelfths; Canada four-twelfths; and this province five-twelfths; each province bearing the hazard and sharing the profits of the whole enterprise in the like proportions.

Title to ungranted lands within five miles of the roads placed at the disposal of the Governor in Council.

3. For facilitating the arrangements, all the right and title of Her Majesty in this province in the ungranted lands within this province lying within five miles of each side of the said great trunk railway are hereby placed at the disposal of the Lieutenant-Governor in Council, to be appropriated, pledged, or otherwise dealt with as may be thought best for the interest of the province with regard to such arrangements as aforesaid; it being understood and hereby declared that the Legislature of this province will confirm and give effect to such further enactments as may be necessary to carry out any arrangements or agreements which may be made by the Lieutenant-Governor in Council in the spirit and for the purpose of this Act.

Commissioners to be appointed to construct the road.

4. Whenever the Governments of Canada, Nova Scotia, and this province shall have determined on and provided for the construction of the work contemplated by this Act, it shall be lawful for the Lieutenant-Governor in Council to appoint so many Commissioners as may fairly and proportionably represent the interest of this Province in such work, with full powers to construct and manage such work, in conjunction with Commissioners to be appointed by the Governments of Canada and Nova Scotia; provided that no member of the Legislature, not being a member of the Executive Government, shall be appointed a Commissioner under this Act.

No member of the Legislature to hold office under the Commissioners.

5. It shall not be lawful for any member of the Legislature to hold or be appointed to any office of emolument under the Commissioners, or be a contractor or party to any contract arising out of the construction, management, or working of the said road, or any part thereof.

Authority to draw money from the Treasury to defray expenses.

6. It shall be lawful for the Lieutenant-Governor, by and with the consent of the Executive Council, by warrants on the Provincial Treasurer, to pay out of the funds to be raised or advanced for the purpose, such sums as may from time to time be required to defray the proportion of expenses of making the said railway to be incurred by this province under any arrangement as aforesaid, or any other expenses which under such arrangement are to be borne by this Province.

Authority to enter on and take possession of lands for the railway.

7. The Commissioners are authorized to enter upon, to survey, and to take possession of any land required for the tract of the railway, or for stations, and they shall lay off the same by metes and bounds, and record a description and plan thereof in the Registry of Deeds for the county in which the lands are situate; and the same shall operate as a dedication to the public of such lands; but the lands so taken shall not be less than four nor more than eight rods in breadth for the tract, nor more than five acres in extent for any station.

Authority to enter on lands and take gravel, trees, &c.

8. The Commissioners may enter with workmen, carts, carriages, and horses upon any lands necessary for the purposes of this Act; and therefrom, for the making of such railroad, dig up and carry away stones and gravel, and cut down and carry away any trees, bushes, logs, poles, and brushwood.

An agreement may be made for damages.

9. The Commissioners may make an agreement in writing with the proprietors of the land so taken or entered upon, for damages, and fencing where such fencing shall be considered requisite by the Commissioners, and also for materials for the road taken from any lands.

Where no agreement is made, damages to be appraised.

10. Where no agreement shall be made, one appraiser shall be appointed by the Commissioners, a second by the persons interested in the lands, and on their default, after three days notice by such Commissioners, such two shall choose a third appraiser, and the appraisers shall be sworn before any justice of the peace to the faithful discharge of their duty, and they or any two of them shall make a valuation as to damages for lands, and for fencing when requisite, or materials taken from any land, which valuation shall be in writing, and shall be final.

Railway benefits to go in diminution of damages.

11. In making such arrangement or appraisement, the benefit likely to be derived by the proprietor from the railway running through his land shall be taken into consideration, and the damage thereby reduced or extinguished.

Authority to purchase rights of other railway companies whose works may be adopted as part of the main line.

12. The Commissioners, with the consent of the Lieutenant-Governor in Council, shall have power to treat and agree with any corporation or railroad company for the purchase or use of the whole or any part of their respective railroads, rights, and property which it may be found expedient to adopt as part of the said main trunk line of railway, and to pay such sum as may be agreed upon as compensation for any such railroad or portion thereof, rights or property, out of any monies which might be applied to making part of the said main trunk line of railroad at the same place; and the directors of the said companies respectively shall have full power and authority to treat and agree with the said Commissioners for any of the purposes aforesaid, and to receive the compensation that may be agreed upon, and to give a valid discharge for the same, and to surrender and convey to Her Majesty for the public uses of the province such railroad or part thereof, rights or property as aforesaid, which shall thereafter be vested in Her Majesty for the uses aforesaid; provided always, that nothing herein contained shall be construed to affect or impair any right now vested in Her Majesty to take the said railroads, or either of them, or any of the rights or property of the said companies, or either of them, under any Act incorporating such company, or amending the Act incorporating the same.

Account of receipts and disbursements to be rendered.

13. The Executive Government shall quarterly, or as often as they may deem necessary in each and every year, call upon the Commissioners for detailed accounts of their proceedings, receipts, and disbursements; and they shall annually, and within fifteen days after each meeting of the Legislature, lay before both branches thereof full and detailed accounts of such proceedings, doings, expenditures, receipts, and disbursements for, concerning, or on account of the said work.

Salaries of the Commissioners.

14. The Executive Government, in the first instance, to fix the rate of salary for the respective Commissioners appointed for the province, subject to the revision and confirmation of the Legislature at its first session thereafter.

Investments of money in the railway fund by corporations or individuals.

15. If any corporation or individual shall desire to invest monies in the railway fund applicable to the construction of this work at their own risk, sharing with the Government the hazard and the profit of the enterprise, it shall be lawful for the Provincial Treasurer to issue scrip in sums not less than twenty-five pounds, bearing no interest, but entitling the holder to a share proportioned to his investment in the tolls and revenues of the road.

Investments on the credit of the province.

16. Any person desiring to invest on the credit of the province monies in the railway fund applicable to the construction of this work, may pay any amount not less than twenty-five pounds to the Provincial Treasurer, under the same guards and regulations as now secure the monies invested in the savings banks, provided that the rate of interest to be paid on such instalments shall be the same as the province pays for the loans advanced by Her Majesty's Government.

After completion, arrangement may be made for a joint management.

17. Whenever the railway shall be completed from Halifax to Quebec, it shall be lawful for the Lieutenant-Governor in Council to make, in conjunction with the Governments of Canada and Nova Scotia, such arrangements as may be suitable for working the

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railway as one line by a common management; such arrangement to be submitted to both branches of the Legislature at the Session then next ensuing.

Not more than 1,500,000*l.* sterling to be raised.

18. The total sum to be raised for the purposes of this Act upon the credit of the revenues of this Province shall never exceed in the whole the sum of one million five hundred thousand pounds sterling.

No. 3.

No. 3.

An Act for raising, by way of Loan, Funds for the Construction of a great Trunk Line of Railway from Halifax to Quebec. [Passed 30th March 1852.]

Preamble.

WHEREAS Her Majesty's Government is disposed, on certain conditions, to recommend to Parliament that the credit of the United Kingdom may be made available to enable the Provinces of Canada, New Brunswick, and Nova Scotia to raise, upon advantageous terms, the funds necessary for the construction of a line of railway from Halifax in Nova Scotia, through British territory, to Quebec in the Province of Canada: And whereas the General Assembly of this Province hath, during the present Session, passed an Act for the construction of a certain proportion of said railway, provided the necessary funds shall be raised under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province under such authority:

Be it therefore enacted by the Lieutenant-Governor, Legislative Council and Assembly, as follows:

Money for constructing the railway from Halifax to Quebec may be raised under an Act of the Imperial Parliament.

1. The sum for defraying the expenses of constructing, building, and completing such proportion of the railway from Halifax to Quebec as will have to be made by this Province under the provisions of an Act passed in the present session, intituled "An Act to make provision for the construction of a great trunk line of railway from Halifax to Quebec," may be raised and borrowed under any Act which may hereafter be passed by the Imperial Parliament, authorizing the advance of moneys to this Province from the Treasury of the United Kingdom, or guaranteeing the repayment of the sums borrowed, with the dividends and interest thereon, or providing in any other way for using the credit of the United Kingdom to raise the necessary funds on advantageous terms for the purposes aforesaid; the sums so raised not to exceed one million five hundred thousand pounds sterling, and to be applied solely to said purpose.

The money may be borrowed on loan debentures; dividends and interest charged on the profits, and then on the general revenue of the province.

2. Such sums may be raised and borrowed under and subject to the provisions of any such Act of the Imperial Parliament, by loan debentures or otherwise, and the dividends and interest thereon are hereby charged, in the first place, on the profits accruing to this Province from such railway, and, in the second place, on the general revenues of this Province, after any previously existing debts of the province, and payments on account of the Civil List settled on Her Majesty by laws now in force.

The profits of the railway, and proceeds of lands under 15 Vict. c. 29., to constitute a sinking fund.

3. For creating a sinking fund for payment of the loan to this Province, if required by the Imperial Government, the profits of the railway accruing to this Province shall, after deducting interest, repairs, working and incidental expenses, to be allowed as such by Her Majesty's Government, and also the proceeds arising from the sale and leasing of the lands appropriated by the third section of the Act passed at this present Session, intituled "An Act to make provision for the construction of a great trunk line of railway from Halifax to Quebec," shall be set apart and shall form such sinking fund.

Receipt and disbursement of the principal.

4. The principal sums so to be raised and borrowed shall be received by the Province Treasurer, who shall, upon the warrants of the Lieutenant Governor, by and with the advice and consent of the Executive Council, pay out of the same such sums as may from time to time be required for carrying out the Act of this Session herein-before referred to; and such Treasurer shall also, upon the warrants of the Lieutenant-Governor, pay the dividends and interest upon the sums so raised and borrowed; and the sinking fund shall be paid and managed in such manner, for the redemption and liquidation of the principal sums, as shall be agreed upon and negociated when the principal sums shall be raised and borrowed; or if there be no agreement in that behalf, then in such manner as the Lieutenant-Governor in Council shall from time to time direct and appoint, subject, however, to the provisions of this Act; and it is hereby declared that the Legislature of this Province will confirm and carry out, by such enactments as may be necessary, any arrangement or agreement consistent with the spirit of this Act, and of the Act of this Session herein-before referred to, which may be made or authorized by the Lieutenant-Governor in Council, with regard to the raising and borrowing the sums aforesaid, under the provisions of any Act to be passed by the Imperial Parliament.

Management of the sinking fund.

Detailed accounts to be rendered by the provincial treasurer for the Legislature.

5. The Province Treasurer shall, before each Session of the Legislature, transmit to the Lieutenant-Governor, for the purpose of being laid before the two Houses of the Legislature, a correct and detailed statement and account of the sums raised under the authority of this Act, and of the debentures and other securities which shall have been issued, and of the dividends and interest paid thereon, and of the sinking fund, and of the redemption of the whole or any part of the principal sum by means of the sinking fund or otherwise, and of the expenses attending the negotiation, management, payment, and redemption of the loan.

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Application of moneys to be accounted for to Her Majesty through the Lords of the Treasury.

6. The due application of the moneys raised under the authority of this Act shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty shall direct; and an account thereof shall be laid before both Houses of the Legislature within fifteen days after the opening of the session next after such expenditure.

The tariff of the year 1851 not to be varied so as to diminish the security granted by this Act.

7. And whereas, for the maintenance of the credit and good faith of this Province, it is indispensable that the annual revenues from all sources should never fall short of the amount collected in the present year, while any portion of the loan contemplated by this Act remains due and unpaid: Until the moneys advanced or guaranteed by the Imperial Government shall have been repaid, or until the railway built with the same shall yield a net income sufficient to pay the interest upon the moneys to be borrowed under the provisions of this Act, the tariff of the year one thousand eight hundred and fifty-one shall form the basis of the revenue laws of this Province, and shall not be varied or changed so as to diminish the amount of security which it is the intention and meaning of this Act should be pledged to Her Majesty's Government; but nothing herein contained shall be construed to prevent the Legislature from annually revising particular duties comprised in such tariff, or from making regulations in respect to trade and the protection of the revenue, due care being taken that any alterations to be made shall not diminish the net income of the Province below the amount collected in the year one thousand eight hundred and fifty-one; and changes which may so operate shall, before becoming law, be reported to and approved of by Her Majesty's Government.

VANCOUVER'S ISLAND.

RETURN to an Address of the Honourable The House of Commons, dated 17 June 1852;—*for*,

"RETURN made since 1849 by the HUDSON'S BAY COMPANY to the SECRETARY of STATE for the COLONIES, in conformity with the Grant of *Vancouver's Island* to the said Company; of the Acres of LAND Sold, and the Number of COLONISTS settled in the said Island, and of all MONIES which have been received by the said Company for the Purchase of such Lands; and also from all PAYMENTS which may have been made to them for or in respect of COAL or other Minerals obtained in the said Island, together with the Amount applied to Colonization and Improvement of the Island."

Colonial Office, Downing-street, 20 December 1852.

DESART.

Ordered, by The House of Commons, *to be Printed*, 23 *December* 1852.

— No. 1. —

COPY of a LETTER from Earl *Desart* to Sir *J. H. Pelly*.

Sir, Downing-street, 2 July 1852.

REFERRING to the return of land sales and emigration for Vancouver's Island, enclosed in your letter to this office of the 21st June 1851, I am directed by Secretary Sir John Pakington to forward, for the information of the Hudson's Bay Company, the copy of an Address to Her Majesty from the House of Commons, dated the 17th ultimo, for information of a somewhat similar kind; and I am to request that you will move the Directors to furnish Sir John Pakington with the information necessary for making a return to this Address, under the several heads therein stated, complete to the latest date.

I have, &c.
(signed) *Desart*.

— No. 2. —

COPY of a LETTER from *A. Colvile*, Esq., to the Right Honourable Sir *John Pakington*, Bart.

Sir, Hudson's Bay House, 24 November 1852.

I HAVE the honour to enclose the answer to Lord Desart's letter of the 2d July, addressed to the late Sir John Henry Pelly, enclosing copy of an Address to Her Majesty from the House of Commons, dated 17th June; and I take leave at the same time to enclose for your information a detailed statement of the expenditure of 1,986 *l.* 4 *s.* 9 *d.* incurred for colonization and improvements.

I have, &c.
(signed) *A. Colvile*,
Governor.

Enclosure

Encl. 1, in No. 2.

Enclosure 1, in No. 2.

Sir, Hudson's Bay House, 24 November 1852.

I HAVE the honour to acknowledge Lord Desart's letter of the 2d July, addressed to the late Sir John Henry Pelly, Governor of the Hudson's Bay Company, and in compliance therewith, I have to state the following facts as to the transactions of the Company in relation to Vancouver's Island, from the date of the grant thereof, until the 27th April 1852, the date of the latest information received upon the several points.

1st. *Quantity of Land Sold.*

There have been sold 1,478 ½ acres of land, to 11 persons.

The fur trade branch of the Hudson's Bay Company are in possession, under the sanction of Her Majesty's Government, of 3,084 acres of land, which were occupied by them previous to the date of the Boundary Treaty. They have sold portions of this land to some of their retired servants, who have settled themselves upon it.

Applications have been made by 19 persons for the purchase of land to the extent of 2,355 acres, which are in course of being surveyed, so that titles may be granted and the price paid.

To obviate the difficulty of providing the means of subsistence for settlers on their first arrival, the Puget Sound Company have made arrangements with four competent and experienced agriculturists to cultivate four farms. The Puget Sound Company supply the capital, and give an interest in the profits of cultivation to the persons employed to conduct the farms, with the option of purchasing them at their cost price. The surveys of these farms have not yet been received, but as soon as the number of acres is ascertained, which will probably extend to about 2,500 acres, the same will be paid for at the rate of 20*s.* per acre.

2d. *The Number of Settlers.*

No return has been received from the island of the number of settlers, further than is to be inferred from what is stated above, by which it appears that 11 persons have purchased lands, and 19 persons have applied for land, besides those who have purchased lands from the fur trade branch of the Company.

The Hudson's Bay Company, and the Puget Sound Company, have, at their own expense, respectively sent out 271 males with 80 females and 84 children belonging to them. These people were chiefly agricultural labourers, the remainder were farm bailiffs, miners, and mechanics. They were sent out at the following periods; viz.:—

	Males.	Females.	Children.
In 1848	21	5	6
1849	67	5	–
1850	99	25	27
1851	28	2	–
1852	56	43	51
	271	80	84

In the engagement with the labourers, it is stipulated, that, if they perform their contracts of service in a satisfactory manner, they shall receive a reward of 25*l.* over and above their wages, to be paid to them in land at the price of 20*s.* per acre, so that it may be expected that many of them will become settlers.

3d. *Monies received for Sales of Land.*

	£.	s.	d.
Amount received	1,478	10	–
Of which there falls to the Hudson's Bay Company one-tenth	147	17	–
And the remainder £.	1,330	13	–

Is held in trust for colonization purposes.

4th. *Monies received in respect of Coal and other Minerals.*

There have been sold and exported by the Hudson's Bay Company, 1,315 tons of coals, which were collected from the surface seams by the Indians, and traded from them.

	£.	s.	d.
The royalty on this quantity, at 2*s.* 6*d.*, amounts to	164	7	6
Of this there falls to the Company one-tenth	16	8	9
And the remainder £.	147	18	9

Is held in trust for colonization purposes.

The

The Hudson's Bay Company have incurred very considerable expense in searching for coal, by boring or otherwise, but without success until lately, when promising appearances have been discovered about 80 miles north of Fort Victoria, on the east coast of the island, nearly opposite the mouth of Fraser's River, and measures have been taken to follow out the search, and work the coal if found practicable.

5th. *Expenses incurred for Colonization and Improvement.*

Amount expended - - - - - £. 1,986 4 9.

The high rate of wages in Oregon and California, and the attraction of the gold districts in the latter country, have not only operated to prevent persons of capital settling in Vancouver's Island, but also obstructed the Hudson's Bay Company and the Puget Sound Company in their endeavours to bring land into cultivation, and provide means of subsistence for settlers. Hitherto it has been necessary to import flour for that purpose, and for the use of the Company's establishments on the island.

Should the coal lately discovered prove to be a workable seam, there will be employment for a large number of people, and an extended market for agricultural produce, which will tend to promote the settlement of the island, and attract shipping to its harbours.

I have, &c.

The Right Hon. Sir John Pakington, &c. &c. &c.

(signed) *A. Colvile*, Governor.

Enclosure 2, in No. 2.

Encl. 2, in No. 2.

STATEMENT of Payments applied to the Colonization and Improvement of *Vancouver's Island*, to the 31st October 1852.

	£.	s.	d.
Peter Smith, Esq., of the Colonial Office, on issue of grant from the Crown, of Vancouver's Island	263	11	4
Crowder & Maynard, solicitors, legal expenses connected with the grant of Vancouver's Island	51	15	2
Peter Smith, Esq., of the Colonial Office, on issue of commission to Richard Blanshard, Esq., as Governor of Vancouver's Island, and Vice-Admiral	58	15	9
Travelling expenses of Richard Blanshard, Esq., to Vancouver's Island *viâ* Chagres	175	–	–
Stevens & Norton, for law books for Governor Blanshard	51	8	6
Peter Smith, Esq., of the Colonial Office, on issue of commission to James Douglas, Esq., as Governor of Vancouver's Island and Vice-Admiral	76	16	8
Captain Walter C. Grant, surveyor, salary from 25th March 1849 to 25th March 1850, when he resigned, and for extra services	162	10	–
Travelling expenses of Joseph D. Pemberton, surveyor, to Vancouver's Island, *viâ* Chagres	172	3	–
Passage-money of Benjamin Pearce, surveyor, from London to Vancouver's Island	40	–	–
Joseph D. Pemberton and Benjamin Pearce, surveyors, salaries from 25th June 1851 to 1st June 1852	390	–	6
Salaries to Governor Douglas for conducting the sales of land, &c. &c. from 1st June 1850 to 1st June 1852	200	–	–
Advertisements in the English, Scotch, and Irish newspapers respecting the colonization of Vancouver's Island, printing, and other incidental expenses	344	3	10
£.	1,986	4	9

Hudson's Bay House, London, 24 November 1852.

Edward Roberts, Accountant.

By order of the Governor, Deputy Governor, and Committee,

A. Barclay, Secretary.

— No. 3. —

EXTRACT of a DESPATCH from Governor *Douglas* to Earl *Grey*; dated Victoria, Vancouver's Island, 15 April 1852.

(Received, 13 July 1852.)

"SEVERAL land sales have been effected since the Report made to your Lordship by the Hudson's Bay Company, to parties residing in this country, who are erecting buildings and bringing the soil into cultivation.

"The Puget Sound Company have commenced a large agricultural establishment west of Esquimalt, and another on a smaller scale near Victoria.

"Several houses have also been erected in town, and on the whole, much progress has been made for the small British population on the island.

"A number of horses and cattle have also been imported during the winter by the Hudson's Bay Company, and by individual settlers."

VANCOUVER'S ISLAND.

RETURN made since 1849 by the HUDSON'S BAY COMPANY to the SECRETARY of STATE for the COLONIES, relating to *Vancouver's Island*.

(*Mr. Forster.*)

Ordered, by The House of Commons, *to be Printed*, 23 *December* 1852.

83.

Under 1 *oz.*

CANADA.

RETURN to an Address of the Honourable The House of Commons, dated 12 August 1853;—*for*,

"COPIES of the ADDRESSES to Her Majesty of the Legislative Council and Assembly of *Canada*, on the Subject of the CONSTITUTION of the former HOUSE."

Colonial Office,
18 August 1853.

FREDERICK PEEL.

COPIES of the ADDRESSES to Her Majesty of the Legislative Council and Assembly of *Canada*, on the Subject of the CONSTITUTION of the former HOUSE.

—No. 1.—

To the QUEEN'S Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Legislative Council of Canada, in provincial Parliament assembled, humbly approach Your Majesty with sentiments of profound attachment to Your Majesty's Person and Government.

We feel it to be a duty incumbent upon us earnestly to represent to Your Majesty, that in our opinion there is nothing in the actual state of the province, or in the character and action of its Legislature, which calls for alteration in the form of government granted by Your Majesty in the Act 3d & 4th Vict. chap. 35, and modelled, as closely as the local circumstances of a colony would permit, after that constitution which has long been the glory of the United Kingdom, and the great source of its prosperity.

We would respectfully represent to Your Majesty, that to refer the selection of Members of the Legislative Council to the popular vote, is to destroy that harmony of system upon which, in accordance with the theory of the British Constitution, the Government of this country has hitherto been considered to rest, and by thus discarding the principle of appointment by the Crown, which has hitherto been deemed essential to the maintenance of a due balance in the State, to bring the Royal Authority into direct contact with two Houses, both deriving power from and responsible to the people.

We crave permission, may it please Your Majesty, to express our fears, that should any scheme of the nature adverted to be unhappily adopted, safeguards long held indispensable against hasty and inconsiderate legislation would become inoperative; jealousies would be fostered between bodies, each equally assuming to represent the people, and the chances of collision between them increased; the balance of power in the State would become precarious, and subject to frequent disturbance; and further elementary changes would soon be demanded of a democratic character, to an extent, perhaps, which this House is unwilling to contemplate.

Legislative Council,
Saturday, 4 June 1853.

Edward Caron,
Speaker.

— No. 2. —

To the QUEEN'S Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in provincial Parliament assembled, humbly beg leave to represent to Your Majesty, that, under the circumstances in which the province of Canada is placed in a social, poliitcal, and economical point of view, we are humbly of opinion—

That the introduction of the elective principle into the constitution of the Legislative Council would not only impart greater weight to that important branch of the Legislature than it can have under existing arrangements, however judiciously the selection of its Members may be made, but would also ensure greater efficiency in carrying out that system of Government which obtains in the mother country, and has been happily introduced into this province.

That the object in view might, in the opinion of Your faithful Commons, be best attained by dividing each of the sections of the province into thirty territorial divisions, to be hereafter defined by the provincial Parliament, and containing each, as nearly as possible, an equal amount of population, and by allowing the persons qualified to vote at the elections of Members of the Legislative Assembly in each division, subject to the arrangements hereafter mentioned as to present Members, to elect one person qualified in the manner hereinafter mentioned to sit in the Legislative Council, which should be composed, after the arrangements as to present Members have had their effect, of sixty persons so elected, one-third of whom shall be required to retire in rotation every two years, so that, except as to Members elected after a dissolution, or to fill any occasional vacancies to replace elected Members, the Members shall be elected for the term of six years; and Members retiring by rotation, whose term of service shall expire during a session of Parliament, may continue to serve until the end of that session.

That twenty new Members of the said Legislative Council ought to be first elected; that, subject to a dissolution, as hereinafter mentioned, the present Members of the Legislative Council ought to continue Members thereof, and to retire in rotation in numbers as equal as may be possible, at the end of two and four years respectively, at each of which respective periods twenty new Members of the said Council ought to be elected, whatever be the number of the Members then retiring; for which purposes two lists of the present Members, one for each section of the province, according to their place of residence at the time they were summoned to the said Council, be prepared, and lots drawn under the direction of the Speaker of the Legislative Council to determine the time at which they shall retire by rotation as aforesaid; and, to provide for elections in the first instance, and upon the retirement of the present Members in the manner provided, the said Speaker do also draw lots separately for each section of the province, to determine for which divisions Members are to be first elected, until all divisions are represented; the said Speaker to apportion also by lot on the re-assembling of the Legislative Council after a dissolution, for each said section of the province respectively, the order in which Members shall retire; Members elected to fill occasional vacancies to be elected for the divisions for which the former Members were serving, and for the term only for which they would have been entitled to serve.

That the persons qualified to be elected Members of the Legislative Council should be all subjects of Your Majesty by birth or naturalisation, of the full age of thirty years, and residing in this province, who shall have been at any time previous to such election Members of either of the Legislative Councils of Upper or Lower Canada, or of the Legislative Council of this province, or Members of either of the Legislative Assemblies of Upper or Lower Canada, or of the Legislative Assembly of this province; and also all subjects of Your Majesty as aforesaid, qualified as above as to age and residence, who may be possessed for their own use and benefit of real property situated in this province, held in free and common soccage, or *en fief*, or *en roture*, or *en franc-alleu*, of the value

value of £.1,000 currency over and above all debts due and chargeable on the same, no person who may be disqualified by law to be elected Member of the Legislative Assembly being eligible to the said Legislative Council.

That, for the better working of Constitutional Government, the Crown ought to have power to dissolve both Houses of Parliament, or either of them; but that, as respects the Legislative Council, such power ought not to be exercised except in the event of the rejection by the said Legislative Council in two successive sessions, and at least at six months interval, of a measure which shall have passed the Legislative Assembly in the same two successive sessions, nor unless the said measure shall have passed the Legislative Assembly in the second session by the vote of an absolute majority of the Members of the said Legislative Assembly, the Parliament convened after a dissolution of either House, or of both, being reckoned as a new Parliament.

That Members of the Legislative Council ought to have power to vacate their seats, either in vacation, or during the sitting of Parliament; but that no Member of either House while being so ought to be a candidate for election to the other House.

That, under the proposed change in the constitution of the Legislative Council, it is inexpedient that any pecuniary qualification should be retained for being eligible to the Legislative Assembly.

That the Legislative Council so constituted ought to possess the exclusive power of adjudicating upon all impeachments preferred by the Legislative Assembly against high public functionaries; and that in all other respects the peculiar powers and privileges now possessed and exercised by each of the two Houses of Parliament should be maintained inviolate in so far as they may not be repugnant to the foregoing representations.

That when any Member of the Legislative Council shall accept any office, the holding of which would disqualify him from a seat in the Legislative Assembly, he shall vacate his seat; and when he accepts any office, the holding of which would cause him to return to the people for re-election if he held a seat in the Legislative Assembly, he shall only hold such seat with such office after being re-elected.

Wherefore Your Majesty's faithful Commons humbly pray that Your Majesty will be pleased to recommend to the two branches of the Parliament of the United Kingdom, and finally to sanction a measure calculated to give effect to the representations thus humbly submitted for the consideration of Your Majesty.

(signed) *J. Sandfield Macdonald,*
Speaker.

Legislative Assembly Hall, Quebec,
Thursday, 2 June 1853.

CANADA.

COPIES of the ADDRESSES to Her Majesty of the Legislative Council and Assembly of *Canada*, on the Subject of the CONSTITUTION of the former HOUSE.

(*Mr. Bright.*)

Ordered, by The House of Commons *to be Printed,*
20 *August* 1853.

1002.

Under 1 *oz.*

CANADA.

RETURN to an Address of the Honourable The House of Commons, dated 16 August 1853;—*for*,

"COPIES or EXTRACTS of any REPRESENTATIONS to the Secretary of State from Mr. *Cheshire*, or any other Parties, on behalf of the Settlers on the *Grand River*, in *Upper Canada*; together with Copies or Extracts of the REPLIES thereto, and any Correspondence on the Subject with the Governor-General of *Canada*."

Colonial Office,
19 August 1853.

FREDERICK PEEL.

(*Lord Dudley Stuart.*)

Ordered, by The House of Commons, *to be Printed*,
20 *August* 1853.

1003.

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COPIES or EXTRACTS of any REPRESENTATIONS to the Secretary of State from Mr. *Cheshire*, or any other Parties, on behalf of the Settlers on the *Grand River*, in *Upper Canada*; together with Copies or Extracts of the REPLIES thereto, and any Correspondence on the Subject with the Governor-General of *Canada*.

— No. 1. —

No. 1.
D. Fraser, Esq., to Sir John S. Pakington, Bart., M. P.
28 May 1852.

COPY of a LETTER from *D. Fraser*, Esq., to the Right Honourable Sir *John S. Pakington*, Bart., M. P.

36, Bloomsbury-square, London,
28 May 1852.

Sir,

I TAKE the earliest opportunity, on my arrival here from Canada, of laying before you the case of the settlers upon Indian lands on the Grand River in that colony, and in reference to the proceedings which have been going on, in order to their removal off those lands, which they have occupied for many years, and upon which they have expended a great deal of labour and money, in the full belief, from written communications received by some of them from officers of the Government, that these lands had been surveyed and valued for the purposes of sale, and that the occupants would have the right of pre-emption. The accompanying publication,* which I have the honour to forward herewith, gives a statement of the first proceedings against the settlers, embracing also one of the memorials which I addressed, as their counsel, to the Executive of Canada, and which sets forth most of the grounds of the opposition to the proceedings by the Commissioners to dispossess them. The Indian Department, and the management of all the Indian affairs in Canada, are now chiefly controlled by these Commissioners, but they do not belong to the class of officers paid by the Imperial Government for the purpose of overlooking and providing for the distribution of presents among the Indians, voted annually by the Imperial Parliament. Their business has grown out of the surrender and sale of wild lands in Canada, said surrender being made to Her Majesty and successors, in trust, for the purposes of sale, and to apply the proceeds to the benefit of the Indians. The greater part of these lands have been disposed of, and are now mostly under high cultivation. The ostensible object of the Commissioners, in making these large reservations of wild lands, is to comply with the desire of the Indians, and to gratify them. It is a matter of public notoriety that the Indians are swayed in whatever manner their own officers, who command their purse, dictate. The Indians, or chiefs of them, never talking without money, although it should happen to be justly their own to supply their common wants; I do not hesitate to affirm that the real object of these reserves is to perpetuate the offices and salaries of these officers, indifferent to the injury done to the prosperity of their country, and the outrage upon their fellow-subjects' rights, under the high arm of the law. I have appealed to those of the executive of Canada who for years pretended to be struggling under intolerable grievances, who, when placed in power, acted worse than the most arbitrary government under the sun. The Chinese admit an appeal from imperial commissioners, but these Commissioners' acts were not to be spoken against, far less called in question. Humanity itself demanded an investigation. The facts I laid clearly before them. The weeping martyrs of liberty were deaf as adders; it did not touch their pockets; in what way could it affect their elections? Thank God, I lived to see the man at the head of the

* This lengthy pamphlet is not reprinted with the present collection of Papers: it is entitled, "Account of the Proceedings and Doings of the Government Commissioners against the unfortunate Settlers upon the Indian Lands in the Townships of Tuscarora and Oneida, in the years of our Lord 1846 and 1847, addressed to the Settlers by one of themselves." Printed at the Gazette Office, Court-house-square, Hamilton, 1847.

the Executive Government, under his Excellency the Governor-general, spurned by his fastest friends at the next election, when every step had been taken during his administration to secure his return; he answered the supplications of the poor but industrious settlers, by a formal deed of outlawry, an act which had to be disavowed as soon as done, and only had the effect of weakening Her Majesty's Government in Canada, and in some measure bringing it into contempt. The late lamented Governor-general of Canada, Lord Metcalfe, declared, in a letter addressed to the chiefs in 1841, "That the surrender of their lands was a wise measure, and should be strictly adhered to, as the sale of these lands would place them in a state of affluence, that they could not expect that his Excellency would sanction the removal of persons placed upon them by the Indians themselves, neither justice, nor a due regard to the interest of the Indians themselves, would justify such a course;" and in a subsequent letter, in answer to a memorial by the settlers, the same highly honourable authority declared, through his secretary, that no one should be dispossessed until a fair investigation should be had of each particular case, either to their title to pre-emption or right of purchase, or at all events to the full value of their improvements; and that the Commissioners were instructed to investigate each particular case, and report thereon to his Excellency, before proceeding any further with their prosecutions under the commission which he had signed. My clients have always claimed this investigation, and nothing more. The House of Assembly, under the same impression that the settlers had been encouraged to go on the lands, reported to that effect, and recommended that they should be paid the full value of their improvements. Having failed in all my efforts for the last five years, to obtain a fair hearing, and to induce the Commissioners to act upon the instructions of the late Lord Metcalfe, and his Excellency Lord Elgin not permitting me to find fault with any of their proceedings, or to call in question the justice or legality of their acts, I have no other resource to prevent the most serious consequences than of appealing to you as the head of Her Majesty's Government for the Colonies, to interpose Her Majesty's authority to stay the prosecutions, fines, and imprisonments which are now going on against the settlers, until a fair and impartial investigation can be had, such as was promised by the late Lord Metcalfe, hereby pledging myself that no possible injury, but the reverse will be the case by such a stay. It will act more for the benefit of the Indians than the proceedings can do if carried fully out; and by calling for the whole correspondence on this question, a return of the receipts, defalcations, and expenditure, officers' salaries, and the amount paid to the Indians, whether chiefs or otherwise, Her Majesty's Government will be put in possession of information with regard to the Indian affairs in Canada, which will enable Her Majesty's Government to come to a speedy conclusion as to the advisability, for the interests of these Indians, of removing these settlers. I have the honour also to enclose herewith,* three newspapers, containing articles on the subject, and extracts for more ready reference; all of which I have the honour to submit, and hope it will meet with a favourable reply.

I have, &c.
(signed) *Douglas Fraser.*

* See the "Toronto Daily Patriot," 8 April 1852, 17 April 1852. The "Weekly Spectator," 15 April 1852, 29 April 1852. (These lengthy articles are not reprinted with the present collection of Papers.)

— No. 2. —

No. 2.
Earl of Elgin and Kincardine to Sir John S. Pakington, Bart., M. P.
10 July 1853.

(No. 57.)

Copy of a DESPATCH from Governor the Right Honourable the Earl of *Elgin & Kincardine* to the Right Honourable Sir *John S. Pakington*, Bart., M.P.

Government House, Quebec,
10 July 1852.
(Received, 26 July 1852.)

Sir,

I HAVE had the honour to receive your despatch No. 34, of the 4th June, covering the copy of a letter with enclosures, from Mr. Douglas Fraser, having reference to the case of squatters upon Indian lands on the Grand River, and directing me to furnish a report upon the allegations contained in those papers.

2. As the most satisfactory mode of complying with this instruction, I enclose the copy of a memorial lately addressed to the Governor-general in Council on the same subject, by a considerable number of very respectable petitioners, and of the reply to that memorial, by the Superintendent-general of Indian affairs.

That

That reply contains a very full statement of the proceedings which have taken place with reference to the lands in question since the year 1840. You will perceive that the Indian Department, honourably supported, I am bound to say, by the Government and Legislature of the province, has, throughout the transactions which are the subject of complaint, been engaged in defending the rights of property on behalf of persons who, both on the ground of former services and present dependance, have special claims on the protection of the Crown, and that the only point in which I have deviated from the course followed by my predecessors in this matter, consists in the greater extension which I have given to the principle of compensation to squatters; such compensation having been awarded under instructions from me to individuals who would have been excluded by the rule laid down by Earl Cathcart.

3. I therefore sincerely trust, sir, that on the perusal of these papers you will be satisfied that the persons on whose behalf Mr. Fraser has appealed to you, have no claim to support or countenance from Her Majesty's Imperial Government, so long as they maintain their present attitude of resistance to law and Indian rights. A distinct intimation of your judgment to this effect will have, I doubt not, considerable influence in inducing them to relieve the Government from the painful necessity of having recourse to severer measures, by retiring spontaneously from the Indian reserve; a course which, as the statement herewith enclosed shows, was adopted long ago by the large majority of the original squatters.

I have, &c.
(signed) *Elgin & Kincardine.*

Enclosure 1, in No. 2. Encl. 1, in No. 2.

The Right Honourable *James*, Earl of *Elgin & Kincardine*, K. T., Governor-General of British North America, &c. &c. &c.

May it please your Excellency,

The memorial of the undersigned respectfully showeth, that in the year 1839, an Act of the Provincial Parliament, the 2 Vict. c. 15, was passed, protecting the unsurrendered Indian lands from trespass and injury.

That on the 27th November 1840, an Order in Council was passed, granting pre-emption rights to the white occupiers of Indian lands on the Grand River.

That on the 18th day of January 1841, the Indians surrendered to the Crown, for the purpose of sale, all the lands on the Grand River, except a few acres near the town of Brantford, which they directed to be leased. That the Indians afterwards surrendered the latter portion also, which has since been sold, thus making the surrender of the whole tract.

That the whole of the said lands were, under instructions from the Surveyor-general's Department, directed to be surveyed, and the Government authorised their appraisement. That they were so surveyed into farm lots and appraised.

That by the surrender the said lands were taken out of the control of the Indian Department.

That by 8 Vict. c. 7, these lands were divided into and declared townships, for judicial, municipal, and all other purposes.

That under the said surrender several townships were thrown open for sale, and disposed of accordingly.

That in ignorance of the altered character of these lands by the cession to the Crown for the purpose of sale, the Indian Department, subsequently to the Government of Sir Charles Bagot, and a portion of the time of Lord Metcalfe, has not ceased to exercise control over a portion of these lands; namely, in Oneida and Tuscarora, as if the said lands were in their original unsurrendered wilderness state, by prosecuting, under the 2 Vict. c. 15, aforesaid, the parties in whose favour the said Orders in Council were passed, and others who took possession under assurances and directions from the officers of the Indian Department and Government, the lands having been surrendered for the purpose of sale.

That many of your memorialists, in perfect reliance in the many acts and declarations of the Government, have become the purchasers or occupants of lands in the adjoining townships, and have been long deeply injured by a tract of 65,000 or 70,000 acres so kept in a semi-wilderness state, not only depriving them of roads to valuable markets, but inflicting other injuries which have been repeatedly brought before the attention of the Government.

That in the year 1848 the Gore District Municipal Council also memorialized the Government, giving a very clear elucidation of the case; copy of which is enclosed.

That notwithstanding the Government were so repeatedly memorialized on the subject, and the illegality of the prosecutions against the settlers, no attention whatever was given to said memorials, except a reference of them to the Indian Department, which had no legal right to adjudicate on the question.

That in the year 1847 a committee of the Provincial Legislature reported upon a petition, recommending that as the settlers had been guided by representations made by the Government, they be paid a full remuneration for improvements before removal.

That the only remuneration offered is eight dollars per acre, the valuator, James Kirkpatrick, on oath, has stated that the improvements could not be made for less than 1 *l.* per acre more, and that he had taken no admeasurement.

That the Government, after allowing the settlers to be harassed by prosecutions, fines, and imprisonments, for the space of five or six years, came at last to the conclusion that the acts of the officers of the Indian Department were illegal, as they passed an *ex post facto* law, 12 Vict. c. 9, giving authority to the Governor-general to appoint officers to turn off the settlers, notwithstanding that many of them had been on the land for eight or ten years, and had made large improvements thereon, on the faith of the said Orders in Council, pledges of the officers of Government, and the surrender, survey, and appraisement of the said lands.

That another Act was passed with the view of giving increased authority to the said officers to effect the removal of the settlers, and that the said officers are proceeding under 14 Vict. c. 74. That no less than 17 families were turned out of house and home during the recent severe snow-storm, men, women, and children thrown out on the highway, with nearly five feet of snow on the ground, and without any shelter for their heads.

That the outrages and cruelty which the settlers on these lands have suffered, and continue to suffer, demand the most instant and searching investigation of the Government, and in order to this your memorialists earnestly pray that all further proceedings be stopped against the settlers, and an impartial inquiry made in reference to the whole question.

And your petitioners, as in duty bound, will ever pray.

(signed) *Allan N. Macnab*, and others.

Encl. 2, in No. 2.

Enclosure 2, in No. 2.

Sir, Indian Department, Quebec, 10 July 1851.

I AM directed by the Governor-general to acknowledge the receipt of a numerously signed memorial, headed by you, and addressed to his Excellency, complaining of the course pursued towards the squatters on the Grand River Indian Reserve, and praying that further proceedings against them may be stayed, and an impartial inquiry made into the whole question.

Under ordinary circumstances, it might be sufficient to state, in reply, that the measures complained of were taken under the authority of Orders in Council, or of Acts of the Legislature specially passed for the protection of Indian property and rights, and that when appealed against, they have been sustained by the highest judicial and constitutional authorities; and further, that the parties on whose behalf these representations are submitted, have for a long period openly set the laws and the authorities at defiance.

But having very carefully examined the several allegations of this petition, and knowing the high character and respectability of many of the memorialists, his Excellency is satisfied that they labour under an entire misconception of the history of these transactions, and he therefore considers that it is due to them, to the Government, and, above all, to the Indians, that upon the present occasion I should enter into a full explanation of the facts and merits of the case.

Before touching upon the details connected with the subject, his Excellency directs me to remark that the Government and Legislature of Canada have always been honourably distinguished for their humane and liberal policy towards the Indians. Its uniform aim has been not to expel them from the settled portions of the province, but rather by means of exceptional laws, to guard them against the arts of speculators and other interested persons. With that view, agreements with Indians involving the alienation of their lands have always been held to be void, unless expressly ratified by the Governor in Council, and in no single instance have they been compulsorily removed from the spot that they have selected as their place of residence. But apart from these considerations of general policy, it is to be observed that the Six Nation Indians have strong and peculiar claims to the protection of the Government, and that their property is not held in virtue of undefined territorial right as Indians, but upon a different and a far more solid tenure. Owing to their stedfast adherence to British rule during the revolutionary struggle, they forfeited large and valuable possessions in the United States and the Grand River tract, of which the present reserve is but a very small remnant, and which extended from the shores of Lake Erie to the neighbourhood of Galt, was conferred upon them by the Crown, not only as a merited reward for their gallant services in the field, but as a compensation for the actual losses which they had sustained in the conflict. It is manifest, therefore, that the Government is bound by every consideration of honour, as well as of justice and humanity, to secure them, to the best of its ability, in the undisturbed enjoyment of their property; and the following narrative, drawn from official records, will satisfactorily show that it has, throughout the proceedings complained of, been solely actuated by a desire to maintain their just rights.

In order that the origin of these transactions may be clearly understood, I have to state, in the first place, that the attention of Government having been repeatedly called to the number and depredations of the intruders upon the Indian lands, the chap. 15 Vict. 2 was enacted for the protection from trespass and injury. Although its provisions embraced the

lands

lands of all the Indian tribes, the Act was passed with special reference to those on the Grand River, where these disorders had risen to the greatest height. The Commissioners appointed to carry it into effect represented the state of affairs in that district to be so unsatisfactory, that Mr. Gwynne, a barrister of standing, was despatched to the spot with instructions to investigate the claims of persons in possession of lands belonging to the Six Nation Indians, and to make suggestions with reference to their future management. An Order in Council of the 27th November 1840, which was based upon this gentleman's report, recommended that the whole tract should be surveyed into farm lots, and appraised, for the double purpose of more advantageously settling the Indians and facilitating the sale of the surrendered lands; that the surrendered blocks, viz., Cayuga, Brantford and Dunn, should meanwhile be withheld from sale, but that the right of pre-emption should be accorded to persons having settled thereon prior to that date. Further, that in consideration of the injury inflicted on their interests, and of the difficulties occasioned by the dispersion of the Indians over the whole extent of the unsurrendered land, the Government should exert its influence to persuade them to settle as a concentrated body in such part of the tract as they might select for their permanent residence, and to cede the residue for sale. Lastly, it emphatically disclaimed any intention, however remote, of inducing the Indians to remove from the Grand River settlement, and negotiations were accordingly opened with the Indians, but for various reasons, and more especially from their disinclination, to adopt the views of the Government with reference to the dimension of the future reserve, no final decision was come to until October 1843. On the 4th of that month a very elaborate Order in Council, was passed, which forms the ground-work on which the subsequent proceedings in reference to the management of the land affairs have been based. While regretting that the Indians would not be satisfied with a smaller reserve, it advises that their request be acceded to, and thus describes the tract to be set apart for their use. "All the lands on the south side of Grand River, with the exception of a tier of lots on the plank road from Hamilton to Port Dover, a distance of more than 20 miles along the river." Also the church lot at Tuscarora, and certain other detailed pieces of lands. A proclamation founded on this Order in Council was issued on the 20th July 1844, prohibiting trespass on the Tuscarora and Oneida lands.

No allusion is made, in the foregoing Order in Council, to the alleged surrender of the 18th January 1841, upon which so much stress is laid by the memorialists, as having placed these lands beyond the jurisdiction of the Commissioners appointed under the 2 Vict., c. 15. This question has already been set at rest by the Court of Chancery. I may observe, however, for the information of the memorialists, that an instrument was executed at that date by a small minority of the chiefs, but of a very different purport from that ascribed to it in this petition. It confided to the Government the entire management of their lands; but stipulated "that the arrangement is to be carried out by the Government in the true meaning and intent of the chief superintendent's letters of the 5th and 15th January." These communications called upon the Indians, in very urgent and peremptory terms, to empower the Government to dispose, for their exclusive benefit and advantage, either by lease or otherwise, of all available lands, excepting a reservation of 20,000 acres, and lots then in the occupation of individual Indians, the Government coming under an obligation to protect their property from trespass and injury, and "the selection of that reservation to be deferred until after a general survey of the tract, when the position most advantageous to the general interests and peculiar wants of the Indians can be more judiciously selected." This agreement having created great dissatisfaction, and been repudiated by the large majority of the chiefs and Indians, never received the formal sanction of the Government.

The memorialists will not fail to have perceived throughout these transactions the scrupulous respect which was paid by the Government to the rights of the Indians; and that even when differing from them in opinion, with reference to the precise extent of their proposed reserve, it felt constrained to yield to their ascertained wishes; nor can the cautious avoidance of any public act upon which even any colourable claims or rights could have accrued to individuals in virtue of the pending negotiations, have escaped notice. I might also cite numerous notices warning parties not to enter into private agreement with Indians, and official letters stating that the lands were not open for sale. Even the surrendered tracts were formally withheld from sale, and the right of pre-emption was not granted to parties who settled upon them after the date of the Order in Council of 27 November 1840. Persons who had entered upon the unsurrendered lands could therefore only be regarded as trespassers; and the Order in Council, of the 4th October 1843, accordingly declared "that the proposed reservation will involve the necessity of ejecting the intruders, without regard to the means by which they acquired possession."

Formal surrenders having been executed by the Indians, of the land not included in their reserve, it now became the duty of the Indian Department to give effect to the foregoing arrangements. Mr. Thorburn, who had been appointed in September 1844 a Special Commissioner to adjust disputed claims, with a general supervision of the tract, received instructions from Lord Metcalfe, under date the 3d August 1845, to give public notice that all white persons were to retire from the reserve before the 1st of January next ensuing.

In reply to a petition addressed to his Excellency by Messrs. Cheshire and Strong, on behalf of themselves and the other squatters, he stated that the notice had been well considered, and could not therefore be withdrawn; but that the claims of the petitioners to the lands in their occupation should be thoroughly investigated, and Mr. Thorburn was thereupon directed to make a separate report on the case of each settler, recommending the amount of compensation, if any, that should be awarded. He accordingly procured the assistance of Mr. Kirk-

patrick, who had previously inspected the lands, and in order to give the petitioners the most ample opportunities of personally communicating with him, and substantiating their claims, stationed himself from time to time at different points in the reserve. He stated in his report, which was furnished in April 1846, that the complainants had failed to show that the Government had authorised the occupation of these lands by white settlers; that the only ground upon which they could demand, or the Government be justified in awarding compensation from the Indian funds, consisted in the inference which they might have drawn from the survey of the lands, and allusions contained in certain letters addressed by Mr. Jarvis, and officers of the Crown Land Department to individual applicants for land, to the possible contingency of sales being made at some future period. Under these circumstances he recommended that compensation, to be measured by the increased value which the land had acquired from the labour bestowed upon it, and for which the occupant had received no return in crops or otherwise, should be granted. I may mention that, even in surrendered lands, compensation was strictly confined by Order in Council within these limits. Each occupant had accordingly been required by him, to state the extent and nature of his improvements; the work done was then examined by Mr. Kirkpatrick, who, jointly with Mr. Thorborn, determined the amount of compensation to which the party appeared to be entitled. In Tuscarora 166 cases were reported, of which 31 only were of a date prior to 1841. In Oneida, 74, all of which were subsequent to 1840. The amount of compensation recommended was 8,602 *l.* 5 *s.*

Mr. Secretary Higginson replied, that although the squatters had no legal claim for compensation, the Governor-general was prepared to act upon the recommendation of the report with reference to parties who had settled previous to the issue of the chief superintendent's notice of the 22d January 1844, a reasonable deduction being made for rent during period of occupation. He instructed Mr. Thorburn to place the reserve forthwith at the disposal of the Indians, and to give public notice that all white persons remaining there after the 1st of September would be held to have forfeited all claim for compensation, and the law put in force to compel their removal. A large proportion of the squatters accepted the terms offered by the Government. Lists of those who expressed their willingness to retire were furnished by Mr. Thorburn to the Indian Department; checques were transmitted to him in favour of the several parties for the amounts respectively awarded to each, and handed to them, on their making affidavit that they had retired from the reserve. On the 28th January 1847, Mr. Thorburn reported, for Earl Cathcart's information, that 127 had actually received payment.

Meanwhile, however, a number of the squatters, headed as it would appear by Mr. Cheshire, who having, by his own showing, not come into the tract until after the publication of the chief superintendent's notice of the 22d January 1844, was debarred, according to the rule laid down by Earl Cathcart, from any claim to compensation, refused to quit the reserve. It became necessary, therefore, to proceed against them as trespassers; and Messrs. Thorburn, Clench and Bain, who had been appointed Commissioners under the 2 Vict., c. 15, held a court in November 1846, for that purpose. On the application of the accused parties, the court was adjourned till the 2d December, in order that they might procure the attendance of Mr. Jarvis as a witness for the defence, and copies of certain documents from the records of the Indian and Crown Land Departments. The trials took place on that day; counsel appeared for the defence; the required documents were produced, and Mr. Jarvis examined; but his evidence was entirely unfavourable to their pretensions. He declared that it had always been intended to locate the reserve on the south side of the Grand River, and that answers to that effect were given whenever parties applied for permission to settle there; also, that such of his letters as might have been susceptible of a different interpretation, could only have reference to the opposite side of the river. Mr. Solicitor Turner watched the proceedings on the part of the Government, and the Court having decided against the defendants in every case, they were served with notices of judgment to retire in 30 days. They gave notice of appeal to the Court of Chancery, and the appeals were heard on the 3d of May 1847. All the documents and evidence on which they relied were produced, and the convictions affirmed with costs. In the year 1847 the squatters petitioned the Legislative Assembly on the subject of their claims and grievances. The report of a Committee which was appointed to investigate the circumstances of the case, declared that the "Petitioners were dispossessed by due course of law of the lands they occupied, and that such lands are in fact Indian Reserves." They also recommend, on grounds similar to those set forth in Mr. Thorburn's report, that a fair and reasonable compensation be allowed to them.

His Excellency does not consider that he is called upon to enter into a vindication of the two Acts which the Legislature has seen fit to pass since that period, for the general purpose of more effectually protecting the Indians. I have merely to state, in continuation of my narrative, that under the provisions of the 12 Vict. c. 9, and the 2 Vict. c. 15, the Commissioners proceeded anew against the squatters, and that on appeal to the remodelled Court of Chancery, their convictions were again affirmed with costs. On this occasion, the Chancellor and the Vice-Chancellor both delivered elaborate judgments in the case. The efforts to get rid of the squatters still proving unsuccessful, the 14 Vict. c. 74, was enacted, giving the Commissioners summary jurisdiction. The trespassers having been convicted under this statute, writs of ejectment were placed in the hands of the Sheriffs of Haldimand and the Gore District, in April 1851. These officers proceeded without delay to serve the writs, and ejected a few of the squatters; but on receiving positive assurances from the remainder, that they would retire after harvesting their growing crops, they suspended further operations, with the full assent of the department. Finding that this pledge remained unfulfilled, and

after

after several months delay, Sheriff Martin proceeded in the discharge of his duty, to eject the trespassers in February last, an Act which is represented in the petition, as one of unprecedented severity. Even in this instance, although the parties have held illegal possession of these lands rent-free for so many years, Mr. Thorburn was authorised to allow them the amount of compensation awarded in 1846, making only a reasonable deduction on account of legal expenses incurred by the department.

Referring to the allegations of the petition, the memorialists may judge from this simple recital of facts, whether the Indians have knowingly, or even technically denuded themselves of their right to reside within the tract, and how far the Indian Department is justly chargeable with having overstepped its authority, or having adopted harsh and oppressive measures against the squatters. Taking into consideration the express instructions, as well as the spirit of the Orders in Council, which I have cited, assuming the judicial decisions of the Court of Chancery to be sound, and that in the words of the report of the Committee of the Legislative Assembly, "these lands are, in fact, Indian reserves," it is difficult to conceive any mode of dealing with the squatters, short of a total abandonment of the lawful rights of the Indians, more considerate and forbearing than the one that has been pursued. That the average rate of compensation was not unreasonably low, may be safely inferred from the fact, that it was unhesitatingly accepted by upwards of one half of the squatters, and that a considerable number have since followed their example. Those who were returned as having settled before 1841, were, with one or two exceptions, among the first to retire from the reserve.

Finally, Lord Cathcart's instructions have been so far relaxed, that no deduction was made for rent, and that all the settlers comprehended in Mr. Thorburn's report, have received compensation on making the necessary application irrespective of the date of their occupation.

But there are other classes of squatters now on the tract still more unworthy of consideration. Of 60 self-styled settlers, who signed a petition to the Governor-general in 1849, nine had returned to the reserve after having actually received compensation, and 21, encouraged no doubt, by the examples before them, of successful resistance to the law, had entered upon the lands since the date of Mr. Thorburn's inspection, and there can be little doubt that intruders of the latter description, form a considerable proportion of the present white occupants of the reserve.

In conclusion, his Excellency directs me to state, that as Governor-general he is specially charged with the maintenance of the Indian rights and privileges. He can on no account give his assent to any measures which would seem to compromise the rights of property, or evince a disregard of the claims of the Indians upon the British Crown. It has, however, always been his earnest endeavour to make these claims harmonize with the general interests of the community, and to bestow as favourable a consideration as a due administration of the trust reposed in him permits, on cases in which the assertion of these claims may seem to be attended with hardship towards individuals. His Excellency entertains a confident hope, that having received this full explanation of the facts of the case, the memorialists will exert their influence to induce the squatters to submit themselves to the laws of the land, and thus relieve the Government from the painful necessity of resorting anew to compulsory measures.

I have, &c.

(signed) *R. Bruce,*
Superintendent-General.

Sir Allan N. Macnab, M.P.P.

— No. 3. —

(No. 81.)

No. 3.
Sir J. S. Pakington, Bart., M.P., to Earl of Elgin.
2 November 1852.

COPY of a DESPATCH from the Right Honourable Sir *John S. Pakington*, Bart., M.P., to the Earl of *Elgin*.

My Lord, Downing-street, 2 November 1852.

WITH reference to your Lordship's despatch No. 57, of the 10th July last, in reply to mine of the 4th June preceding, respecting Mr. Frazer's memorial on behalf of certain squatters on lands situate on Grand River belonging to the Six Nations Indians, I transmit for your Lordship's information the copy of a letter, which I caused to be addressed to Mr. Fraser on the receipt of your Lordship's despatch, together with the copy of a letter which I have since received from that gentleman.

Col. Office to Mr. Fraser, 10 Sept. 1852.

Mr. Fraser to Col. Office, 20 Oct. 1852.

I am, &c.
(signed) *John S. Pakington.*

Encl. 1, in No. 3.

Enclosure 1, in No. 3.

Sir, Downing-street, 10 September 1852.

With reference to the Earl of Desart's letter of the 9th of June last, I am directed by Secretary Sir John Pakington to acquaint you that he has received a Report from the Governor of Canada upon the case of certain settlers upon Indian lands on the Grand River, from which it appears that their claims have been frequently considered by the Executive Government, the judicial tribunals, and the Legislature of the Province, and that each authority has repeatedly affirmed the irregularity of their possession, and the necessity for their removal.

Under these circumstances, and after having fully considered the representations which you have submitted in behalf of these settlers, Sir John Pakington is of opinion that there is no ground on which he would be justified in interfering in this matter, with the proceedings of the Government of Canada.

I have, &c.

Douglas Fraser, Esq. (signed) *J. Fred^k Elliot.*

Encl. 2, in No. 3.

Enclosure 2, in No. 3.

Sir, 241, Buchanan-street, Glasgow, 25 October 1852.

I have the honour to acknowledge the receipt of a communication from you, of the 10th of September last, but which did not reach me for some time afterwards, in reference to the case of certain settlers on the Indian lands in Canada, in which I am informed that it appears by the report of the Governor of Canada, that the claims of the settlers have been frequently considered by the Executive Government, the judicial tribunals, and the Legislature of the Province, and that each had repeatedly affirmed the irregularity of their possession, and the necessity for their removal. If this were distinctly the case, I should not have felt it my duty to trouble you with any memorial upon the subject. I have laboured hard to put the matter in as clear a light as possible, offering the evidence to support each of my statements bearing upon the subject, and only claiming a fair and disinterested investigation. In reference to the interference of the Canadian Executive, with the exception of publishing an absurd proclamation (but fortunately harmless one), of outlawry, they have always declined interfering, and when pressed by influential persons, declared that the matter was for the consideration of the Imperial Government; and Mr. Baldwin, when Attorney-general, said he was very averse to interfere or bring the matter within the control of the Executive. Lord D. Stuart also wrote to the effect, when it was referred home, that it was understood to be a matter for the Colonial Government, referring it back to Canada. In answer to the decisions of the judicial tribunals, all my clients claim and wish for, is a fair trial by the judicial tribunals of the country; but the Act under which the Commissioners are proceeding against the settlers, takes their lands out of the usual jurisdiction of the country for settling disputed claims to lands; the first Act, however, never contemplated the removal of persons situated as my clients are, and after the most cruel injustice had been perpetrated against the settlers by imprisonment and other proceedings, such was found to be the case. In this Act there was an appeal to the Chancellor against the Commissioners, and it authorised an inquiry as to the mode in which they had got into possession, excepting those who held under Indian leases, or otherwise by authority of Government or its agents. I will not refer further to the subsequent Act on this question than merely to say, that so far as they give the Commissioners power to imprison, without trial by jury, honest industrious settlers, whose stupid attachment to their country has led them, under all difficulties and unheard of trials, and with the sanction of the agents of Government, to settle upon these lands, far too dear if had merely for the price of clearing, these acts are a disgrace to British legislation, and unequalled in any part or age of the world. And lastly, in reference to the decision of the Legislature, I have only time to say, that the Committee appointed to investigate their claims, over which Colonel Prince presided as chairman, found that the settlers had been induced to settle on these lands by letters of the Government agents, and under the impression that they would be for sale, which they in fact were at the time, and recommended that they should be paid the full value of their improvements. We have never asked more, and during an interview with his Excellency, I offered to leave the remuneration to any disinterested party whom his Excellency might appoint. I leave this morning for the city of Hamilton, Canada West, my place of residence, and I regret exceedingly that I can hold out no prospect of relief to my clients in the usual and what ought to be the only way of obtaining a fair hearing and full justice, and not by political or other agitation, unsettling the minds, and too often the reason, of mankind, I have nothing more to advance, unless you should deem it necessary to call for further inquiry.

To the Right Hon. Sir John Pakington, Colonial Secretary.

I have &c.
(signed) *Douglas Fraser.*

— No. 4. —

To the Right Honourable Sir *John Pakington*, Bart., Secretary of State for the Colonies, &c. &c.

No. 4.

The Petition of the undersigned *Frederick John Cheshire*, of the Township of Tuscarora, Grand River, Canada West;

Respectfully showeth,

1. That Douglas Fraser, Esq., hath recently, by memorial to the Colonial Office, set forth the grievances of the settlers in the above, and township of Oneida; lands surrendered by the Indians in 1841 to the Government for sale; and has received in reply, over the signature "Desart," "That before taking the matter into consideration, Sir John Pakington had commanded that the same be transmitted to Lord Elgin for his report."

2. That simultaneously with the above application, the cruelties pursued towards these unfortunate settlers by the officers of that great anomaly, a petty, little, despotic, irresponsible Government, within a "responsible Government," called an "Indian Department," had roused public attention upon 18 families, during the severe snow storm of the 1st March last, when thermometer stood 26° below zero; being placed at the instance of this honourable department, (whose paid officers were the only judges and jury at the mock trials held in an Indian council-house,) by the sheriff on the way side; their homes, the results of some 12 or 15 years of hard toil in improvements, their growing crops, given to Indians who had surrendered as aforesaid, or to tribes from the states, holding no allegiance to the British Crown, and even to runaway States Negroes assorting with Indian squaws.

3. That so great was the outrage, that in a very short time a petition with nearly 3,000 signatures, headed by Sir Allan N. Macnab, Isaac Buchanan, Esq., and the leading merchants and most respectable inhabitants of the vicinity, and occupying 65 feet of a double column of signatures; protesting against such cruel proceedings, was addressed to Lord Elgin, which petition, the reply of Colonel Bruce (himself the head officer of the department complained of), Mr. Little's review of the same, have been thrown into pamphlet form, a copy has already been transmitted to the Colonial Office,* and a further one is, with other documents, herewith enclosed; and copies have been furnished Lord Elgin, his executive, and each branch of the Legislature.

* See foot note.

4. That upon Lord Elgin's "entertaining a confident hope, &c, that the memorialists would exert their influence to induce the squatters to submit," &c., *see* page 8, of pamphlet, Sir A. N. Macnab, Isaac Buchanan, Esq., the Mayor of the city of Hamilton, Neh. Ford, Esq., with a large number of others of the leading subscribers to the last-named petition, immediately joined in a further remonstrance to Lord Elgin, and to each branch of the Legislature.

5. That an address to Lord Elgin, for the production of papers, &c., &c., upon this very important subject, was moved in the House of Assembly by the Member for Haldimand, in which county Oneida is situate. *See* "Brant County Herald" (Government Paper), November 3, marked Document No. 1,† enclosed.

6. That, pending that motion, Lord Elgin prorogued the House until February next, and that, in a similar manner, the House was prorogued a few days after its unanimous adoption of petition of 1847, upon this subject, hereinafter referred to, and upon which no action has yet been taken.

These newspaper articles are not reprinted with the present collection of papers.

7. That in the face of these facts, the absence of any communication in reference to "Lord Elgin's Report," at the very time the Legislature had taken the initiative

* This lengthy pamphlet has not been reprinted with the present collection of Papers; it is entitled, "Information for the Public. The case of the Indian Department, in reference to the Grand River Settlers, as submitted by Colonel Bruce, Chief Superintendent of India Affairs, in a Letter to Sir Allan Napier Macnab, and Three Thousand Memorialists, with their Petition to the Executive for an Inquiry, &c., and a Review of the same by James Little, Esq., of Caledonia, one of the Memorialists."—"Hamilton Spectator" Steam-Press, Corner of Court-house-square, 1852.

initiative in a movement for redress, the Indian Department, presided over by Colonel Bruce, have forced on the sheriff by the most stringent and hitherto unheard of instructions, to eject my own and nine other families from our homes; our farms, our crops of unthreshed grain, our growing crops, our winter's fodder for our cattle, in fact, from our all in this world, save our trust in God, and faith in the unsullied justice of the British Government.

8. That the atrocious nature of the proceedings was such, that the assembled Indian chiefs pitied, and cried shame! These noble-minded men, with whom we had, until seduced by their interested agents, lived upon the most friendly terms, have all along expressed a wish that the *bonâ fide* settlers should be paid a full remuneration for their improvements, or that they should be allowed to lease the lands; admitting that the sum offered, eight dollars per acre, was only a moiety; that they had so expressed themselves to their agents, but would not be listened to; and their just proposal submitted in writing, was torn up, and thrown in their faces. *See* Letter of James Little, in pamphlet, page 11, 2d column. These men, upon appeal to them as to what I was to do with a wife brought up to the luxuries of life, eight children, and promise of a ninth, in the depth of winter, and without a home to go to, at once assented to my occupancy until I could arrange matters, or something was done by the "big council" (Parliament) or the Queen; and they admitted before the sheriff, that the Indian to whom my farm was given, already held two; said Indian admitting I had given his wife's father, Peter Norton, five dollars for his small chopping and small shanty; that I had paid himself seven dollars for drawing the logs for my house; that four chiefs and 40 Indians were at my "Bee," raising the house; that many of the Indians had been employed by me for years past in chopping, logging, and rail splitting on my farm of 80 acres of improvements; that I had always paid them money for their work; no store pay; "never cheat Indian of a York shilling."

9. That proposition for amicable sestlement of this matter, is set forth in affidavit contained in Document (A.),* enclosed; yet, in the face of that proposition, founded on "Instructions of Lord Metcalfe," in 1845, and made on the 30th September 1846, these interested Indian agents commenced their sham judicial proceedings on the 3d October 1846, the cost of which, exclusive of their pay of 18 dollars per day, have cost the funds of the poor Indians more than treble the whole claim for our improvements.

* *See* Letter to Editor of the "Hamilton Spectator," 8 May 1851. (Not reprinted with the present collection of Papers.)

10. That the general conduct of one of the agents may be gathered from letter of petitioner to Sir A. N. Macnab, herewith enclosed, Document (B.)†

† Letter dated 27 November 1852, contained in "Hamilton Spectator," (Not reprinted with the present collection of Papers.)

11. That by reference to a printed petition, introduced to the Canadian Legislature in 1847, which document, amongst others, Lord Elgin has been requested to transmit to Colonial Office, it will be seen by the 13th clause, the conduct of another of these Indian agents, who, upon oath, on a trial in reference to timber, had to acknowledge himself, "Collector of Indian dues on said timber; partner with plaintiff in contract for the said timber; payer of dues on the same, and witness then and there for his said partner, in fact, for himself; and admitted that Charles Bain had to pay Charles Bain said dues on said timber, and which dues had not been paid to the Indian funds, or placed to credit of defendant's lot." Comment upon such proceedings is needless, and that it should be sanctioned may not be surprising after perusal of Canadian Cabinet proceedings, to sweep away a source of provincial revenue of not less than 50,000 *l.* a year. *See* "The Red Pine Job," Document No. 2.‡

‡ Article in the "Hamilton Gazette" of 29 November 1852. (Not reprinted with the present collection of Papers.)

12. That by copy of proceedings in the Court of Queen's Bench, and tried before Chief Justice Robinson, in a case of assault, Cheshire *v.* Bain, the jury convicted the aforesaid agent, partner, witness, collector, and retainer of Indian dues, in a penalty of 15 *l.* currency, for the indecent and outrageous act of spitting in plaintiff's, the petitioner's eyes. These facts have all been laid before Lord Elgin, yet these agents, notwithstanding, are still continued in their office, in the face of these and other remonstrances from other quarters, connected with similar transactions in other townships than the two in question, until the impression has become a proverb, "Encouragement to evil doers, and punishment of those that do well."

13. That

13. That Mr. Little has grappled, in review of Chief Superintendent's reply, in so masterly and unanswerable (and still unnoticed) a style, exposing its assumptions, its contradictions, its sophistries, that petitioner has simply to urge a careful perusal of the same, confident that after perusal every impartial mind must exclaim—

"Oh what a tangled web we weave,
When first we practice to deceive,"

as applicable to petitioner's opponents.

14. That by reference to document C,* being copy of memorial to Lord Elgin, No. 13, and referring to former memorials, it will be seen petitioner "prayed that the various documents connected with the matter, may be transmitted for the consideration of her Majesty;" that petitioner, on the 2d of April 1847, received acknowledgment of petition and other documents, which it was promised should be laid before Earl Grey; that no action was taken in Colonial Office up to 1848; that in the meantime agents aforesaid had been most active, had effected the imprisonment of petitioner, and without trial by his peers; that Lord Dudley Coutts Stuart, on application at this time, learnt from B. Hawes, "I have caused a search to be made amongst our records, and I can now safely say, that we possess no information upon the subject," and "it is to Lord Elgin Mr. Cheshire must apply for redress."

* Page 16.

15. That upon receipt of the above communication, petitioner and the other settlers deputed James Little, Esq., a magistrate of the district, to proceed to Montreal, empowering him to make any one of these arrangements: first, Payment for improvements on the terms laid down by Lord Metcalfe; secondly, The submission of the whole matters at issue to an impartial commission; or, thirdly, an exchange of lands and improvements to be made for some others out of a given 20,000 acres for reservation, which would be ample for the remnants of the Six Nations for all agricultural purposes; and reply was given referring petitioners back again to the Colonial Office. Mr. Little's letter was transmitted to Lord Dudley Coutts Stuart, who again waited upon B. Hawes, receiving in reply, "that no communication had been received from the Executive of Canada on the subject; that he was still of opinion that the matter was one of colonial not imperial control." That reply Lord Dudley Coutts Stuart transmitted back to petitioner, who re-transmitted it in respectful memorial to Lord Elgin, but has received no reply, leaving petitioner and the other settlers in a state of unenviable and most cruel suspense, and has been the means of scattering many of them disheartened and exasperated wanderers upon the world, as may be gathered, with other facts, from document D,† and the reply made to Mr. Little, as aforesaid; B. Hawes' reply, &c., will be seen in document E.‡

† Letter to the Editor of the "British Colonist," headed, "The Settlers on Crown Lands in Tuscarora," and dated 2 February 1852. (Not reprinted with the present collection of Papers.

‡ Page 18.

16. That during the session following, in Toronto, motion in reference to this matter was introduced, when the Honourable Francis Hincks met it by assertion, "That the British Government were most anxious to reduce the cost and trouble of the Indian Department; any interference, therefore, of the House would bar them doing so immediately." Motion lost. The connexion of Mr. Hincks with Indian land transactions, but upon unsurrendered lands, strangely contrasts with his proceedings in our surrendered land affair; but the doings of the Premier of poor Canada in the former case perfectly coincides with the doings of his agents in the latter. "Poor Indian goose, what a plucking." See, in illustration, Letter of Angus Macdonnell, document F. §

§ See Letter to Editor of "Toronto Patriot," 2 November 1851. (Not reprinted with the present collection of Papers.)

17. That as the Canadian Premier has in his place in Parliament so frequently thrown the blame of these proceedings on the Imperial authorities; as the protraction has been fraught with such utter ruin to so great a body of her Most Gracious Majesty's subjects, mostly strangers here, emigrants from the dear old sod, your petitioner most earnestly prays, that an immediate stay to Lord Elgin's proceedings in this matter, until Imperial authorities have opportunity of inquiry, be immediately sent out to Canada.

18. That petitioner would respectfully suggest, and that suggestion arises from 10 years' close observation of the working of this Grand River Indian land machinery, a commissioner be immediately appointed here, or sent out; one who is untrammelled by any local influence or attraction, assured that the

expense of his mission would be, in even a twelvemonth's research, productive of a very large saving to the funds of the Indians, who are robbed to a fearful amount, and in the name of our Queen, and are, at the same time, treated equally with their white brethren who may have the misfortune to be entrapped upon their land, or lands once theirs, in a most tyrannical and unconstitutional manner.

And with sentiments of deep-rooted attachment to our inimitable institutions, and unswerving loyalty to the good and glorious Queen, who watches over and has sworn to preserve them, sentiments which are also deep-rooted in the hearts of my co-sufferers, your petitioner, as in duty bound, will ever pray,

(signed) *Frederick John Cheshire.*

Tuscarora, by Seneca, Grand River, C. W.,
10 December 1852.

Encl. in No. 4.

Enclosure in No. 4.

Indian Lands.

Memorial of the Gore District Municipal Council to his Excellency Lord *Elgin*, Governor-General, &c. &c. on behalf of the Settlers upon the Indian Lands in the Townships of Tuscarora and Oneida.

To the Right Honourable *James* Earl of *Elgin & Kincardine* K.T., Governor-General of British North America, &c. &c. &c., in Council.

May it please your Excellency, the Memorial of the Gore District Municipal Council,

Respectfully showeth,

That your memorialist have viewed with feelings of deep regret the proceedings instituted by the Indian Department against certain settlers on the Indian lands, in the townships of Tuscarora and Oneida, believing them to be of unmitigated injury in their procedure and result to the Indians, the settlers, and the district.

By these proceedings a large amount of the Indian funds, instead of yielding a profitable return for the supply of their pressing wants, has been worse applied than if thrown away, in purchasing extensive improvements, evidently for no other purpose than their restoration to their original wilderness state; while the settlers who abandoned their homes through fear of incarceration, did not in most cases receive more than half their outlay, and those who remained have been constantly harassed by prosecutions of more than doubtful legality, and are now about to suffer by incarceration with felons in the common gaol, the ultimate penalty of a law which they, their legal advisers, and others who had examined the question, believe does not apply to their case, and the district is called on to be a party to carry out these extraordinary proceedings, by providing the necessary place of confinement, and burdening its revenues for their support during their incarceration.

Your memorialists feeling a deep interest in all that concerns the happiness and prosperity, the peace and well-being of the inhabitants collectively and individually, of the district, believe that it will not be considered impertinent or out of place, by bringing under your Excellency's notice, the proceedings that have from time to time been adopted on this subject by the Government of your Excellency's predecessors; and offering an opinion of the course which your memorialists believe would most conduce to a satisfactory settlement of this important question, on just and equitable principles, and for the best interests of both the Indians and the settlers.

On referring to the Provincial Statutes, it will be found that an Act was passed in the second year of Her Majesty's Reign, cap. 15, for the protection from trespass and injury, lands appropriated for the residence of certain Indian tribes in the Province, as well as the unsurveyed lands, and lands of the Crown ungranted, and not under location, &c. By the first clause in is enacted, "that it shall be lawful for the Lieutenant-governor from time to time, to appoint two or more commissioners under the great seal of the province, to receive information, and inquire into any complaint that may be made to them against any person illegally possessing himself of any of the aforesaid lands, for the cession of which to Her Majesty no agreement hath been made with the tribes occupying the same, and who may claim title thereto," &c. After the promulgation of the above Act, his Excellency Sir George Arthur, who was then Lieutenant-governor of the Upper Province, appointed a commission to carry out and enforce its provisions, but after the imprisonment of one individual, and others were proceeded against, he was doubtless convinced of the propriety of adopting a totally different course, for your memorialists find, that in August 1840, M. Gwynne, associated with Major Winniett, one of the Commissioners, was directed to proceed

to

to the Grand River, and report to his Excellency the nature of the claims of the settlers, with the extent of the improvements made by them on these lands, and on the receipt of their report, his Excellency in Council, adopted on the 27th November 1840, the following order. "That all persons reported as resident settlers up to the date of the present Order in Council, be considered the first applicants, and entitled to the right of pre-emption for the space of six calender months thereafter, at the rate fixed upon the land, without paying for the value of improvements."

Your memorialists next find, that on the 18th day of January in the following year, Sir George directed Mr. Jarvis, the chief superintendent of Indian affairs, and Messrs. Gwynne & Winniett, aforesaid, to assemble the Indians in council, and submit to them propositions for a cession of their lands to the Crown for sale, which was agreed to by the tribes, reserving only a few hundred acres near Brantford, called the Johnson Settlement, which were subsequently brought into market and disposed of. The surrender then made is in the following words: "The chiefs and warriors of the Six Nation Indians, upon the Grand River, in full council assembled, at Onondago Council-house, the 18th day of January 1841, having maturely considered the proposal made to them by Samuel P. Jarvis, Esq., chief superintendent of Indian affairs, contained in the annexed documents, dated the 5th and 15th day of January 1841, in full reliance and confidence in Her Majesty's Government, that they will dispose of the property of the Six Nation Indians for the sole benefit of them and their posterity for ever, according to the true intent and meaning of the said annexed documents, and for no other purpose whatever, to the best of their judgment; and also, in full confidence and reliance on Her Majesty's Government, that they will not sell or dispose of in fee-simple, any portion of that tract called the Johnson Settlement, unless what is available to be sold as town lots in the immediate neighbourhood of Brantford, without the assent of those Indians for whom the same was formerly reserved, first being obtained: have, and hereby do assent to Her Majesty's Government disposing of the lands belonging and formerly reserved upon the Grand River for the Six Nations Indians, for the sole benefit of the said Six Nations, and for the full and valuable consideration, according to the best of their judgment, so as to preserve the benefit thereof for the said Six Nations and their posterity, according to the intent and meaning of the said annexed documents, dated the 5th and 15th January 1841. In testimony whereof, we, Moses Walker, John Smoke Johnson, J. Kannawate, Kanakariatirie Peter Green, John Whitecoat, and Jacob Fishcarrier, being deputed by the said Six Nations, in full council assembled, to assent to the same, in their behalf, have hereunto set our hands and seals, this 18th day of January 1841."

The foregoing document is witnessed by J. Martin, Indian interpreter, Jas. Winniett, superintendent Indian affairs, and John W. Gwynne; and it appears to your memorialists that if words are to be taken in their plain and obvious signification, they can have no other meaning here than a cession of the lands occupied by the Indians, for sale, "and for no other purpose," and consequently do not come under the provision of the Act, the 2 Vict. c. 15, in part above recited, and indeed this seems to have been the view taken by Sir George Arthur's Government, for on obtaining this instrument of surrender, the commission at once ceased; the individual imprisoned was immediately liberated, and all prosecutions under the Act forthwith abandoned, and were never again revived until the appointment of the present commission, and the proceedings now enforced by them. Besides, so soon as the necessary plans were completed by the surveyor-general's department, a survey of the whole tract into lots, and an appraisement of each, were directed to be made, and after these were completed, the lands in the townships of Cayuga and Dunn which remained unsold; those in Seneca, Brantford, and Onondaga, and subsequently about three-fourths of those in the township of Oneida, were declared by the Government open for sale, giving the right of pre-emption to the parties in occupation; thus so far establishing the validity of that instrument by the sale of the greater portion of the lands in question. It also appears by the 8 Vict. c. 7, that the whole Indian reservation no longer retained that character, but was divided into and declared townships, for judicial, municipal, and all other purposes.

Your memorialists again find that on the 14th of November 1843, Mr. Jarvis directed the publication of the following letter, addressed to Edward M. Stewart, Esq.

"Sir, "Indian Office, Kingston, 14 November 1843.

"In regard to those persons who have taken possession of lots of land and made extensive improvements, the right of pre-emption will be extended to them in all cases where practicable, and in no case will a stranger be permitted to purchase a lot in the possession of another person, but on the express condition of paying the occupants the full value of their improvements thereon. You will confer a favour by making this generally known to the settlers, for I have received information from several quarters that there are individuals along the river who have circulated reports with respect to the sale of these lands, calculated to alarm the people, and indeed to induce them to suppose the Government, at the instigation of the Indian Department, was disposed to deal harshly with them.

(signed) "*Samuel P. Jarvis.*"

From this letter, which the gentleman to whom it was addressed was directed to make generally known, it is evident to your memorialists that strong inducement was held out by the chief officer of the Indian Department to those in possession of these lands to prosecute their improvements under the pledge that pre-emption right, and peaceable possession, would be assured to them,—but in bad faith to these unfortunate settlers it has now turned

out that they are made the victims of the very policy from which that document was designed to exculpate both Mr. Jarvis and the Government, of which, as regarded the Indian lands, he was the acknowledged organ. Your memorialists also find that, in 1841 and 1842, several letters passed from the Commissioner of Crown Lands to the parties now prosecuted for trespass, all tending in the highest degree to encourage them in the belief that they would be permitted to purchase the lots improved by them; but your memorialists do not think it necessary to adduce further evidence to enable your Excellency to arrive at the conclusion that the Government and the Indian Department were much more blameable in the matter than the unfortunate settlers, who put faith in their acts and promises, and are now suffering for their misplaced credulity.

From a view of the whole case here presented, you memorialists are indeed unable to reconcile the present harsh and ruinous proceedings against the settlers with strict justice, and that impartiality which it should ever be the character of a Government to maintain; for it is evident to your memorialists that those who took unauthorised possession of Indian lands before they were surrendered to the Crown, surveyed and appraised, and for the removal of whom the 2 Vict. c. 15, as is stated in the preamble, was passed, have not only retained peaceable and uninterrupted possession of their improvements, but also had pre-emption rights secured to them by Orders in Council, and ultimately were allowed to purchase the lands they occupied, while others availing themselves of the altered character of these lands, the encouragement held out to them by the parties having control, as well as the course adopted to others as already set forth, with other supporting circumstances, to provide homes for themselves and families have either been driven therefrom through fear of incarceration, without adequate compensation for their outlay, or are now suffering, or about to suffer the extreme penalty of a law generally considered inapplicable, and of no force in their case, by the cession of the lands to the Crown for the purpose of sale.

Your memorialists would now respectfully beg leave to venture an opinion for your Excellency's consideration, of the best means under the circumstances already detailed, of reaching a just and satisfactory settlement of the question. It is ascertained that the lands from which proceedings are now in force to remove the settlers amount to upwards of 50,000 acres, which are chiefly situated in the townships of Tuscarora and Oneida, of these a block of 25,000 acres in the township of Tuscarora, where the Indians are chiefly, and the least number of whites located, should be reserved for the exclusive residence of the Indians, and when it is known that 5,000 acres is the extent of their partial improvements, it is believed it will be seen the quantity proposed to be reserved will be ample for all the purposes of agriculture for the Indian tribes, who number about 2,500 souls, would be able to set off 50 acres to each family of five. They should in the meantime be allowed to retain their present locations, not covered by the 25,000 acres, until they sold out or exchanged with the white settlers residing within that block; and the latter should be allowed to hold, under lease at a rental, until such arrangement was effected, which your memorialists are satisfied would be speedily brought about. The remainder of the land should be sold, giving the parties who have been removed pre-emption right to re-purchase their improvements, by which means they would be able to proceed to raise bread for themselves and the thousands of their famishing brethren at home. The Indian funds would be augmented by the sale of lands which are of no manner of use to them, and reimbursed in the sum of some 10,000 *l.* or 12,000 *l.*, paid out for the large number of improved farms which are scattered over the tract waste and useless; a monument of folly, and a disgrace to the intelligence and civilization of the age.

Failing to convince your Excellency of the propriety of adopting the course now proposed for a final adjustment of the question, your memorialists would respectfully, but earnestly, entreat your Excellency would be graciously pleased to take the matter into consideration, and adopt such other mode of relief as your Excellency may deem meet, and your memorialists, as in duty bound, will ever pray.

Respectfully submitted,
(signed) *James Little*, Chairman.
John White.
John Miller.
John O'Hatt.
Robert Holt.

Encl. in No. 4.

Enclosure in No. 4.

[From the "Hamilton Spectator," 4 October 1848.]

No. 13.

[Copy.]
To his Excellency the Right Honourable *James Bruce* Earl of *Elgin* & *Kincardine*, Governor-General of British North America, &c. &c. &c.

My Lord,

In the memorials I have had the honour of addressing to your Lordship, the painful duty has been forced upon me of detailing the hardships, sufferings, and deep distress in which a very

very numerous body of Her Most Gracious Majesty's dutiful, loyal, and industrious subjects have been involved, by the mistakes, blunders, or something worse, of the officers connected with the Crown Lands Department.

My last one handed your Lordship, by that devoted friend of the poor emigrant, the Hon. Adam Ferrie, in which was set forth the further hardship of illegal incarceration in the common gaol of this place, together with a prayer for liberation from such cruel incarceration, under my then peculiar position, has met with no reply.

I should not have deemed it necessary to trouble your Lordship at present any further in the matter, but the following will be by apology:—

Learning, on my last visit to Montreal, that this matter of dispute regarding the Indians and their lands was an Imperial question, and could not be disposed of by any authority here; and having, in former memorials, prayed that the various documents connected with the matter may be transmitted for the consideration of Her Majesty, I should have been disposed to await the issue of such application.

My incarceration of last January for 30 days, at the very time my wife was expecting in a few weeks to become a mother, called forth a letter to her friends in London, and directing attention to the documents and promise in the following:

[No. 1.]

"London, 2 April 1847.

"The petition from Mr. Cheshire, with all other documents, have been sent to the Colonial Office, one of the clerks promised they should be placed before Lord Grey. The clerk said, Mr. C.'s petition was too long, but that he would put it into proper form for Lord Grey. He also said, that whatever was done, would be by instructions sent out to Canada.

(signed) "*R. P. Bickerton.*"

[No. 2.]

"Sir, "34, St. James's-place, 6 June 1848.

"Enclosed is the answer I have received from Mr. Hawes, to the inquiry I addressed to the Colonial Office at your request. I may mention, that previous to writing, I spoke to Mr. Hawes, and showed him the passages you pointed out to me in the pamphlet, relating to the case of Mr. Cheshire.

"I am, &c.
(signed) "*Dudley Coutts Stuart.*"

"R. P. Bickerton, Esq."

[No. 3.]

"Dear Lord Dudley, "Colonial Office, 5 June 1848.

"I beg to acknowledge the receipt of your note of the 31st ult., in which you have called my attention to the ejectment of Mr. Cheshire from certain lands in Canada. I have caused a search to be made among our records, and I can now safely say, that we possess no information upon the subject.

"It is possible that Mr. Cheshire, owing to imperfect survey of lands, has had lots assigned to him which in reality belonged to the Indians, and from which, when the fact was ascertained, he has been ejected.

"Questions of this kind being entirely under the control of the local government, it is to Lord Elgin that Mr. Cheshire must apply for redress.

"Believe me, &c.
(signed) "*B. Hawes.*"

"To Lord Dudley Stuart."

I have therefore, my Lord, thought it a duty I owe to myself, fellow-settlers whom I represent, and to others taking a deep interest in this matter, thus publicly to lay the matter before your Lordship; at the same time, calling attention to the proceedings now going on here in the Court of Queen's Bench; as also other presentiments for riot on the part of the Indians, the particulars of which, I presume, will come more fully under the attention of your Lordship, through other and more important channels than, my Lord,

Yours, &c.
(signed) *F. J. Cheshire.*

City of Hamilton, 3 October 1848.

Enclosure in No. 4.

Encl. in No. 4.

Gentlemen, Caledonia, 17 April 1849.

I have the honour to inform you, that I submitted your claims to the lands you occupy in Tuscarora and Oneida, to the Honourable W. Merritt, President of the Executive Council, and the Honourable Mr. Baldwin, Attorney-general, West, who, notwithstanding Mr. Hawes' letter to Lord Dudley Stuart, "that the question of your claims was a colonial one, and under the jurisdiction and control of the Local Government," would not take any

action upon it, insisting that all matters relating to Indian property were under the management of the Home Government. It appears to me, therefore, that you should refer your case again to the authorities in England, stating the views entertained by the Government here.

I am, &c.

Messrs. F. J. Cheshire and others. (signed) *James Little.*

Dear Lord Dudley Stuart, Colonial Office, 14 January 1850.

I OUGHT to have returned you before, the letter you gave me from Mr. Cheshire. I have, I am sorry to say, nothing to add to my former letter. We have heard nothing from the Government of Canada upon the subject; and I still remain of the same opinion I expressed before, viz. that the Local not the Home Government must be appealed to for redress by Mr. Cheshire.

I am, &c.

To Lord Dudley Stuart, &c. &c. (signed) *B. Hawes.*

No. 5.

— No. 5. —

To his Grace the Duke of *Newcastle*, Secretary of State for the Colonies.

The Petition of the undersigned *Frederick John Cheshire*, of the Township of Tuscarora, County of Brant, Grand River, Canada West.

Showeth,

1. THAT petitioner hath been deputed by the settlers in the above, and township of Oneida, though at great pecuniary sacrifice to proceed to Great Britain with the view of laying their deep grievances before Her Majesty's Government, to whom and from whom, for the past five years, they have been referred backwards and forwards across the Atlantic, but hitherto without obtaining redress. A reference to petition No. 13,* to Lord Elgin, and correspondence with Lord Dudley Coutts Stuart, and the late Under Secretary, B. Hawes,* commencing in 1848, and continuing up to 1850, with other memorials to Lord Elgin, will fully prove the pains taken by the settlers and their friends to have the matters brought to a satisfactory issue; and the pains taken on the other hand by their opponents, to keep matters in such a state of suspense as to cause utter ruin to the settlers, little benefit to the Indians, and great benefit to some parties who will be found to figure not very creditably in these long protracted transactions.

* Pages 16 and 17.

2. That, carrying out the arrangement laid down when Lord Dudley Coutts Stuart kindly waited upon your Grace in reference to this matter, petitioner waited upon Mr. Merivale the following day; engagements, however, preventing Mr. Merivale's entering upon the matter; but petitioner was most promptly placed in communication with Mr. Elliot, to whom a verbal outline of the case was given.

3. That Mr. Little's review of Colonel Bruce's reply to petition of Sir A. N. M'Nab and others to Lord Elgin, has so clearly set forth the true position of the affair, that a simple reference thereto will suffice, and petitioner begs to enclose your Grace copy of said pamphlet,† in addition to one already enclosed from Canada with petition of the 10th ultimo, to Sir John Pakington.

† The title, &c. of this pamphlet will be found given at page 11.

4. That it was the intention of petitioner to hand in to Colonial Office copies of various documents, not included in pamphlet aforesaid, all tending to confirm the fact contended for, that these lands have been taken completely from the control of the Indian Department; but upon reflection that many of such documents have been alluded to or transcribed in the numerous memorials to Lord Elgin, and which both petitioner, acting on behalf of the settlers, and Douglas Fraser, Esq., for each, have very frequently requested may be transmitted for consideration of her Majesty's Government. Petitioner, to save time and toil, for the present confines himself to mere description of the same, holding himself in readiness to furnish copies of any which, upon reference, may be required.

5. That

5. That such documents are now described as follows:

No. 1. Census of townships of Tuscarora and Oneida, taken by petitioner in December 1844, and transmitted Government, and showing the date of occupation of each settler from 1836 up to date aforesaid.

No. 2. Petition to Sir C. T. Metcalfe, founded upon said census.

No. 3. Petition to the same, from the inhabitants of the adjoining township of Townsend, on behalf of the settlers.

No. 4. Certificate of Assistant Secretary Hopkirk, that no reply to such petitions had been furnished up to 27th October 1845.—*See* page 3 of printed petition of 1847, left with Mr. Elliot.*

No. 5. Memorial of aforesaid date, of F. J. Cheshire and Geo. Strong, deputed to wait on Lord Metcalfe, in Montreal.

No. 6. Reply of his Lordship.

No. 7. Letters to David Thorburne, Commissioner, to whom deputation had been referred in reply aforesaid, but which letters are unanswered.

No. 8. Instructions from clerk of peace of Gore District, for assessment of township of Tuscarora, and certificate of said assessment—(*see* page 24 of printed petition, No. 20).†

No. 9. Petition of F. J. Cheshire, of 11 February 1846, upon being elected district councillor for Tuscarora.

No. 10. Reply to aforesaid, from Dominic Daly, Provincial Secretary, "that the petition was transferred to Commissioner of Crown Lands."—*See* Letter No. 2, in document (A.) herewith.‡

No. 10½. Requisition from the settlers in 1847, for petitioner to proceed to Montreal, "acting in the matter as to his judgment seemed best."

No. 10¾. Statements and correspondence in reference to audience of petitioner and Sir A. N. Macnab with Lord Elgin at this time.

No. 10 *a*. Statements of Major Campbell, Private Secretary, and Chief Superintendent of Indian Affairs, and refusal of further audience with Lord Elgin, on account of some, then as now, undefined charge of violence.

No. 10 *b*. Letter of petitioner to sheriff of district, and reply "on the part of the officers entrusted with the execution of the writs, that there was evinced on your part and theirs, every disposition quietly and peaceably to submit to the fiat of the law."

No. 10 *c*. "Montreal Pilot," edited by Honourable F. Hincks, containing editorial article, charging F. J. Cheshire with meeting the sheriff armed with a rifle, and threatening his death, denying that there was any such letter as aforesaid from the sheriff in existence.

No. 11. Petition of the settlers, presented to the Provincial Legislature by Honourable Robert Baldwin.

No. 12. List of witnesses and documents required, and submitted to Committee appointed upon aforesaid petition.

No. 13. Reply of Colonel Prince, Chairman of said Committee.

No. 13 *a*. A statement of petitioners to the said Committee.

No. 14. Report of said Committee, or of said "John Prince," and two members thereof, and in the absence of the required and very essential witnesses and documents.

No. 15. (Legislative No. 88.) Third session, 2d Parliament, 11th Victoria 1847. Bill—An Act to incorporate the British North American Mining Company. Mr. Prince. Printed by Lovell & Gibson, Montreal." In this Bill certain parties are incorporated, including "John Prince."

No. 16. Discussion in the House upon second reading of said Bill. "No Government survey had been made of the lands."—Hon. Mr. Aylwin. "He (Mr. Sherwood) had invested 1,000*l*. in the speculation, in common with Mr. Hincks, Lemoine, and Mills."

No. 17. Letters from Angus Macdonnell, Esq., showing that speculators aforesaid had entered upon or truly "squatted" upon lands of the Indians, neither surrendered by them, or surveyed by the Government.

No. 18. Expenses attending the sending up of 100 of the Rifle Corps to Lake Superior, when the Indians, after years of protest by petition and deputation to her Majesty's Canadian Government (the speculators or "squatters" aforesaid) assembled in force, determined to hold to their own.

No. 19. Account of trial of the two noble old warriors, Chinguaconcy and

* The Petition of F. J. Cheshire to the Legislative Assembly of Canada. Printed by order of the Assembly, 3d Session, 2d Parliament, 11 Vict., 1847. (This voluminous Document is not reprinted with the present collection).

† *See* above.

‡ *See* Letter to Editor of "Hamilton Spectator," 6 November 1852. (Not reprinted with the present collection).

Nebanigoshing, Messrs. Macnold and Wharton Metcalfe, when it shall take place; said trial having been traversed from time to time by said Honourables Francis Hincks and Lewis T. Drummond, her Majesty's Canadian advisers, themselves trespassers on the unsurrendered lands of the "poor Indians," and the prosecutors, or persecutors of the settlers aforesaid on surrendered Grand River lands, ostensibly for the benefit of the "poor Indians."

No. 20 (herewith).* Petition of F. J. Cheshire, printed by order of the Legislative Assembly, 3d Session, 2d Parliament, 1847, a few days prior to prorogation of the House by Lord Elgin.

No. 21. Petition of the same to Lord Elgin, on his arrival in Hamilton, within an hour's drive of the disputed lands, in October 1847.

No. 22. Remonstrance of Douglas Fraser, Esq., and others, upon incarceration of petitioner in Hamilton gaol in January 1848, at the opening of Provincial Parliament, at the very time Honourable Robert Baldwin, who presented petition No. 20, had told petitioner to attend in Montreal, and a Committee should be appointed, and he would bring up the said petition.†

No. 22*a*. Memorial of Gore District Council to Lord Elgin, in reference to aforesaid incarceration, and the general proceedings. Copy herewith.‡

No. 23. Lord Elgin's only reply to aforesaid.—*See* letter of Honourable Adam Ferrie to D. Fraser, Esq., document (B.),§ herewith; a contrast here of assertion upon gross misrepresentation to Lord Elgin, and fact, as sworn to in affidavit.

No. 24. F. J. Cheshire's petition, No. 11, from Hamilton Gaol to Lord Elgin, in reply to foregoing misrepresentation to Adam Ferrie.

No. 25. Old District of Gore: Ancaster, Brantford, Binbrooke, Barton, Glandford, Onondaga, Saltfleet, Tuscarora, Seneca, Oneida, and the city of Hamilton (Wentworth); Beverley, Esquessing, East Flamborough, West Flamborough, Nassagaweya, Nelson, Trafalgar, and Dumfries (Halton); as appears by 8 Vict. c. 7, dividing these lands into townships for municipal purposes.

No. 26. Precept of two magistrates of the district to F. J. Cheshire, as township clerk of the township of Tuscarora, to assemble the inhabitants thereof for election of the usual municipal officers.

No. 27. Notice issued in accordance therewith.

No. 28. Letter of James Durand, district clerk, to F. J. Cheshire, stating that the council of the district of Gore had appointed him enumerator for the township of Tuscarora.

No. 29. Letter from the same to the same as town clerk of the said township, with instructions that Tuscarora had been added by the district council to the township of Onondaga, as junior township.

No. 30. Assessment roll for 1849 for Tuscarora, amount of assessment, 2,111 *l.* 8 *s.*; the amount for 1846, 6,382 *l.* 8 *s.*—*See* 24th page, document No. 20.

No. 31. "A list of township officers for united townships of Onondaga and Tuscarora. Mr. Hassard, and the other assessors have to return their assessment rolls complete before the 2d Monday in May, or pay a penalty." (signed) Robt. Wade, Township Clerk. The penalty under municipal Act for non-performance of the appointments is 20 *l.* The penalty imposed upon Mr. Hassard and others, "dealt with according to law," 2 Vict. c. 15, and the subsequent *ex post facto* Acts, were 30 days incarceration in Hamilton gaol.

No. 32. Map of Canada, by Blackwood, showing "Reserve for the Six Nations Indians," on the Crown lands bordering on Lake Huron.

No. 33. Copy of map of township Tuscarora, now lying in the office of the united counties of Wentworth, Halton and Brant, and duly certified by "Thomas Parke, Surveyor-general," in 1845, and upon which there is no mention of "reservation," or any other "double purpose" for the Indians.

No. 34. Map of Canada, by Canada Company, with similar reservation marked as in Map 32.

No. 35. Map of Upper Canada, published in 1852, showing the position of Tuscarora assigned to the new county of Brant, and immediately joining the progressing Buffalo and Brantford Railroad.

Petitioner feels confident that a perusal of even a tithe of the foregoing documents, together with Mr. Little's withering exposure, must convince your Grace, and every impartial mind, that the carrying on of this case against petitioner and the other settlers, has been a series of almost inexplicable blunders, "a compound jumble of fictions, assumptions and miserable contradictions," which

* *See* note respecting this Paper at previous page.

† Petitioner was the only one of the settlers incarcerated, though all had returned to their homes after ejectment.

‡ Page 14.

§ *See* Letter to the Editor of the "Hamilton Spectator," 8 May 1851. (Not reprinted with the present collection.)

which have been alike unwarrantable as they have been cruel and tyrannical; and, reflecting upon the known business habits of your Grace, trusting to the righteousness of the cause; emboldened by the consciousness that no matter in what part of the world a British subject may be injured, his case needs only to be known in the proper quarter to gain him ample redress; petitioner has the hope (and hope has borne him up through years of continued, and aggravated, and crushing wrongs), your Grace will cause such action to be taken in the matters complained of, as will render that justice to the persecuted settlers which is so much their due, and which they have so long, and so patiently, and so peaceably waited for, and with petitioner now struggle for.

And your petitioner, as in duty bound, will ever pray.

On behalf of the Settlers,

(signed) *Frederick John Cheshire*,
Cambridge Villa, 13, Norfolk-road,
St. John's Wood, Regent's Park.

20 January 1853.

— No. 6. —

No. 6.
F. Peel, Esq. M.P. to F. J. Cheshire, Esq.
26 February 1853.

COPY of a LETTER from *F. Peel*, Esq., M. P. to *F. J. Cheshire*, Esq.

Sir, Downing-street, 26 February 1853.

I AM directed by the Duke of Newcastle to acquaint you that his Grace has had before him your petition of the 20th ultimo, together with the previous one which you addressed to Sir John Pakington on the 10th of December last, and that his Grace has carefully considered the statements made by you in these petitions, together with the contents of the former papers and reports which are on record in this department, respecting the case of the settlers on the Indian reserve on the Grand River, in Canada.

I am desired to inform you, that the Duke of Newcastle finds that this case has been repeatedly before all the constituted authorities in Canada; that it has been considered by the judicial tribunals, by Committees of the House of Assembly, by the whole Legislature, which made it the subject of legal enactments, and by different Governors-general.

If you and the others interested in the case duly submitted to these various authorities the considerations which existed in your favour, the Duke of Newcastle cannot doubt that they were weighed with justice; if, on the contrary, there are any material facts or arguments which have not yet been brought by you before the provincial authorities, it is to them that you should address yourself, for your case is one which it would be impossible to investigate and judge of satisfactorily anywhere else than in Canada; and the Duke of Newcastle cannot consent to interfere in it with the repeated conclusions which have been adopted by all branches of the Provincial Government.

I am, &c.
(signed) *F. Peel.*

— No. 7. —

(No. 15.)

No. 7.
Duke of Newcastle to Earl of Elgin.
25 February 1853.

COPY of a DESPATCH from his Grace the Duke of *Newcastle* to Governor the Earl of *Elgin*.

My Lord, Downing-street, 25 February 1853.

WITH reference to my predecessor's despatch to you, No. 81,* of the 2d of November 1852, enclosing the copy of a letter which he had caused to be addressed to Mr. Douglas Fraser, respecting the complaints of certain settlers on the Indian lands situated on the Grand River, I have the honour to inform your Lordship that I have received from Mr. Cheshire, who has repaired to this country, a letter and various documents on the same subject; and I enclose for your information the copy of the answer which I have desired to be addressed to Mr. Cheshire.

* Page 9.

26 February 1853.

I have, &c.
(signed) *Newcastle.*

1003.

— No. 8. —

— No. 8. —

No. 8.
F. J. Cheshire, Esq., to F. Peel, Esq., M. P.
7 March 1853.

COPY of a LETTER from *F. J. Cheshire*, Esq. to *F. Peel*, Esq., M. P.

Cambridge Villa, St. John's Wood,
7 March 1853.

Sir,

ON my arrival in Great Britain, deputed by the settlers on surrendered, surveyed, and valued lands, on the Grand River, C. W., to lay their deep wrongs before the imperial authorities, to whom we had been referred again, and again, and again, by the statements of the Canadian Executive, privately to deputations, and publicly in their places in Parliament, as hereinafter set forth in this, as it has already been in former communications, Lord Dudley Coutts Stuart, on our behalf, and in continuance of that kind interest which for years he has taken in this question, waited upon his Grace of Newcastle, and afterwards wrote me, "His Grace desires me to say he wishes you to call upon Mr. Merivale (who is joint Under Secretary of State with Mr. F. Peel) and state your case to that gentleman; the Duke will afterwards be happy to see you himself." On the following day (11 January) I waited upon Mr. Merivale at the Colonial Office; he had not expected me so soon, and being engaged, placed me in communication with Mr. Elliot, to whom subsequently, *i. e.*, the 20th of January's date, I handed in a brief epitome of our case, at the same time intimating that I held myself in readiness, upon notice to my address, to produce before his Grace, to substantiate the correctness of our position, the various documents held by me and referred to as above.

I have now the honour to acknowledge yours of the 26th ultimo, which has crossed mine of the 23d, with enclosures to his Grace. You inform me "his Grace has carefully considered the statements made by you in these petitions, together with the contents of the former papers." In reply to this I have to remark, that a "careful consideration" can only be come to upon examination of documents still in my possession, "with the contents of the former papers," acknowledged by the Colonial Office in 1847, but of which the Under Secretary writes to Lord Dudley Coutts Stuart on the 5th of June 1848. "I have caused a search to be made amongst our records, and I can now safely say that we possess no information upon the subject (signed) *B. Hawes.*"

I am fully aware that if such documents so transmitted to, and acknowledged by, the Colonial Office in 1847, together with such documents as I may be able to lay before his Grace, and such other documents which the Canadian authorities have been from time to time notified to produce, but which they have either ignorantly, negligently, or wilfully failed to do, were before his Grace, the conclusion now under consideration would not have been arrived at as "respecting the case of the settlers on the Indian reserve on the Grand River in Canada." And as to its being an Indian reservation, your letter, sir, I must be allowed to say, sets out with an untenable assumption, which could only have been arrived at in the absence of required documents, which, had they been produced, as so long desired, and if they shall be so produced, will fully prove that the lands in question are not an "Indian reserve." And such first false premise broken down, the whole superstructure of subsequent assumptions will naturally fail. And I now proceed to call attention very briefly to a few facts (those stubborn chiels) which, to every impartial mind, will fully prove my position. And,

1st. As to imperial proclamation of Geo. 3, in reference to Indian lands, (*see* page 19, J. Little's pamphlet.) "The surrender of January 1841 (page 10, of document 20) being the only authority giving the Government jurisdiction over these lands as distinguished from these imperial instructions. "We do therefore, with the advice of our Privy Council, declare it to be our Royal will and pleasure, that no Governor-general in any of our colonies do presume upon any pretence whatever to grant warrants of survey, &c. &c."

2d. Instructions from the Surveyor-general's department, and the field notes of the townships of Seneca, Oneida, Onondaga, and Tuscarora, completed in the spring of 1842.—*See* pamphlet of J. Little, page 20, line 100.

3d. Indorsement

3d. Indorsement of Surveyor-general upon map of Tuscarora now lying in the lands office of the district, *i. e.*, "Tuscarora, surveyed by William Walker, D. P. S., 1842. Surveyor-general's Office, Montreal, March 1845, (a true copy) signed, Thomas Parker, Surveyor-general." "I certify that the above is the description of a map of Tuscarora, one of the townships of the united counties of Wentworth, Halton and Brant, now lying in this office." (signed) C. O. Counsell, 13 August 1852.

4th. Letters from reported occupants of these lands, seeking direction thereupon from the Government, and replies thereto. "Upon return of the inspection and valuation, the lands will be for sale to the first applicant."—Pamphlet, J. Little, pages 21 and 22.

5th. The Act 8 Victoria, cap. 7, setting forth Tuscarora, not as an "Indian reserve," but as belonging to the then old district of Gore (and by the Act setting forth the new territorial division, Tuscarora is also added to the new county of Brant) for judicial, municipal, and all other purposes.

6th. Instructions by precept from magistrates of district, in accordance with above, to F. J. Cheshire, to assemble inhabitants of Tuscarora for election of municipal officers.

7th. Further instructions to same as township clerk of Tuscarora, from the warden and municipality of the united counties.

8th. Instructions from clerk of peace of old district of Gore for assessment of the township of Tuscarora, and certificate from assessment roll, that amount of assessment was 6,382 *l.* 8 *s.*—*See* Document 20, page 24, with my first petition of January 20.

9th. Further assessment roll for Tuscarora, now with petitioner.

10th. A list of township officers for the united townships of Onondaga and Tuscarora, appointed by municipality of said townships, and ending with these instructions, "Mr. Hassard and the other assessors have to return their assessment rolls before second Monday in May, or pay a penalty," (which penalty is 20 *l.*). (signed) R. Wade, township clerk, and with the seal of the municipality.

It is evident, sir, that the officers connected with an "Indian reserve" are imperial appointments, and it is equally evident from the aforesaid ten plain facts, that these lands in dispute are part and parcel of the public domain, and the *bonâ fide* occupiers thereof not only are entitled to the pre-emption of purchase, but to ample compensation for the very heavy losses which they have been put to by the blunders, or something worse, of the agents of the Government.

As regards the various other premises of your letter, it will, I think, be conceded on all hands that, after "a careful consideration" of the aforesaid facts, it would be unnecessary to enter upon them, the more especially as such letter is a nearly verbatim copy of assumptions of various officers of the Indian Department, which have very frequently been most fully shown to have no foundation in fact; and the documents set forth in my first petition to his Grace, and which for so many weeks I have held myself in readiness to produce, will most fully prove the utter recklessness of those assertions, which, as one of Her Majesty's Imperial Government, you have so very unwittingly been induced to indorse. I must, however, shortly refer to these matters "considered by judicial tribunals," and assert, without fear of contradiction, that they have not been heard before that dearest tribunal, the pride and boast of Britons, a jury. And I need not remind you, sir, that there is a compact between Queen and people that "no subject should be exiled, or in any shape whatever molested, either in his person or effects, otherwise than by judgment of his peers and according to the law of the land." And this is what I—all of us contend for—will bow to; but to Indian agents assuming the jurisdiction over lands long removed as aforesaid from their control, and further assuming the judicial functions in matters and lands (even if Indian lands) in which they are each so deeply interested, and have been proved to be speculators in, as judges, and the only jury over us, we will not bow to—no, never.

The "Committee of the House of Assembly," had the matter referred to it, and petitioner furnished a list of documents and witnesses required, as will be seen, and also that they were not called for or examined, *see* letter of Colonel

 John

John Prince, the chairman of that committee referred to, Document No. 13, with petition No. 1, to his Grace; and also J. L. page 17.

"House of Assembly, Friday evening at 8½, p.m., Colonel Prince presents his compliments to Mr. Cheshire, he has received Mr. Cheshire's letter, and as the special committee meets at 11 o'clock to-morrow (at least it has been summoned for that hour), he then will take the sense of such Committee, whether the distant witnesses named in the letter, ought to be summoned or not." Those witnesses were not sent for, as the House was prorogued a few days after; and upon that Committee, one of the unprincipled Indian agents, declared that the names to the petition, upon which they were sitting (signed by the settlers), were all forgeries. When the present supplicant to the British throne for simple justice, drew up on behalf of the settlers Document No. 20, the House received it, dispensed with its usual forms, in order to afford an early hearing; ordered it printed, but before this could be done, Lord Elgin prorogued the House, and Document No. 24, with second petition to his Grace, will prove that before its re-assembling in January 1848, care had been taken that petitioner and his documents should not come before "the whole Legislature," he being illegally incarcerated by Indian agent warrants.

And as to "legal (?) enactments." Failing in the application of 2 Vict. c. 15, to these matters and lands, which 8 Vict. c. 7, with the various other facts 1 to 10 aforesaid, had proved inapplicable; these Indian agents, aided by a few of their speculating abettors, finding the difficulty and danger of their position, and fearing actions for false ejectments and imprisonments, have, under very suspicious circumstances, endeavoured to obtain indemnification by an *ex post facto* law "smuggled through the Legislature on the morning succeeding the evening of the festivities provided for the entertainment of the guests of the city of Toronto from Buffalo, when a quorum could scarcely be counted, certainly not of sober men; and when the members, in the exuberance of their feelings, were pelting each other with paper Acts of Parliament; and poor Malloch, smarting under the effects of a well-directed one from the hand of the Knight of Dundurn, vowed he would shy the inkstand at his head, even if for the feat he should run the risk of being expelled the House on the morrow.

These, sir, are matters of history; you and myself, and our proceedings, will add a somewhat to that history. Our Canadian, and your English papers (and Jonathan joined in the fun) made merry at the time upon the subject: but I had not expected that such a smuggle, under such circumstances, would ever obtain the endorsement of a member of the Imperial Government as a "legal enactment," and the more especially as the President of the Council denied all knowledge of the introduction of such a measure. No notice had been given. And even if these lands were "Indian reserve" the measure of "legal enactment" must emanate from Her Majesty's Government or the Imperial Legislature. And here, sir, I would ask, why all this looseness and carelessness in reference to "Indian reserves;" and, on the other hand (though appreciated), care and precaution as to "clergy reserves?"

And as to "different Governors-general," the opinion of Lord Metcalfe is set forth already, Document 20, p. 10. "Neither justice or a due regard to the Indian interests required, or would justify such a proceeding." "That the surrender to the Crown in 1841, was a wise measure, and should be strictly adhered to by the Indians, as the sale of these lands would place them in a state of affluence;" and further set forth in printed document, being affidavit, with second petition to his Grace. And the manner in which another Governor-general has treated the subject, may also be gathered by reference to Documents No. 21 and 24, with petition aforesaid.

Again; "if you, and the others interested in the case, duly submitted to these various authorities, the considerations, &c." is fully met by 14th, and following clause of Document No. 20, p. 4, which show the absence of the necessary documents upon the trial, and the forcing on of the trials by the Indian agents, *ex parte*, and in the face of applications for said documents from the Government, and the conviction obtained on *ex parte* evidence during the time such documents were "laid before the Governor-general for his con-si-der-ation."

Upon a careful consideration of these and other facts I can adduce, I can assure you, sir, that the Duke of Newcastle will find that this case has not "been repeatedly before all the constituted authorities of Canada," and he will at the same time perceive the heartless and cruel treatment the settlers have received from those authorities before whom it has been so referred, but in vain.

The

The Duke of Newcastle appears of opinion—" case is one which it would be impossible to investigate and judge of satisfactorily anywhere else than in Canada," and this would seem to support my suggestion in 18th clause of petition of 10th December last, to Sir John S. Pakington : " That a commissioner be immediately appointed, one who is untrammelled by any local influence or attraction, and all present proceedings be at once stayed.

Lastly, " the Duke of Newcastle cannot consent to interfere in it with the repeated conclusions which have been adopted by all branches of the provincial Government." I beg to say, in reply, that upon its last introduction to the provincial Government, upon motion for address to his Excellency for a return of all papers and correspondence upon this subject, Honourable F. Hincks as premier of Canada, rose in his place and stated, " The British Goverment were very anxious to get rid of the trouble and cost of the Indian Department, and any interference of that House would bar them doing so immediately." And as to again crossing the Atlantic, without some definite arrangement; the instructions which have brought me to England on behalf of the settlers, backed by the protest against their persecution, both by the municipality of the district, and by more than 3,000 of the most respectable merchants, magistrates, and inhabitants of the vicinity, and obtained in a very few days, preclude my doing so, and in the face of the further fact, as Lord Dudley Coutts Stuart can testify, equally with the documents already before the British Government, the matter has already, since April 1847, been referred backwards and forwards five times across the Atlantic, and I feel sir, that this sixth and last application on British soil, to the servants of that most Gracious Sovereign, whose high prerogative it is to afford justice and succour to the oppressed, cannot any longer be neglected or disregarded without bringing us all to one very painful conclusion—that neither before a jury of our country, or its Parliament, or the representative of the Sovereign in Canada, or Her servants the Imperial Government at home, have we been able to obtain redress for our deep and crying wrongs. In fact, that in Canada we have not a transcript of the British constitution, nor from Great Britain the assurance of that boasted constitution, being our shield from the oppressors.

I am, Sir,
(signed) *Frederick John Cheshire.*

— No. 9. —

Copy of a LETTER from *F. Peel*, Esq. M.P., to *F. J. Cheshire*, Esq.

No. 9.
F. Peel, Esq., M.P., to F. J. Cheshire, Esq.
21 March 1853.

Sir, Downing-street, 21 March 1853.

I am directed by the Duke of Newcastle to acknowledge your letter of the 7th instant.

I am desired to acquaint you in answer, that the Duke of Newcastle can only regret that you should not believe that you are likely to receive justice in Canada; but with reference to the unwillingness you express yourself to feel again to cross the Atlantic without obtaining the decision of your case which you desire, I am to point out to you that you came to England without any communication on that step, with either the Provincial or with Her Majesty's Government in this country; and I am to state that his Grace feels it due to yourself to apprise you, that he must definitively refuse to interfere in this matter with the decision of the Provincial Government, by which alone it can be properly investigated, and to which it would have been your proper course to make your application, instead of repairing to this country.

I am, &c.
(signed) *F. Peel.*

— No. 10. —

— No. 10. —

No. 10.
F. J. Cheshire, Esq. to F. Peel, Esq. 28 March 1853.

COPY of a LETTER from *F. J. Cheshire*, Esq. to *Frederick Peel*, Esq., M.P.

Cambridge Villa, Norfork-road, St. John's Wood,
28 March 1853.

Sir,

I BEG to call your attention to mine of the 7th,* and also 18th† instant, to which I am without reply, nor am I aware if such letters have been laid before the Duke of Newcastle, and if not, may I request you will do so immediately. When the documents and other facts therein referred to shall be examined, as they must be, a consideration of the importance of the subject will be arrived at, and a conclusion very different to the one communicated in yours of the 26th ultimo, will be the result of that consideration; and it will then be fully proved whose "case is without foundation," who has been guilty of "an imposition;" and that such men as Sir A. N. Macnab, the Honourable J. H. Cameron, and David Duncombe, Messrs. Isaac Buchanan, Archibald Kerr, Daniel Macnab, Jusone, &c. &c., included in the 3,000, who signed our petition to Lord Elgin and his Executive; and last, though not least, the kind and long-continued interest of Lord Dudley Stuart, have not been given, name or fame to "an imposition," or to the support of "an impostor."

* Page 22.
† Page 30.

Believing myself to be entitled to know the nature of the report of Lord Elgin, as referred to first clause of my petition, of 10th December last, to Sir John Pakington, and also if any reply founded upon that report has been furnished to Mr. D. Fraser on behalf of myself and fellow settlers; I have again to request that I may be informed if such report has been made, if such reply, and what has been given, and if not, why not?

I take the opportunity of embodying in this communication the "Extract of a letter from Canada," in reference to the proceedings of the Indians towards the settlers, as referred to in mine of 18th, as having been handed the Duke of Newcastle by Lord Dudley Stuart.

"The Indians, and old David Thorburne, have been playing a few more pranks; in the first place, Peter Smith arrested George Anderson, in the latter part of last month, to take him to goal, on the old warrant, for 30 days; one of the children was very ill at the time, and Mrs. Anderson said she would sooner leave the place than he should go to goal. Peter said that would do as well, and if he would consent to do so, he would see if he could get an Indian house for him to go into, until he could make arrangements and go somewhere else. Anderson agreed to do so on condition that he should be allowed to feed his cattle there for the winter, and to cut his wheat next fall. Peter said he might, so Anderson moved out into an old house of Green's (Indian), and the Indian moved into his house. A few days after, Newhouse made a "bee" of Indians, and drew away Strongs' hay, two stacks, about six tons, and shared it amongst them, before the Strongs discovered there was any gone. They went to Dr. Digby for a warrant to arrest the Indians for stealing the hay, but Digby told them that he had received orders from the Government not to interfere in any difficulty that might occur between the Indians and the Whites. In the next place, Peter Smith and Huffman were in the bush, seizing goods for that fine of of 5*l.*; they have taken "Eagles" waggon, cutter, and hay, and three of poor Sam. Todd's cows, and a colt of Jno. Todd's, and a yoke of oxen of Watson's; they took them over to Bayard's, and have advertised them to be sold on this day week, if the fine is not paid. I have now told you all the troubles, and hope you will not meet with much in England."

I beg to direct the particular attention of Her Majesty's Government to the relative position in which these Indian tribes stand, as described in various Imperial proclamations, "the faithful friends and allies of us and our Royal progenitors;" and to protest for myself, for the persecuted men whom I represent, and for the noblemen and "highly respectable" gentlemen, who, by their signatures and countenance have supported us against the employment of Indians (semi-savages) for such purposes, by Her Majesty's representative in Canada, who, by such proclamations aforesaid, is designated as trustee of these tribes, they being minors in law.

There cannot be a question as to the impropriety of such employment, nor of the consequences which will naturally arise, if emigrants, upon arriving in Canada,

Canada, are first directed by one branch of the Government to locate themselves upon the "surveyed lands of the Crown," and 15 years afterwards required to abandon their improvements upon the fiat of speculating Indian commissioners, (and not for the benefit of the Indians, for Lord Metcalfe has said in 1844, "the sale of these lands would place the Indians in a state of affluence"), or to be hunted out from those homes by a band of semi-savages, nor can there be a question as to the illegality of such employment.

Herewith I beg to furnish copy of proceedings taken in 1841 against the Wm. Strong above referred to, and it will be seen that from that charge of trespass he was discharged, and told by the commissioner to proceed with his improvements; yet in 1851, the Indians burnt down his house and buildings, and escaped unpunished. Embolden by the Indian Department protection, they in 1853 band themselves together to steal this poor man's hay, and they take away two stacks of six tons, and divide it amongst them. Strong applies to a magistrate for a warrant against the robbers, and he is told, the Government, *i. e.*, the Indian Department, presided over by Lord Elgin, has passed its ukase to suppress the privileges of protection to British subjects against the marauding, hay-stealing, cattle-driving, house-breaking, house-burning attacks of "Her Majesty's faithful friends and allies;" that he, Digby (magistrate), "had received orders from the Government not to interfere in any difficulty that might occur between the Indians and the Whites."

I have to remark in conclusion, that the days of Arcadia are gone by, that British subjects will not, cannot be crushed, as were the poor Acadians; that the importance of this subject demands the earliest and most imperative attention of Her Majesty's Government, and very anxiously awaiting your reply,

I remain, &c.

(signed) *F. J. Cheshire.*

Enclosure in No. 10.

Encl. in No. 10.

Document in reference to William Strong, previously refered to.

PROVINCE OF UPPER CANADA.

To William Strong,

WHEREAS information and complaint hath been made to me, James Winniett, Esq., one of the Commissioners, duly appointed under the Great Seal of the said Province, in pursuance of an Act of the Parliament of the said Province, passed in the second year of the reign of her present Majesty, intituled "An Act for the protection of the lands of the Crown in this Province from trespass and injury;" that a large quantity of timber, and timber trees have been unlawfully cut down upon said land in the Gore District, by said William Strong, and also that the said William Strong has lately entered upon and possessed himself of a certain portion of the said Crown land in said district, and also for other trespasses committed on said Crown lands by said William Strong. These are therefore to require you, the said William Strong, to appear before me at the office of John R. M'Donald, in Brantford, in the Gore District, of our said province, on Tuesday, the 23d day of November next ensuing the date hereof at the hour of 12 o'clock, noon, of the same day, to answer the said information and complaint and to be further dealt with according to law.

Given under my hand and seal, this 10th day of November 1841.

(signed) *James Winniett,* (L. S.)
Commissioner.

I certify that the above is a true copy of the origina summons, signed "James Winniett," and also copy of the affidavit of service made by Joseph Gardener, although not sworn to, but which was written in part, and partly printed, and which appears to have been intended by the said Joseph Gardiner to make affidavit of service to said summons.

I also certify that said cause was tried on said 23d day of November 1841, and the complaint made by David Thomas, an Indian, was discharged for want of sufficient proof, and at the same time that said complaint was discharged, I believe that said Commissioner advised said William Strong to go on and make improvements on the land then complained of.

(signed) *John R. M'Donald.*

I certify that the foregoing is a true copy of one sworn to before me by John R. M'Donald, Esq., at Newport, in the township of Brantford, in the Gore District, this 28th January 1846.

(signed) *D. Thorburn.*

— No. 11. —

No. 11.
F. Peel, Esq., M.P., to F. J. Cheshire, Esq.
5 April 1853.

COPY of a LETTER from *F. Peel*, Esq., M.P. to *F. J. Cheshire*, Esq.

Sir, Downing-street, 5 April 1853.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 28th ultimo, drawing attention to some previous communications from you, to which you state that you have not yet received an answer.

I am desired to acquaint you in reply that an answer was returned to your letter of the 7th ultimo on the 21st ultimo, and as it may be inferred from your present inquiry that this answer has, by some accident, not reached your hands, I am directed to enclose a duplicate copy of it, and to acquaint you that this communication contains the Duke of Newcastle's decision on your application.

I am, &c.
(signed) *F. Peel.*

— No. 12. —

No. 12.
F. J. Cheshire, Esq. to F. Peel, Esq., M. P.
8 April 1853.

COPY of a LETTER from *F. J. Cheshire*, Esq. to *F. Peel*, Esq., M.P.

Cambridge Villa, Norfolk-road, St. John's Wood,
Sir, 8 April 1853.

I HAVE to acknowledge receipt of yours of 5th instant, wherein your refer to a document of 21st ultimo, of which you enclose duplicate. I beg to remark that both myself and friends have been most anxiously waiting for such reply, and also for your Government, that the only documents received by me or them from the Colonial Office since my application here and arrangements through Lord D. C. Stuart on 10th January last, are yours of 26th February last, to which mine of 7th ultimo was reply. Lord D. C. Stuart subsequently waited a second time upon the Duke of Newcastle; an audience was appointed for 21st ultimo, *see* letter of Mr. Roberts, private secretary to his Grace.

Mine of 18th ultimo contained a request for certain documents essential upon that audience, *i. e.*, "the Report of Lord Elgin," as commanded by Sir John Pakington, in reply to application of D. Fraser, Esq. on our behalf in May last. "The reply to Mr. Fraser, founded upon that report," if given (and it had not been given up to my leaving Canada), and if not given, I have now only to repeat that in the position I stand connected with this question, and backed by the numerous and highly respectable bodies who have come forward protesting against the cruel proceedings carried out against myself and fellow settlers, in the face of the reply of Premier of Canada, Hon. F. Hincks, on 2d August, in his place in Parliament, as referred to 1st clause of my petition of 10th December last to Sir John Pakington. I have not to enter upon any of the averments of your duplicate aforesaid, but simply to direct attention to the fact that Sir John Pakington, on the part of Her Majesty's Government, must, upon the representations of Mr. Fraser, have been fully convinced that a case was made out for the interference of the British Government, or he would not have commanded such "Report." And I have now merely to direct attention to the required documents, a reference to which are essential to all parties interested or implicated in these most inexplicable and cruel transactions. And waiting your early reply,

I am, &c.
(signed) *Fredk. J. Cheshire.*

— No. 13. —

No. 13.
F. Peel, Esq., M.P., to F. J. Cheshire, Esq.
15 April 1853.

COPY of a LETTER from *F. Peel*, Esq., M.P. to *F. J. Cheshire*, Esq.

Sir, Downing-street, 15 April 1853.

I AM directed by the Duke of Newcastle to acknowledge your letter of the 8th instant alluding to certain documents, for which you say that you applied in a letter dated the 18th ultimo, and repeating the expression of your dissatisfaction with the proceedings in your case.

I am

I am desired to acquaint you that no such communication as the previous letter from you of the 18th of March,* to which you refer, is on record as having been received at this department. I am to state that this, however, is immaterial, since, for the reasons already communicated to you, the Duke of Newcastle has come definitively to the conclusion that your case is one which can only be properly considered by the Provincial Government, and I am directed to inform you that his Grace must therefore wholly decline to enter into any further discussion of it with you in this country.

Page 30.

I am, &c.
(signed) *F. Peel.*

— No. 14. —

No. 14.
F. J. Cheshire, Esq., to F. Peel, Esq., M. P.
18 April 1853.

COPY of a LETTER from *F. J. Cheshire*, Esq. to *Frederick Peel*, Esq., M.P.

Cambridge Villa, Norfolk-road,
Sir, 18 April 1853.

I HAVE to acknowledge yours of 15th, in reply to mine of 8th, referring to unanswered letter of 18th ultimo, with the request to be furnished with certain documents preparatory to an audience fixed for 21st ultimo. You are "desired to acquaint me that no such communication is on record as having been received at this department;" and you further say, "I am to state, however, that this is immaterial, &c.," and that "case is one which can only be properly considered by the Provincial Legislature."

I am of opinion that it is "material" for inquiry, as to such letter safely delivered at the Colonial Office not being recorded, the more especially as the original one of 21st ultimo, sent in duplicate with yours of 5th instant, I am well assured was not delivered to this address.

As to the "case being one for the consideration of the Provincial Government," need I, sir, again refer Her Majesty's Government to the decision of the President of the Executive Council, the Hon. Mr. Merritt and the Hon. Mr. Baldwin, Attorney-general, West, given to a deputation from the settlers in Montreal in 1849, that the case was one "under the management of the Home Government." Should that document be "on record," it will be sufficient reply to this point. And if not on record, why not. It was acknowledged by B. Hawes to Lord Dudley Stuart on the 14th January 1850; and further, sir, have you not on "record" the proceedings of the Provincial Legislature for 2d August 1851, when Hon. Francis Hincks, the Premier of Canada, resisted any interference of the "Provincial Legislature," on the ground that all matters connected with Indians or Indian lands, were under the control of the Imperial Government.

Are these lands Crown lands? or are they Indian lands? If the former, I grant that they are under the control of the "Provincial Legislature." But, says Messrs. Merritt, Baldwin, and Hincks, they are Indian lands, and so say Lord Elgin and Colonel Bruce. Your letters of 26th February also fixes these lands as "on the Indian reserve," and it must be quite needless for me to argue that department, whose interests are all watched over, whose officers are all Imperial appointments, cannot be under control of the Provincial Legislature no more than the troops and commissariat department. Under these circumstances I have to direct your particular attention to the subjoined duplicate of my still unanswered communication of 18th March last,* and deprecating, as I think I have just cause to do, the serious detention I have experienced since 10th of January last, when certain very clear and distinct arrangements were entered into with Lord Dudley Stuart, none of which have been carried out, excepting my own action thereupon.

* Page 29.

I remain, &c.
(signed) *Frederick John Cheshire.*

Encl. in No. 14.

Enclosure in No. 14.

(Duplicate.)

Cambridge Villa, Norfolk-road,
18 March 1853.

Sir,

I HAVE to call attention to mine of 7th instant, and also to petitions Nos. 1 and 2 to his Grace of Newcastle, with reference to various documents emanating from the Canadian Government (Indian Department), and also very important ones in reference to the settlers on Crown lands, from the municipalities of the district, counties, and townships in which these lands are situate.

Finding from a letter of Mr. Roberts, private secretary to his Grace of Newcastle, dated the 16th, that an audience is at length granted in reference to these important matters, for 3 P.M. on Monday next, I beg also to direct attention to a communication on our behalf made to the Colonial Office, in May last, by Douglas Fraser, Esq., to which Sir John Pakington made reply at the time, that "before taking the matter into consideration, he had commanded that the same be transmitted to Lord Elgin for his report."

I have to observe, that no communication upon that report, or upon any decision Sir John Pakington may have come to, has been made to Mr. Fraser or to myself, now deputed to England on behalf of the settlers. May I therefore request that such decision or reply, if any, may be made known to me preparatory to that audience.

I would further beg to direct attention to the extract from a letter I have just received from Canada on the subject of the Indians, who are treated as minors in law, being employed as officers of the law in still harassing the settlers, and this in the face of proclamation of 9th November 1848, wherein they are designated as "faithful friends and allies of us and our Royal progenitors."

I am, &c.
(signed) *F. J. Cheshire.*

"*P. S.*—The extract was handed to his Grace by Lord Dudley C. Stuart," and it is subsequently embodied in mine of 28th ultimo.

— No. 15. —

No. 15.
F. Peel, Esq., M.P., to F. J. Cheshire, Esq.
26 April 1853.

COPY of a LETTER from *F. Peel*, Esq., M.P. to *F. J. Cheshire*, Esq.

Sir,

Downing-street, 26 April 1853.

I AM directed by the Duke of Newcastle, to acknowledge your letter of the 18th instant, accompanied by the copy of a previous one from you, dated the 18th ultimo, and I am to acquaint you that his Grace finds nothing in this communication to alter his previous views. I am to refer you to the decision already more than once intimated to you, that your case is one with which Her Majesty's Government must decline to deal.

With regard to the inconvenience to which you allude of your detention in England, I am directed to remark to you that you came here, and that you remain, entirely on your own risk and responsibility, and without any previous communication with the authorities in Canada to whom you ought to have addressed yourself, and that the Government can in no way be answerable for the consequences of that step.

But having already conveyed to you repeatedly the conclusions adopted on your application, I am to state, that the Duke of Newcastle considers that no good would result from prolonging the discussion with you, and that he must decline any further correspondence on the subject.

I am, &c.
(signed) *F. Peel.*

— No. 16. —

No. 16.
F. J. Cheshire, Esq., to F. Peel, Esq., M.P.
28 April 1853.

COPY of a LETTER from *F. J. Cheshire*, Esq., to *F. Peel*, Esq., M.P.

Sir,

Manchester, 28 April 1853.

I HAVE to acknowledge yours of the 26th instant, to my address here, in reference to my letters of the 18th ultimo and instant, you say, "His Grace finds nothing in these communications to alter his previous views; and I am to refer you to the decisions already more than once intimated to you, that your case is one with which Her Majesty's Government must decline to deal."

I do

I do not at present deem it incumbent upon me to prolong the correspondence, as another course will be shortly taken. Your communication of 26th February last, referred this matter a sixth time across the Atlantic; it was so sent.

A Quebec "Gazette," of 25th March, just to hand, gives me account of its introduction to the Legislative Assembly on 23d, by a motion "for papers connected with disputes connected with the Indian claims on the Grand River," when the Honourable F. Hincks, reiterating his assertion of 2d August 1851, said, "As to the Indian question, it was entirely under the control of the Imperial Government." And "Mr. Merritt also contended that the Indian affairs were out of the control of the Provincial Parliament." Thus confirming his own and Mr. Baldwin's views, as given to deputation in 1849.

Now, sir, this is the seventh reference of the case across the Atlantic, from the Colonial to the Imperial Authorities, and *vice versâ*; and as I have been kept from 1843 in such an unenviable state of suspense—as a family of twelve are not kept, even in Canada, on air—as most of the poor fellows I represent, some of them occupying the lands from 1826 to 1832, have been almost ruined whilst this see-saw, Imperial, colonial, irresponsible, Indian Department policy has been carried on; and as yours of 26th instant informs me of an eighth reference back, viz. "case is one with which Her Majesty's Government must decline to deal." I should feel obliged if you, sir, or any other member of Her Majesty's Government could inform me who is to deal with the case? where the shuttlecock is likely to fix itself, or be fixed, terrestrially, territorially, or otherwise, on this side the year of Grace 1863?

I am, &c.
(signed) *Frederick John Cheshire.*

— No. 17. —

(No 26.)

No. 17.
The Duke of Newcastle to Earl of Elgin.
25 April 1853.

COPY of a DESPATCH from his Grace the Duke of *Newcastle* to Governor the Earl of *Elgin.*

My Lord, Downing-street, 25 April 1853.

WITH reference to my despatch No. 15, of the 25th February last, transmitting to you a letter which had been addressed to Mr. Cheshire respecting the complaints of certain settlers on the Grand River, I enclose, for your information, the copies of four further letters, which it has been necessary to address to Mr. Cheshire. It is not requisite to forward the applications by which these letters were elicited, as the tenor of them will be sufficiently apparent from the replies.

21 March 1853.
5 April 1853.
15 April 1853.
26 April 1853.

I have, &c.
(signed) *Newcastle.*

CANADA.

COPIES or EXTRACTS of Representations to the Secretary of State, on behalf of the Settlers on the *Grand River*, in *Upper Canada*; together with COPIES or EXTRACTS of the Replies thereto, and CORRESPONDENCE on the Subject with the Governor-General of *Canada*.

(*Lord Dudley Stuart.*)

Ordered, by The House of Commons, *to be Printed*,
20 *August* 1853.

1003.

Under 8 *oz.*

360

CLERGY RESERVES (CANADA).

RETURN to an Address of the Honourable The House of Commons, dated 23 November 1852 ;—*for*,

"COPIES of all CORRESPONDENCE between Her Majesty's Government in *Canada*, or any Member thereof, and the Secretary of State for the Colonies, on the subject of the CLERGY RESERVES (in continuation of Papers presented to Parliament by Her Majesty's Command, February 1852)."

Colonial Office, Downing-street, 20 December 1852.

DESART.

(*Sir William Molesworth.*)

Ordered, by The House of Commons, *to be Printed*, 23 *December* 1852.

DESPATCHES FROM GOVERNOR-GENERAL THE EARL OF ELGIN AND KINCARDINE - - - - - - - - - - - - p. 1

DESPATCHES FROM THE RIGHT HONOURABLE SIR JOHN S. PAKINGTON, SECRETARY OF STATE - - - - - - - - p. 8

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LETTER FROM THE BISHOP OF QUEBEC - - - - - - - p. 14

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2	31 July -	65	ADDRESSES TO HER MAJESTY, transmitted from the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland -	1
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DESPATCHES FROM THE RIGHT HON. SIR JOHN S. PAKINGTON, SECRETARY OF STATE.

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2	21 May -	27	PETITIONS TO HER MAJESTY from the Bishops of Quebec, Montreal, and Toronto, acknowledged - - - - - - - - - - -	9
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1	F. Hincks, Esq., to Sir John S. Pakington.	1852: 3 May -	Transmitting an Extract from an approved Report of a Committee of the Executive Council of Canada, dated the 7th April, on the subject of the Clergy Reserves -	10
2	The Earl of Desart to F. Hincks, Esq.	7 May -	Acknowledging the above communication, and forwarding the copy of a Despatch addressed to the Governor-general of Canada, containing the views of Her Majesty's Government on the question - - - - - -	11
3	F. Hincks, Esq., to Sir John S. Pakington.	10 May -	In reply, and containing Observations on the Clergy Reserve question, with reference to Sir John Pakington's Despatch addressed to the Governor-general -	11
4	Earl of Desart to F. Hincks, Esq.	17 May -	Acknowledging Mr. Hincks' Letter of the 18th May, on the subject of the decision of Her Majesty's Government as to the Clergy Reserve question - - - - -	13

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LETTER FROM THE BISHOP OF QUEBEC.

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	The Bishop of Quebec to Sir John S. Pakington [Extract].	1852: 22 Oct. -	Information on the subject of the Provision for the Clergy in the Diocese of Quebec; amount set apart from the Clergy Reserve Fund - - - - - - -	14
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EXTRACT FROM VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY, 14 September 1852 - - - - - - - - - - - - 17

Ditto - - - - ditto - - - 15 September 1852 - - - - - - - - - - - 21

Ditto - - - - ditto - - - 16 September 1852 - - - - - - - - - - - 21

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PETITIONS TO HER MAJESTY:

19 Feb. 1851.—From the Bishops of the Dioceses of Quebec, Toronto, and Montreal - - - - - 25

19 Feb. 1851.—From the Bishop of Montreal, and the Clergy and Congregation of the Diocese of Montreal - 27

COPIES of all CORRESPONDENCE between Her Majesty's Government in *Canada*, or any Member thereof, and the Secretary of State for the Colonies, on the subject of the CLERGY RESERVES.

Despatches from Governor the Right Honourable the Earl of Elgin & Kincardine.

— No. 1. —

(No. 53.)

No. 1.
Governor the Earl of Elgin to Sir J. Pakington, Bart.
19 June 1852.

COPY of a DESPATCH from Governor the Right Honourable the Earl of *Elgin* to Sir *John S. Pakington*, Bart.

Government House, Quebec, 19 June 1852.
(Received, 5 July 1852.)

Sir, (Answered, 15 July 1852, No. 43, page 9.)

I HAVE the honour to report, in reply to your despatch No. 27*, of the 21st of May, that I have caused official communications to be addressed to the Bishops of Quebec and Montreal, informing them respectively that the Petition to Her Majesty from the Bishops of Quebec, Montreal, and Toronto, and that from the Bishops, Clergy, and Congregations of the Diocese of Montreal, in reference to the Clergy Reserves, have been very graciously received by Her Majesty, and that it is not the intention of Her Majesty's Advisers to propose any measure to Parliament on the subject, during the present session.

* Page 9.

2. With reference to the last paragraph of the despatch above-mentioned, I beg to state, that I have read your despatch No. 12, of the 22d of April † to the Bishop of Quebec, as I apprehend that it was not probably your intention that I should place copies of this document, which is in the nature of a reply to an Address of the Legislative Assembly, in the hands of third parties, before the meeting of the Legislature.

† Page 8.

I have, &c.
(signed) *Elgin & Kincardine.*

— No. 2. —

(No. 65.)

No. 2.
Governor the Earl of Elgin to Sir J. Pakington, Bart.
31 July 1852.

COPY of a DESPATCH from Governor the Right Honourable the Earl of *Elgin* to Sir *John S. Pakington*, Bart.

Government House, Quebec, 31 July 1852.
(Received, 17 August 1852.)

Sir, (Answered, 25 August 1852, No. 58, page 9.)

I HAVE the honour to enclose herewith two Addresses to Her Majesty the Queen, from the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, in order that they may be laid at the foot of the Throne.

I have, &c.
(signed) *Elgin & Kincardine.*

Enclosure 1, in No. 2.

Unto the QUEEN'S Most Excellent MAJESTY.

Most gracious Sovereign,

Encl. 1, in No. 2. WE, Your Majesty's most loyal and dutiful subjects, the Ministers and Elders of the Presbyterian Church of Canada, in connexion with the Church of Scotland, in Synod assembled, gladly embrace this opportunity of renewing the expression of our devoted and undiminished attachment to Your Majesty's Royal Person and Government.

We rejoice to say, that in the important province of the British empire in which our lot is cast, the inestimable blessings of peace and prosperity are fully enjoyed, so that, under the benign protection of Your Majesty, we are in possession of the most perfect liberty in the due exercise of all our ecclesiastical functions. And we earnestly trust that those important civil and religious privileges we enjoy, shall ever be maintained unimpaired.

We sincerely trust that Great Britain is destined to occupy a yet more illustrious place than heretofore in the annals of nations, and take the lead in the great work of advancing the welfare and happiness of mankind, and of diffusing over the world the blessings of knowledge and religion.

That Almighty God, the King of Kings, and Ruler of nations, may long preserve Your Majesty's life, a life so dear to your subjects in every quarter of the world, and abundantly enrich Your Majesty, Your Royal Consort the Prince Albert, his Royal Highness the Heir Apparent to the British Throne, and all the Members of Your Royal House, with every blessing, temporal and spiritual, is our sincere and constant prayer.

Signed at Williamstown, this 12th day of July 1852 years. In name, in presence, and by appointment of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, by

(signed) *John M'Marine,*
Moderator of Synod.

Enclosure 2, in No. 2.

Unto the QUEEN'S Most Excellent MAJESTY.

Most Gracious Sovereign,

Encl. 2, in No. 2. WE, Your Majesty's dutiful and loyal subjects, the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, beg leave to approach Your Majesty to express the views of the Church to which we belong, in reference to a matter of the utmost importance to very many of Your Majesty's subjects in this Province, the proper support to be afforded for religious instruction.

When the province of Canada, by an Act of the Imperial Parliament was divided into Upper and Lower Canada in 1791, a recommendation was made, by Your Majesty's pious grandfather, that a provision in lands should be made within each of the new Provinces for the support of a Protestant clergy. In the enactment referred to, one-seventh of the lands then belonging to the Crown in these Provinces, was required to be set apart for religious purposes, and when the governments were organised under the new charter, that provision of the Imperial Statute was carried into effect. These lands, for many years, in the infant state of the Province, were wholly unproductive, and the support of the Church of England devolved upon the Government, or societies in England established for the purpose of propagating the Gospel in Foreign Parts. While the Province was chiefly a wilderness, and the Presbyterian population confined principally to one section, few clergymen of the Church of Scotland were required, and few were induced to leave their homes and connexions to labour in so uninviting a field. By the rapid advance in population and improvements, the demand for such labourers has greatly increased, and now the lands set apart for religious purposes have become of such value, as to hold out some assurance that the objects of a pious Sovereign may be accomplished. The right of the Sovereign of the United Kingdom and the Imperial Parliament to appropriate a portion of the lands of the Crown to religious purposes, will scarcely be questioned, and to the exercise of that right we have always been unable to discover any reasonable objection. We humbly beg leave to submit to Your Majesty, that a portion of the people of Canada cannot legitimately claim, even if they were disposed to do so, that lands appropriated by the British nation, because within the Province of Canada, necessarily belong to the people of Canada, and are liable to be wholly diverted from the great and pious objects for which they were intended.

We regret exceedingly that efforts are being made, by some of the denominations of Christians in these Provinces, to obtain the sanction of Your Majesty, and of the Imperial Parliament, to a measure for the withdrawal from religion of all support derived from these lands, and the application of these funds to secular purposes; but we trust and believe, that Your Majesty's Government are too strongly impressed with the sacred obligation which all must feel, of providing efficient means for the religious and moral instruction of the community, to admit of such efforts being successful. To many congregations and people in the remote settlements, the regular worship of God, conducted by ministers of their Church, must be in a great measure denied, should the support referred to be withdrawn.

We

We therefore pray that Your Majesty, in the exercise of the Royal prerogative, may not be induced to depart, in this province, from a principle which cannot be abandoned in the United Kingdom without shaking to their very foundation the glorious institutions which have exalted it as a Christian nation.

We pray to God that Your Majesty may long reign over a free, a loyal, and a religious people.

Signed, at Williamstown, this Twelfth day of July One Thousand Eight hundred and Fifty-two, in name, in presence, and by appointment of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, by

John M^c Marine,
Moderator of Synod.

— No. 3. —

(No. 85.)

No. 3.
Governor the Earl of Elgin to Sir J. Pakington, Bart.
22 Sept. 1852.

COPY of a DESPATCH from Governor the Right Honourable the Earl of *Elgin* to Sir *John S. Pakington*, Bart.

Government House, Quebec, 22 September 1852.

Sir, (Received, 12 October 1852.)

I HAVE the honour to transmit herewith, with a view to its being laid at the foot of the Throne, the humble Address* to the Queen of Her Majesty's dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, on the subject of the Clergy Reserves.

I have, &c.
(signed) *Elgin & Kincardine.*

Enclosure in No. 3.

To the QUEEN'S Most Excellent MAJESTY.

Most Gracious Sovereign,

WE Your Majesty's dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, beg leave most humbly and respectfully to assure your Majesty that we deeply regret to learn from the despatch of the Right honourable Sir John Pakington, Your Majesty's Principal Secretary of State for the Colonies, that Your Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act 3 & 4 Vict. c. 78, intituled, "An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the Proceeds thereof." Encl. in No. 3.

We entreat Your Majesty to believe, that whatever difference of opinion may exist among the people of Canada as to the best mode of disposing of the revenues derived from the lands known as Clergy Reserves, the great mass of the people will ever maintain the principle recognized by the Right honourable the Earl Grey, then Your Majesty's Principal Secretary of State for the Colonies, in his despatch of 27th January 1851, to the Right honourable the Earl of Elgin and Kincardine, that the question whether the existing arrangement "is to be maintained or altered, is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature, to which it properly belongs to regulate all matters concerning the domestic interests of the province."

We beg leave further most humbly to represent, that while the people of Canada are devotedly attached to Your Majesty's person and Government, and most anxious to maintain inviolate the connexion which binds them to the great empire over which Your Majesty rules, yet we are bound by a high sense of duty to inform Your Majesty that the refusal on the part of the Imperial Parliament to comply with the just demand of the representatives of the Canadian people on a matter exclusively affecting their own interests, will be viewed as a violation of their constitutional rights, and will lead to deep and wide-spread dissatisfaction among Your Majesty's Canadian subjects.

We are well aware that attempts have been made to induce Your Majesty's Imperial Ministers to believe that the present representatives of the people of Canada entertain opinions on the subject of the repeal of the Clergy Reserves Act, different from those expressed by the late Parliament.

But we confidently hope that when your Majesty's Ministers shall be convinced that the opinions of the people of Canada, and of their representatives, on this subject are unaltered and unalterable, they will consent to give effect to the promise made by their predecessors; and we are confirmed in this hope by the suggestion in the despatch of the Right honourable Sir John Pakington, that Your Majesty's Ministers are prepared to recommend amendments to the Imperial Clergy Reserve Act, with a view to satisfy the wishes of the Canadian people.

We

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* Extracts from the Votes and Proceedings of the Assembly with reference to this Address, will be be found in the Appendix to the present Paper. *See* page 17.

We can scarcely doubt that, the principle of amending the present Act being admitted, Your Majesty's ministers will yield to the strong feeling which pervades the Canadian people, that any new legislative enactments regarding the Clergy Reserves should be framed by their own representatives, instead of by the Imperial Parliament, which being necessarily unacquainted with the state of public opinion in Canada, cannot be expected to concur in a measure that will give permanent satisfaction to its inhabitants.

And we desire to assure Your Majesty that in thus giving expression to the public opinion of the country we are actuated by the strongest feelings of loyalty to Your Majesty, and by a sincere desire to prevent those lamentable consequences which must be the result of a difference of opinion between the Imperial and Provincial Parliaments on a question on which very strong feelings are known to prevail among the people of this province.

(signed) *John Sandfield Macdonald*, Speaker.

Legislative Assembly Hall, Quebec,
17 September 1852.

— No. 4. —

No. 4.
Governor the Earl of Elgin to Sir J. Pakington, Bart.
25 Sept 1850.

(No. 92.)

COPY of a DESPATCH from Governor the Right Honourable the Earl of *Elgin* to Sir *John S. Pakington*, Bart.

Government House, Quebec, 25 September 1852.

Sir, (Received, 12 October 1852.)

I HASTEN to forward herewith a memorial which has this day been placed in my hands from the Lord Bishop of Quebec, on the subject of the address of the Legislative Assembly in relation to the Clergy Reserves transmitted by this mail.

I have, &c.
(signed) *Elgin and Kincardine.*

Enclosure in No. 4.

To his Excellency the Right Honourable the Earl of *Elgin and Kincardine*, K. T., Governor-General of British North America, &c. &c. &c.

The Memorial of *George J. Mountain*, D. D., Lord Bishop of Quebec,

Most humbly showeth,

Encl. in No. 4.

THAT your Excellency's memorialist, having been called to preside over the interests of the Church of England in this diocese, is constrained by a sense of duty to God and man, to lay before your Excellency, with the prayer that it may be transmitted to Her Majesty's Government in England, his solemn remonstrance against the tenor of an address to Her Majesty, recently voted by the Legislative Assembly of this province, in relation to the Clergy Reserves within the same, and specially against the purpose intimated on the part of the advisers of Her Majesty in the provincial government, to secularize that property which, by the pious munificence of the Sovereign and Parliament of England, was appropriated for the support and perpetuation of religion.

That the distribution of the revenue arising from this property, under the Imperial Act 3 & 4 Vict., c. 78, carrying with it a great sacrifice of the original claims of the Church of England, was distinctly understood to be final, and as your Excellency's memorialist humbly conceives, involved an absolute pledge to the parties concerned, for the security and permanence of their interest in the same, as then established.

That the clergy and lay members of the Church of England in this diocese, are to be considered as only having abstained, during the present session, from petitioning your Excellency and the other branches of the provincial parliament, against alienation of those Reserves from their original purpose, because they were aware that, in the actual position of the affair, no legislative enactment affecting the lands in question can take place; but that the depth and earnestness of their feeling upon the subject has been sufficiently manifested in the petition (a copy of which is subjoined to this memorial, Appendix A.), which they addressed to the three branches of the Imperial Parliament towards the close of 1850, the same having been adopted at a numerous meeting held at Quebec, which was attended by lay delegates as well as clergymen from all parts of the diocese, who entered most warmly into the objects of the said petition.

That the great majority of the clergy in this diocese are missionaries labouring in settlements where the people, by their utmost exertions, are incapable of supporting a minister themselves; that the means contributed from England towards the maintenance of these missionaries are now in course of being gradually withdrawn, and that Quebec is the only

place

place in the diocese where there can be said to be anything like such wealth in the hands of any body of persons belonging to the Church of England, as could be made available towards the relief of the spiritual wants existing and increasing with the increase of population in the said settlements.

That instances are within the knowledge of your Excellency's memorialist in which ministers of other Protestant denominations, placed among the people in such settlements, under stipulations for their maintenance, by the aid of contributions to be raised upon the spot, have, in consequence of the failure of these poor congregations to fulfil their engagements in such behalf, been compelled to abandon their charge.

That even if it could be considered, under any circumstances, justifiable to take advantage, after the final arrangement made by the above-mentioned Act 3 & 4 Vict., c. 78, of the clause in 31 Geo. 3, c. 31, which regards the varying or repealing of the previous clauses in the same, whereby the Clergy Reserves are set apart for the support of religion, the actual circumstances of the Church of England in the country, and the wants and prospects of her people are (as may appear from what has been above stated) the very opposite of such as to furnish a plea for the confiscation of any property allotted for her support; and a measure of this nature would be fraught with such calamitous consequences to their spiritual well-being as the promoters of the measure would themselves beyond all doubt fervently deprecate.

That notwithstanding the extraordinary efforts made in Canada West to foment prejudice and to excite popular feeling against the preservation of the compact concluded by means of the above-mentioned Act of 3 & 4 Vict. c. 78, the majority of members of the Legislative Assembly from that section of the province who voted in favour of the recent address was only a majority of six, the numbers respectively being 20 and 14,* and the names standing as appears in an Appendix to this memorial (B.); and that your Excellency's memorialist believes himself to proceed upon correct information when he states, that the members generally from Canada East are understood to have regarded the question as one proper to Canada West on account of the greater stake there existing in the Reserves, and the far larger proportion of Protestant inhabitants, and, by consequence, to have simply followed the majority of voters from that section.

Wherefore your Excellency's memorialist humbly prays that your Excellency will be pleased to give your favourable consideration to the statements herein submitted, and to forward the same to Her Majesty's Secretary of State for the Colonies.

And your Excellency's memorialist, as in duty bound, will ever pray.

(signed) *G. J. Quebec.*

Sub-Enclosure to Enclosure in No. 4.

Appendix (A.)

To the QUEEN'S Most Excellent MAJESTY.

The Petition of the Bishop of *Quebec*, and Clergy and Congregations of the Diocese of *Quebec*, in the Province of *Canada*,

Most humbly showeth,

THAT in the year 1791 an Act was passed by the Imperial Parliament, 31 Geo. 3, c. 31, comprehending the appropriation of the lands called the Clergy Reserves, in the provinces of Upper and Lower Canada, for the support and maintenance of a Protestant clergy, and indicating in all its following clauses the clergy of the Church of England, and no other, as the body who were to be so supported and maintained.

That in the year 1793 Your Majesty's Royal grandfather, of blessed memory, King George 3, following up the intention of the afore-mentioned Act, erected the provinces of Upper and Lower Canada into a diocese of the Church of England, in connexion with the Archiepiscopal See of Canterbury, of which the city of Quebec was made the see; and that in the letters patent appointing the Bishop to the same, express and formal reference is made to the aforesaid Act of appropriation of the Clergy Reserves, the two measures being manifestly designed to form parts of one and the same plan, and the decision being practically made in accordance with what was contemplated in all the clauses of the Act, as to what Protestant clergy were, under the Act, to be endowed.

That in the year 1816 the Bishop and Clergy of the Church of England were constituted corporations by Royal Letters Patent, one corporation for Lower, and one for Upper Canada, for the management respectively of the Clergy Reserves, for the benefit of their own church within the then existing two provinces, and that these corporations were beginning to put in train the efficient and advantageous administration of the said Reserves, when

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* Sir Allan M'Nab, the leader of opposition to the measure of confiscation, would have been added to this number, but was confined at home by illness.

when their proceedings were interfered with, and finally stopped by the transfer to the hands of the Commissioner of Crown Lands of the direction of the Clergy Reserves, and the introduction of the system of sales, conducted by that functionary, in the manner of effecting which the most grievous and most extensive detriment in all perpetuity was done to the interests of the church.

That the exclusive claim of the Church of England to the benefit of the Clergy Reserves, implied, as has been made to appear in different measures of the Crown and Parliament of Great Britain, continued unchallenged and unquestioned till after the year 1820, and that when the efforts which were made to assert a rival claim produced a great amount of painful ferment and agitation in the country, the clergy and members of the Church of England in maintaining what, according to their clear and settled convictions, was their right to the whole profits of the Reserves, as the patrimony of the said church, forbore from contributing to the excitement of the public mind upon the subject by any inflammatory appeals, or any coloured representations to suit the interests of their own party.

That in the year 1840 a vast concession was made to the parties adverse to the claims originally recognised as existing in the Church of England by the enactment of an Imperial statute for the division of the profits arising from the Clergy Reserves, under the provisions of which statute two-thirds of the proceeds of the lands then sold, and two-thirds of one half of the lands still unsold, were allotted to the Church of England in this province.

That notwithstanding the facts herein already set forth, and the great inaccuracies of many of those representations proceeding from other quarters, upon which this legislative measure appears to have been based, the clergy and lay members of the Church of England in the province peaceably submitted to this arrangement of the long-agitated questions respecting the Clergy Reserves, and accepted it, according to what they had all reason to do, as the final settlement of those questions, and the extinction, once for all, of all discussions and differences upon the subject; and that to this settlement they considered, and so Your Majesty's petitioners do now consider, the faith of the Government to be pledged.

That from the date of passing the aforesaid Act of 1840, up to the close of the year 1849, no discontent was manifested in any quarter on account of the provisions of the said Act, and that up to the present moment there has been no agitation of feeling in the province upon the subject.

That under all these circumstances it has been impossible for Your Majesty's petitioners to view, otherwise than with the keenest sense of injury and the deepest feelings of astonishment and alarm, a proceeding of the House of Assembly during the late session of the Provincial Legislature, in which Resolutions have been passed and an Address to Your Majesty has been voted, to the effect that this reservation of land for the maintenance of religion should be alienated from its sacred purpose, and applied to the promotion of education and other secular objects.

That although Your Majesty's petitioners had patiently submitted to the great and unlooked-for diminution of the revenues of the Church of England created by the Act of 1840, and to the variety of what they have conceived to be vexatious and injurious proceedings in the administration of the lands, tending still further to impair and lessen those revenues—although they had brought themselves to acquiesce in an arrangement which, with the addition of all these disadvantages, presses with particular hardship upon their Church in Lower Canada, in which the whole extent of the seigneurial tracts of country comprise no Clergy Reserves whatever—yet they cannot but apprehend that the proposed confiscation even of the remnant and pittance of endowment which had been left to them will create extensive and permanent dissatisfaction among the members of the Church at large in the province, nor can they fail in the most earnest and solemn manner to deprecate an act of spoliation which would be disastrous to the most sacred interests of human society, and openly hostile to the propagation of the truth of God.

That the Church of England population of Lower Canada is believed to approach, in numbers, to the entire aggregate of all other Protestant denominations within that portion of the province, and that it consists, at the same time, to a very great extent, of the occupiers of poor and backward settlements, who mainly depend for the ministrations of religion upon the charity of the Society in London for the Propagation of the Gospel; the revenue up to this date derived from the Clergy Reserves supplying but a very small portion of the expenditure made, upon the most frugal and parsimonious scale, for this object.

That whenever the assistance of the abovementioned society shall be withdrawn (an arrangement which steps have been taken gradually to accomplish), the revenue from the Clergy Reserves, in whatever degree it shall have then improved, will form an extremely inadequate provision, and one which need not in any quarter be grudged, for the maintenance of religion among those who can do but little for themselves; and that Your Majesty's Petitioners confide in Your Majesty's gracious protection of Your loving and loyal subjects, and Your concern for their religious well being, to prevent the sanction of a measure which, in the face of another Church enjoying the most magnificent resources through the large and generous indulgence of Your Majesty's Government, would, in human calculation, go far to crush the hopes and neutralise the efforts of a poor and laborious clergy, and to carry severe damage, in all perpetuity, to the spiritual interests of the people in this diocese professing the religion of the British empire.

That

That Your Majesty's Petitioners, who conceive in all humility that the hard measure dealt already, in different ways, to the Church of England in this province, has reached a point at which they might hope that it would stop, are most unwillingly compelled to see in the Resolutions and Address of the House of Assembly, to which reference is here made, the manifestation of a spirit towards the religion which they profess, calculated to inspire them with apprehensions of the most grave and serious character for the future, and to impress upon them the anticipation that if the object of the Resolutions and Address should be actually gained, it may only be the prelude to a course of oppressive measures, against the advance of which they fervently and confidently implore the succour and interposition of their Sovereign.

Wherefore, Your Majesty's Petitioners most humbly pray, that Your Majesty will be graciously pleased to withhold your royal sanction from any measure for reversing or altering the provisions of the Act of the Imperial Parliament 3 & 4 Vict. c. 78.

Appendix (B.)

NAMES of the Upper Canada Members who Voted upon the Address of the Legislative Assembly respecting the Clergy Reserves.

YEAS.—Brown, Cameron, Christie of Wentworth, Fergusson, Hartman, Hincks, Johnson, Langton, M'Donald of Cornwall, Mackenzie, Mattrie, M'Lachlin, Merritt, Paige, Patrick, Richards, Rolph, Rose, White, Wright of East Riding of York.

NAYS.—Boulton, Burnham, Crawford, Dixon, Macdonald of Kingston, Malloch, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Willson, Wright of West Riding of York.

(Sir Allan Macnab, who would have voted with the minority, disabled from attendance.)

Despatches from the Right Hon. Sir John S. Pakington, Secretary of State.

— No. 1. —

No. 1.
Sir J. S. Pakington, Bart., to Governor the Earl of Elgin.
22 April 1852.

(No. 12.)

Copy of a DESPATCH from Sir *John S. Pakington*, Bart., to Governor the Right Honourable the Earl of *Elgin*.

My Lord, Downing-street, 22 April 1852.

By a despatch of my predecessor, Earl Grey, of the 11th July last*, you were informed that Her Majesty's then servants found themselves compelled to postpone to another Session the introduction into Parliament of a Bill giving to the Canadian Legislature authority to alter the existing arrangement with regard to the Clergy Reserves.

2. With reference to that intimation, I have now to inform you that it is not the intention of Her Majesty's present advisers to propose such a measure to Parliament this Session.

3. They have, in the first place, taken into consideration that, since any opinion upon this difficult subject was expressed by the Legislature of Canada, a general election has taken place in the province, and it is as yet uncertain what the views of the new Assembly as to the disposal of the Clergy Reserves may be.

4. But, independently of that circumstance, Her Majesty's Government feel serious doubts how far they would be able to give their consent and support to an arrangement, the result of which would too probably be the diversion to other purposes of the only public fund, except that devoted to the endowment of the Roman-catholic Church, which now exists for the support of divine worship and religious instruction in the colony.

5. While it appears to Her Majesty's Government that, under the distribution authorized by the Clergy Reserves Act, 3 & 4 Vict. c. 78, of the proceeds of the sales of the reserved lands, no ground is left for reasonable jealousy or complaint of undue favour to particular religious denominations, they think it may possibly be desirable, on account of the changes which may be effected in the character of the population through extensive immigration or other causes, that the distribution in question should from time to time be reconsidered.

6. Any proposals of such a nature Her Majesty's Government would be willing to entertain; but they are of opinion that they could only regard any measure which would place it in the power of an accidental majority of the Colonial Legislature, however small, to divert for ever from its sacred object the fund arising from that portion of the public lands of Canada which, almost from the period of the British conquest of that province, has been set apart for the religious instruction of the people, with the most serious doubt and hesitation how far they should be justified in advising Her Majesty to give Her consent to such an enactment.

7. These views on the part of Her Majesty's Government, with respect to a proposal so deeply and permanently affecting the interests of Canada, cannot but derive additional strength from the numerous petitions, having many thousand signatures, which have been addressed both to the Queen and to the Parliament of the United Kingdom, praying that the existing Act relating to the Clergy Reserves may continue in force.

I have, &c.
(signed) *John S. Pakington.*

* Page 18, of Papers relative to the Clergy Reserves in Canada, presented to Parliament by Command, 23 February 1852.

— No. 2. —

(No. 27.)

No. 2.
Sir J. S. Pakington, Bart. to Governor the Earl of Elgin. 21 May 1852.

COPY of a DESPATCH from Sir *John S. Pakington*, Bart., to Governor the Right Honourable the Earl of *Elgin*.

My Lord, Downing-street, 21 May 1852.

I HAVE received, from the Secretary of State for the Home Department a petition from the Bishops of Quebec, Montreal, and Toronto,* praying that Her Majesty will be graciously pleased to withold Her Royal Assent from any measure altering the provisions of the Act 3 & 4 Vict., relative to the Clergy Reserves in Canada, and also a petition from the Bishop, Clergy, and Congregations of the diocese of Montreal,† praying that the said question may not be re-opened.

* See Appendix to this Paper.

† Ditto.

I have to request that you will acquaint the petitioners, that I have laid their petitions before the Queen, and that Her Majesty was pleased to receive them very graciously.

On this subject it is only necessary that I should instruct your Lordship to refer the petitioners to my despatch No. 12,‡ of the 22d of April, communicating to you the views entertained by Her Majesty's Government upon this question.

‡ Page 8.

I have, &c.
(signed) *John S. Pakington.*

— No. 3. —

(No. 43.)

No. 3.
Sir J. S. Pakington, Bart. to Governor the Earl of Elgin. 15 July 1852.

COPY of a DESPATCH from Sir *John S. Pakington*, Bart., to Governor the Right Honourable the Earl of *Elgin*.

My Lord, Downing-street, 15 July 1852.

I HAVE the honour to acknowledge the receipt of your despatch, No. 53,§ of the 19th June, and to convey to your Lordship my approval of the course which you adopted in communicating to the Bishops of Quebec and Montreal the decision of Her Majesty's Government on the question of the Clergy Reserves.

§ Page 1.

I have, &c.
(signed) *John S. Pakington.*

— No. 4. —

(No. 58.)

No. 4.
Sir J. S. Pakington, Bart. to Governor the Earl of Elgin. 25 August 1852.

COPY of a DESPATCH from Sir *John S. Pakington*, Bart., to Governor the Right Honourable the Earl of *Elgin*.

My Lord, Downing-street, 25 August 1852.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 65,‖ of the 31st ultimo, enclosing two Addresses to the Queen from the Synod of the Presbyterian Church in Canada in connexion with the Church of Scotland.

‖ Page 1.

I have laid these Addresses before the Queen, and Her Majesty was pleased to receive them very graciously.

I have, &c.
(signed) *John S. Pakington.*

Correspondence with Mr. Hincks.

— No. 1. —

No. 1.
F. Hincks, Esq, to Sir J. Pakington, Bart.
3 May 1852.

COPY of a LETTER from *F. Hincks*, Esq., to Sir *John S. Pakington*, Bart.

Sir, Morley's Hotel, London, 3 May 1852.

I HAVE the honour to enclose a copy of an approved Report of the Committee of the Executive Council of Canada, dated the 7th ultimo, which I received by the last mail. I have learned, through the medium of the public journals, that Her Majesty's Government has determined to take no action in the question of the Clergy Reserves during the present Session of Parliament; and however much I may regret that decision, I am well aware that, under the circumstances, it is irrevocable. I have already had an opportunity of urging, during the interview with which you were good enough to honour me, the importance of settling this long vexed question as speedily as possible. It was my duty to state, that the number of those who insist on the present settlement is very small, and I may now add, that one of the leading opposition newspapers in Upper Canada, and in the interest of the Church of England, has come out distinctly for a new scheme of distribution. I would press on Her Majesty's Government more formally, what I have already urged in my conversation with you, that if, as has been alleged, the present Canadian Parliament is favourable to the views of the Church of England, it is surely the best time for that Church to procure a settlement that will be regarded as constitutional. I can assure Her Majesty's Government with the utmost sincerity, that there will be no end to agitation in Canada, if the attempt be made to settle this question permanently according to the public opinion of England, instead of that of the Province itself; and I may add, that it is well known that many who are opponents of the secularization of the Clergy Reserves, are on constitutional grounds in favour of a settlement by the Provincial Parliament. I believe that, after the assurance given by the late Government, it will be found impossible to protract very long the repeal of the Imperial Act; and I have no hesitation in affirming that no interests will suffer more by delay than those of the Church of England. If Her Majesty's Government desire, before determining on their line of action on this question, to ascertain the views of the present Canadian Parliament, I would respectfully beg to be informed of their decision.

I have, &c.
(signed) *Francis Hincks.*

Enclosure in No. 1.

EXTRACT from a Report of a Committee of the Honourable the Executive Council on Matters of State, dated 7th April 1852, approved by His Excellency the Governor-General in Council on the same day.

Encl. in No. 1.

THE Committee have had under consideration the memorandum of the President of the Committee of Council on the propriety of instructing the Honourable the Inspector-general to ascertain the views of Her Majesty's Government on the subject of a repeal of the Imperial Act 3 & 4 Vict. c. 78, in conformity with the addresses to Her most Gracious Majesty, from both branches of the Canadian Legislature at its last session, on the subject of the Clergy Reserves.

The assurances of Her Majesty's late Government that such action would be taken, had prepared the people of Canada to expect that no further delay would take place in meeting their just wishes upon a question of such paramount importance to them; the committee, therefore, recommend that their colleague, the Inspector-general, while in England, be requested by the Provincial Secretary, to seek an interview with Her Majesty's Ministers, and represent to them the importance of carrying out the pledges of their predecessors on the subject of the Clergy Reserves, and thus empower the Colonial Legislature to deal with the question in accordance with the well-understood wishes of the people of Canada.

Certified.

The Honourable the Provincial Secretary, &c. &c. &c.

(signed) *Wm. H. Lee.*

— No. 2. —

No. 2.
The Earl of Desart to F. Hincks, Esq.
7 May 1852.

COPY of a LETTER from the Earl of *Desart* to *F. Hincks*, Esq.

Sir, Downing street, 7 May 1852.

I AM directed by Secretary Sir John Pakington to acknowledge your letter of the 3d instant, transmitting an extract from an approved Report of a Committee of the Executive Council of Canada, dated 7th April, instructing you to represent to Her Majesty's Ministers the importance of carrying out the pledges of their predecessors on the subject of the Clergy Reserves.

Sir J. Pakington desires me to inform you, that until the receipt of your communication, he was not aware of the existence of the Report of which you now send him a copy, Lord Elgin not having as yet transmitted it to this department. Being thus without any information that you were officially instructed to communicate with Her Majesty's Government on that particular subject, Sir J. Pakington did not think it necessary to announce to you their determination upon it, as he unquestionably would have done if he had been aware that your mission to this country was connected with it. I am now directed by Sir J. Pakington to enclose to you a copy of the despatch which he addressed to Lord Elgin on the 22d ultimo, communicating the decision of Her Majesty's Government.

No. 12, 22 April 1852. Page 8.

I have, &c.
(signed) *Desart.*

— No. 3. —

No. 3.
F. Hincks, Esq., to Sir J. Pakington, Bart.
10 May 1852.

COPY of a LETTER from *F. Hincks*, Esq., to Sir *John S. Pakington*, Bart.

Sir, Morley's Hotel, London, 10 May 1852.

I HAVE the honour to acknowledge the receipt of a letter from the Earl of Desart, dated the 7th instant, enclosing a copy of your despatch to Governor-general the Earl of Elgin and Kincardine, dated the 22d ultimo, communicating the decision of Her Majesty's Government on the subject of the Canada Clergy Reserves, and I have to express my grateful acknowledgments therefor. It is probable that, as the approved Report of the Committee of the Executive Council of Canada was sent to me for the purpose of being delivered to Her Majesty's Government, it was deemed unnecessary by his Excellency the Governor-general to transmit another copy; but you will, I think, find on inquiry, that his Excellency has communicated to you a copy of a memorandum agreed to at a meeting of the Members of the Council on the 25th February, prior to my departure, by which I was instructed "to press upon the consideration of Her Majesty's Government the importance of procuring the assent of the Imperial Parliament, as soon as possible, to a Bill for repealing the Imperial Act 3 & 4 Vict. c. 78, providing for the sale of the Clergy Reserves in Canada, and for the distribution of the proceeds thereof, as prayed for by addresses from both Houses of the Provincial Parliament, and for authorizing the Provincial Parliament to legislate on the subject of those Reserves."

I trust that the existence of these instructions, followed up as they have been by the approved Report of Council, which I had the honour to transmit in my letter of the 3d instant, will be a sufficient apology for my offering some remarks on your despatch of the 22d ultimo, which shall be made in a spirit of the highest respect to Her Majesty's Government. Had the addresses from the two Houses of the Canadian Legislature prayed for any particular distribution of the income arising from the Clergy Reserve Fund, there most unquestionably would have been grave objections to any Imperial action to be founded on the opinions of a Parliament which had ceased to exist. But I would respectfully urge, that there can be no reasonable ground for doubt, that the great majority of the people of Canada desire that this question, which is one of local interest, should be disposed of by their own Parliament. I need not, however, press this point further, because I am well aware that legislation during the present session of the Imperial Parliament is now out of the question, and that before any further action could be taken by Her Majesty's Government, the new Canadian Parliament will have had an opportunity of expressing its views on the subject. But I am bound by a sense of duty to Her Majesty to express to Her confidential

advisers, that it is with the most serious alarm that I have read the concluding portion of your despatch. Most devotedly attached as I am to the maintenance of the subsisting connexion between the mother country and the British American colonies, I cannot view without grave apprehension the prospect of collision between Her Majesty's Government and the Parliament of Canada, on a question regarding which such strong feelings prevail among the great mass of the population. Such a difficulty is the more to be regretted, because the question of the Clergy Reserves is the only one, so far as I am aware, at all likely to lead to collision. It happens, most unfortunately, that public opinion in England differs very widely from that in Canada, on questions at all partaking of a religious character; and as the people of Canada are convinced that they are better judges than any parties in England can be of what measures will best conduce to the peace and welfare of the Province, Her Majesty's Government will, I trust, perceive that the danger which I apprehend is at least deserving of the most grave consideration. I cannot have the slightest doubt that the members of Her Majesty's Government are actuated by the most earnest desire to promote the best interests of Canada, and that, if they could be brought to believe that I have given a faithful account of the state of public opinion there, they would be disposed to yield their own wishes for the sake of the peace of the colony. I am quite ready to acknowledge the high respectability of the petitioners against the repeal of the Clergy Reserves Act. The Bishops, clergy, and an influential portion of the laity of the Church of England, the clergy and a portion of the laity of the Church of Scotland, are doubtless in favour of the present settlement, which, indeed, confers on the Church of Scotland an income wholly beyond its requirements in Canada; while the majority of the Presbyterian population neither receive any share of the endowment, nor desire to participate in it. While, however, I admit the respectability of the petitioners, I think that I am justified in affirming that they do not represent anything like a majority of the population of Canada; indeed, the very fact that they on all occasions endeavour to accomplish their wishes by appealing, not to their own representatives in Parliament, but to the Imperial Parliament, is conclusive proof that they are themselves conscious that their views are not in accordance with public opinion in Canada. I forbear from entering into the consideration of the probable action of the Canadian Legislature on the Clergy Reserves question, because I am anxious to impress on Her Majesty's Government that, although there may be wide differences of opinion among the opponents of the present arrangement as to the best mode of settling the question, a vast majority of the people are agreed as to the necessity of its being effected by Provincial legislation; and I am aware that some of the best friends of the Church of England, question the soundness of the policy which has influenced the promoters of the petitions lately presented to Parliament to look for support to their views in England, instead of using their legitimate influence over public opinion in Canada. I do not by any means desire to conceal from Her Majesty's Government that, saving always the rights of existing incumbents, a very strong feeling prevails, especially in Upper Canada, in favour of the secularization of the Clergy Reserves; but I ought not to omit reminding them that, although it is true that the portion of public lands known as Clergy Reserves was set apart for the religious instruction of the people at a very early period, and when there were very few inhabitants in the colony, it is likewise true that power was expressly given to the Provincial Legislature "to vary or repeal" the clauses in the Act 31 Geo. 3, setting apart these lands; that successive Houses of Assembly remonstrated against giving effect to them, and that so firmly were the advisers of his late Majesty King William the Fourth impressed with the necessity of getting rid of this most perplexing question, that Secretary Viscount Goderich, in a despatch dated 21st November 1831, communicated the Royal instructions that a Bill framed in England, should be submitted to the Provincial Legislature, for the purpose of getting rid entirely of the endowment. The people of Canada know well the cause of the failure in carrying out the gracious intentions of his late Majesty, as well as their own repeatedly expressed wishes. The opinions of the mass of the people have never wavered during the last 25 years, although circumstances have from time to time induced them to pause in their efforts, in order to concentrate public opinion on questions more deeply affecting their constitutional rights. I cannot therefore conceive that any action which the

Canadian

Canadian Parliament may take of the nature referred to in the despatch, could be correctly designated as the result of an accidental majority. All the great questions which have been settled in England during the last 50 years, might be said with equal justice to have been carried by accidental majorities; and if a supposition on the part of Her Majesty's Government that any majority in the Canadian Parliament expressing views antagonistic to their own was an accidental one, were deemed a sufficient ground for resisting that majority, I would most respectfully submit that there would be no security whatever for constitutional government. I am well convinced that Her Majesty's advisers have every disposition to attach due weight to the clearly expressed opinion of the people of Canada, and I am therefore anxious to remind them of, and to urge upon their consideration, the past history of the Clergy Reserves question, which I have endeavoured to glance at as briefly as possible. There is a passage in the despatch to the Earl of Elgin which seems to me calculated to lead to some misconception. I refer to the paragraph describing the Clergy Reserves as the only "public fund, except that devoted to the endowment of the Roman-catholic Church." I am not aware that any public fund has ever been devoted to the endowment of the Roman-catholic Church in Canada. Whatever property may be in the possession of Roman-catholics, has been obtained principally by private donation or bequest; although in some cases there were additional grants from the French Crown, which were secured to the possessors at the conquest. These grants were made to communities consisting of ecclesiastics or religious ladies, either for charitable or educational purposes, or for the conversion of the Indians. If I am correct in this statement, as I believe that I am, I most respectfully submit that such grants as those to which I have referred bear no analogy to the Clergy Reserves, and can scarcely be considered as a public fund devoted to the endowment of the Roman-catholic Church. I should not discharge my duty to Her Majesty's Government were I not to state to them with perfect frankness, my views on another paragraph in the despatch. I refer to that in which it is intimated that Her Majesty's Government would be willing to entertain a proposal for reconsidering the mode of distributing the income of the Clergy Reserves. I have no hesitation in stating it as my conviction, that the Canadian Parliament will not invite the legislation of the Imperial Parliament regarding the distribution of a local fund. Any such proposition would be received as one for the violation of the most sacred constitutional rights of the people. I am therefore fully convinced that the future action of the Canadian Parliament will be essentially of the same character with that which has been already taken. I can assure you, Sir, that it is with deep regret that I find myself compelled by a sense of public duty to urge upon you views which I fear will not meet the approbation of Her Majesty's Government; but I trust that I have succeeded in doing so in a respectful manner; and I feel assured that they will receive the consideration which the importance of the subject demands, and that Her Majesty's advisers will be guided in their final decision by what they believe to be for the best interests of Canada.

I have, &c.
(signed) *Francis Hincks.*

— No. 4. —

No. 4.
The Earl of Desart to F. Hincks, Esq.
17 May 1852.

Copy of a LETTER from the Earl of *Desart* to *Francis Hincks*, Esq.

Sir, Downing-street, 17 May 1852.

I am directed by Secretary Sir John Pakington to acknowledge your letter of the 10th of this month, on the subject of the decision of Her Majesty's Government as to the Clergy Reserves question, and to thank you for the representations which you have made to them on this and other subjects affecting the views and interests of the people of Canada, on which they are fully sensible of the value of your opinion.

2. I am to add, that Sir John Pakington has not been able to find, in the records of this department, any trace of the memorandum agreed to by the Executive Council on the 25 February last, to which your letter refers, having been communicated to his predecessor or himself.

I have, &c.
(signed) *Desart.*

Letter from the Bishop of Quebec.

Bishop of Quebec to Sir J. Pakington, Bart.
22 October 1852.

EXTRACT of a LETTER from the Bishop of *Quebec* to the Right Honourable Sir *John S. Pakington*, Bart., dated Quebec, 22 October 1852.

IT may be proper that I should here state what are the advantages which we do enjoy. There are three clergymen in this diocese, myself included, who still receive salaries from Government, but the salary in each case is to cease upon the first occurrence of vacancy. There is an appropriation of about 1,150*l.* currency a-year from the share of the Clergy Reserves left to the Church of England, of which 300*l.* is assigned to Bishop's College at Lennoxville (an institution connected equally with both the dioceses of Lower Canada, though situated in that of Quebec), and the remainder is distributed among 28 missionaries, whose meagre incomes are, with two exceptions, made up under the existing but not permanent arrangements, by the bounty of the Society for the Propagation of the Gospel. And there is a sum set apart for the maintenance of the future Bishopric out of the Clergy Reserves fund, which now amounts to about 13,000*l.* currency, and is advancing towards the mark at which it will yield the moderate episcopal salary which is now given in other cases in the colonies, and the surplus will then be available for other objects of the Church. The whole number of clergy holding charge in my diocese is 37. There is no part of the North American colonies, perhaps, with the exception of Newfoundland, which, with reference to the Church of England population, is so poor as the diocese of Quebec, Quebec itself being the only spot within the whole diocese in which there is anything like wealth in the hands of the members of that church; and the great majority of the missions being established in the rude and more backward settlements of the country.

Having had occasion to mention the Clergy Reserves, I take the liberty of indicating as a document which, I humbly conceive, correctly exhibits the whole case in a condensed form, the petition to the Imperial Parliament from the Bishop, Clergy, and laity of this diocese, sent home towards the close of 1850, of which a copy was appended to a memorial addressed by myself to the Governor-general* in September last, and transmitted by his Excellency to yourself. This petitition was very warmly supported, and numerously signed. For the convenience of reference, I send herewith a printed copy of the petition from the diocese of Montreal, which, with the necessary adaptations, was adopted verbatim from that of Quebec (Appendix A.)

* *See* page 4.

Enclosure.

Appendix (A.)

To the QUEEN'S Most Excellent MAJESTY.

The Petition of the Bishop of *Montreal*, and the Clergy and Congregations of the Diocese of *Montreal*, in the Province of *Canada*.

Most humbly showeth,

Enclosure.

THAT in the year 1791 an Act was passed by the Imperial Parliament, 31 Geo. 3, c. 31, comprehending the appropriation of the lands called the Clergy Reserves, in the provinces of Upper and Lower Canada, for the support and maintenance of a Protestant clergy, and indicating in all the following clauses the clergy of the Church of England, and no other, as the body who were to be supported and maintained.

That in the year 1793, Your Majesty's Royal grandfather, of blessed memory, King George 3, following up the intention of the afore-mentioned Act, erected the provinces of Upper and Lower Canada into a diocese of the Church of England, in connexion with the Archiepiscopal See of Canterbury, of which the city of Quebec was made the see; and that in the letters patent appointing the Bishop to the same, express and formal reference is made to the aforesaid Act of appropriation of the Clergy Reserves, the two measures being manifestly designed to form parts of one and the same, the plan and the decision being practically made in accordance with what was contemplated in all the clauses of the Act, as to what Protestant clergy were, under the Act, to be endowed.

That

That in the year 1816, the Bishop and Clergy of the Church of England were constituted corporations by Royal Letters Patent, one corporation for Lower, and one for Upper Canada, for the management respectively of the Clergy Reserves, for the benefit of their own Church within the then existing two Provinces, and that these corporations were beginning to put in train the efficient and advantageous administration of the said Reserves, when their proceedings were interfered with, and finally stopped by the transfer to the hands of the Commissioner of Crown Lands, of the direction of the Clergy Reserves, and the introduction of the system of sales conducted by that functionary, in the manner of effecting which the most grievious and most extensive detriment in all perpetuity was done to the interests of the Church.

That the exclusive claim of the Church of England to the benefit of the Clergy Reserves implied, as has been here made to appear, in different measures of the Crown and Parliament of Great Britain, continued unchallenged and unquestioned till after the year 1820, and that when the efforts which were made to assert a rival claim, produced a great amount of painful ferment and agitation in the country, the Clergy and members of the Church of England, in maintaining what, according to their clear and settled convictions, was their right to the whole profits of the Reserves as the patrimony of the said Church, forbore from contributing to the excitement of the public mind upon the subject by any inflammatory appeals, or any coloured representations to suit the interests of their own party.

That in the year 1840 a vast concession was made to the parties adverse to the claims originally recognized as existing in the Church of England, by the enactment of an Imperial Statute for the division of the profits arising from the Clergy Reserves, under the provisions of which statute two-thirds of the proceeds of the lands then sold, and two-thirds of one-half of the lands still unsold, were allotted to the Church of England in this Province.

That notwithstanding the facts herein already set forth, and the great inaccuracies of many of those representations proceeding from other quarters, upon which this Legislative measure appears to have been based, the Clergy and lay members of the Church of England in the Province peacefully submitted to this arrangement of the long agitated questions respecting the Clergy Reserves, and accepted it according to what they had all reason to do, as the final settlement of those questions, and the extinction, once for all, of all discussions and differences upon the subject; and that to this settlement they considered, and so Your Majesty's petitioners, do now consider the faith of the Government to be pledged.

That from the date of passing the aforesaid Act of 1840, up to the close of the year 1849, no discontent was manifested in any quarter on account of the provisions of the said Act, and that up to the present moment there has been no agitation of feeling in the Province upon the subject.

That under all these circumstances it has been impossible for Your Majesty's petitioners to view otherwise than with the keenest sense of injury, and the deepest feelings of astonishment and alarm, a proceeding of the House of Assembly during the late Session of the Provincial Legislature, in which resolutions have been passed, and an address to Your Majesty has been voted, to the effect that this reservation of land for the maintenance of religion should be alienated from its sacred purpose and applied to the promotion of education and other secular objects:

That although Your Majesty's petitioners had patiently submitted to the great and unlooked for diminution of the revenues of the Church of England created by the Act of 1840, and to a variety of what they have conceived to be vexations and injurious proceedings in the administration of the lands, tending still further to impair and lessen those revenues; although they had brought themselves to acquiesce in an arrangement which with the addition of all these disadvantages, presses with particular hardship upon their Church in Lower Canada, in which the whole extent of the seigneurial tracts of country comprise no Clergy Reserves whatever, yet they cannot but apprehend that the proposed confiscation even of the remnant and pittance of endowment which had been left to them, will create extensive and permanent dissatisfaction among the members of the Church at large in the Province, nor can they fail, in the most earnest and solemn manner, to deprecate an act of spoliation which would be disastrous to the most sacred interests of human society and openly hostile to the propagation of the Truth of God.

That the Church of England population of Lower Canada is believed to approach, in numbers, to the entire aggregate of all other Protestant denominations within that portion of the Province, and that it consists, at the same time, to a very great extent, of the occupiers of poor and backward settlements, who mainly depend for the ministration of religion, upon the charity of the Society in London for the Propagation of the Gospel, the revenue up to this date derived from the Clergy Reserves, supplying but a very small portion of the expenditure made, upon the most frugal and parsimonious scale, for this object.

That whenever the assistance of the above-mentioned society shall be withdrawn, an arrangement which steps have been taken gradually to accomplish, the revenue from the Clergy Reserves, in whatever degree it shall have been improved, will form an extremely inadequate provision, and one which need not in any quarter be grudged, for the maintenance

of religion among those who can do but little for themselves; and that Your Majesty's petitioners confide in Your Majesty's gracious protection of your loving and loyal subjects, and your concern for their religious well-being, to prevent the sanction of a measure which in the face of another Church enjoying the most magnificent resources through the large and generous indulgence of Your Majesty's Government, would, in human calculation, go far to crush the hopes and neutralize the efforts of a poor and laborious clergy, and to carry severe damage, in all perpetuity, to the spiritual interests of the people in this diocese, professing the religion of the British Empire.

That Your Majesty's petitioners who conceive in all humility, that the hard measure dealt already, in different ways, to the Church of England in this Province, has reached a point at which they might hope that it would stop, are most unwillingly compelled to see, in the Resolutions and Address of the House of Assembly, to which reference is here made, the manifestation of a spirit towards the religion which they profess, calculated to inspire them with apprehensions of the most grave and serious character for the future, and to impress upon them the anticipation, that if the object of the Resolutions and Address should be actually gained, it may only be the prelude to a course of oppressive measures, against the advance of which they fervently and confidently implore the succour and interposition of their Sovereign.

Wherefore Your Majesty's petitioners most humbly pray, that Your Majesty will be graciously pleased to withhold Your Royal sanction from any measure for reversing or altering the provisions of the Act of the Imperial Parliament, 3 & 4 Vict. c. 78.

APPENDIX.

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY.

Quebec, Tuesday, 14 September 1852.

Appendix.

HONOURABLE Mr. Hincks moved that an humble address be presented to Her Most Gracious Majesty to assure Her Majesty that this house deeply regrets to learn, from the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act 3 & 4 Vict. c. 78, intituled, " An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the Distribution of the Proceeds thereof."

Mr. Boulton moved in amendment the following proposed resolutions :—

1. That his Excellency the Governor-general, in his despatch to Earl Grey of 19th July 1850, accompanying the address of the Provincial Legislature on the subject of the Clergy Reserves (embodying certain resolutions introduced by the Honourable James Hervey Price, then a member of the Government and colleague of the Honourable Francis Hincks), declared that he deeply regretted the revival of agitation on this subject, of which, he said, Lord Sydenham had truly observed, that it had been in Upper Canada the one all-absorbing and engrossing topic of interest, and for years the principal cause of the discontent and disturbance which had arisen, and under which the province had laboured.

2. That since the expression of the above language by the present Governor-general, he has not enunciated or communicated to Parliament any opinion that it is desirable to revive the agitation, or in anywise legislate on this subject, which has heretofore produced such discord, strife, and hatred in this colony.

3. That in the absence of any change of sentiments on this all-important subject, and of any recommendation from his Excellency that it should again occupy the attention of Parliament, it is right to infer that his Excellency's views thereon, as expressed in the abovementioned despatch, are unchanged.

4. That this house has, therefore, the right to assume that on this all-important subject there is a difference of opinion between his Excellency the Governor-general and his present advisers as to the policy of " reviving agitation on this subject," which the re-opening of a Parliamentary discussion thereupon must inevitably produce.

5. That under our present system of responsible government, as introduced into and carried out in this province, the power and responsibility of the Executive Council cannot be dissevered from that of the Sovereign's Representative.

6. That the Representative of Her Majesty in this colony acts through his Cabinet, who are responsible to Parliament for the acts and measures of the head of the Government, and that being incumbents of office by their own consent, they must be held as bound to defend and support in Parliament the acts and measures of the head of the Government.

7. That before discussing the resolutions on the subject of the Clergy Reserves proposed by the Honourable Francis Hincks, this House should not only be made aware by the Government of their views, as an administration, as to the final disposition of these Reserves, but also be informed whether the Cabinet, in introducing these resolutions, has the countenance and support of the head of the Government, or whether the Governor-general's expressed opinion, deprecating any renewal of agitation on this vexatious subject, still remains unchanged.

And the question being separately put upon the four first proposed resolutions, the House divided upon each :—

Yeas.—Messrs. Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Dubord, Egan, Gamble, Le Boutillier, Lyon, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Street, Willson, and Wright of West Riding, York,—22.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor-general Chauveau, Clapham, Attorney-general Drummond, Fergusson, Fortier, Gouin, Hincks, Langton, La Terrière, Laurin, McDonald of Cornwall, Mackenzie, Mattice, Merritt, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-general Richards, Rolph, Rose, Stuart, Taché, Terrill, Valois, Viger, White, Wright of East Riding York, and Young,—37.

The question being then separately put upon the three last of the proposed resolutions, the House divided upon each :—

Yeas.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Dubord, Egan, Gamble, Le Boutillier, Lyon, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson,

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Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Street, Willson, and Wright of West Riding of York,—23.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dumoulin, Fergusson, Fortier, Gouin, Hartman, Hincks, Langton, La Terrière, Laurin, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, Merrit, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-general Richards, Rolph, Rose, Stuart, Taché, Terrill, Valois, Viger, White, Wright of East Riding of York, and Young,—41.

Mr. Boulton again moved, in amendment to the Honourable Mr. Hincks' motion, that his late most gracious Majesty King George the Third was graciously pleased to express his desire to make a permanent appropriation of lands in Upper and Lower Canada for the support and maintenance of a Protestant clergy within the same, and for the purpose of fulfilling such gracious intentions an Act was passed in the thirty-first year of his reign, containing certain provisions for the support and maintenance of such Protestant clergy within the said provinces.

2. That after nearly 20 years of unprofitable legislation on the subject of these Reserves in Upper Canada, prior to its union with Lower Canada, and after the bitterest feelings had been engendered amongst its inhabitants, an Act passed by the Parliament of Upper Canada, in 1839, intituled, "An Act to re-invest in Her Majesty the Lands set apart for a Protestant Clergy," wherein it is recited that doubts had arisen respecting the proper legal construction of the said Act, and that it had been made a question to what sects or denominations of Protestants the term Protestant clergy used in the said Act was intended to be applicable, and that the continuance of such doubts, and the controversies to which they have given rise, were in a high degree prejudicial to the peace and good government of that province, and unfavourable to the spiritual and temporal interests of the people thereof, and that it was expedient to put an end to such doubts and controversies by enabling Her Majesty, her heirs and successors, to dispose of the said Reserves, and the monies accrued or thereafter to accrue therefrom, in such manner as to Her Majesty, her heirs or successors, might seem just and fit for the maintenance of public worship and support of religion within the said province.

3. That in and by the said Act of the Parliament of Upper Canada it was enacted that all the lands then vested in Her Majesty, and which before the passing of the said Act were reserved, allotted, and appropriated for the maintenance and support of a Protestant clergy in the said province of Upper Canada, under the authority of the said Act of Parliament of Great Britain, passed in the thirty-first year of his said late Majesty's reign, should be and remain vested in Her Majesty, her heirs and successors, freed and absolutely discharged from all and every of the trusts, conditions, limitations, and restrictions contained in, or imposed, or declared by the said last-mentioned Act: provided always, that the said lands were by the said Act vested in Her Majesty, her heirs and successors, discharged from the said trusts and conditions, to the intent and in order that the same lands might be, by and under the authority of the Parliament of Great Britain and Ireland, applied and appropriated, by way of endowment or otherwise, solely for the maintenance of public worship and the support of religion within the said province, and to no other use or purpose whatsoever.

4. That in 1840 the Legislature of Upper Canada, at the instance of the Right honourable C. Poulett Thompson, passed another Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof, which said Bill was carried in the House of Assembly by 28 to 20, and in the Legislative Council by 13 to 5.

5. That in the preamble to the said last-mentioned Act, it is declared, "that it is expedient to provide for the final disposition of the lands called Clergy Reserves in the said Province, and for the appropriation of the yearly income arising, or to arise therefrom, for the maintenance of religion and the advancement of Christian knowledge;" and in pursuance thereof the said Act enacted, that the said Reserves, and the funds arising, or to arise therefrom, should be appropriated for the maintenance of religion and the advancement of Christian knowledge.

6. That in a despatch from the late Right honourable C. Poulett Thompson to Lord John Russell, Her Majesty's Secretary of State for the Colonies, dated 22d January 1840, enclosing the Bill above mentioned, it is stated, "that there is no subject of such vital importance to the peace and tranquillity of the Province as the question of the Clergy Reserves; that there is none, with reference to the future union of the two Provinces, which it is more necessary to determine without delay; that it has been for many years the source of all the troubles in the Province, the never-failing watchword at the hustings, the perpetual spring of discord, strife, and hatred; that to leave this question undetermined would be to put an end to all hope of re-establishing tranquillity within the Province; but to establish the union without settlement of it, and to transfer the decision to the United Legislature would be to add to the sources of discord which then prevailed in Lower Canada, an entirely new element of strife, for amongst the various evils by which Lower Canada had been visited, one and one only, perhaps the greatest of all, has been wanting—religious dissension. That he was satisfied that the value of arriving at a settlement could not be over estimated, and that strong as those feelings might have been, the immense advantage of having the question finally withdrawn from the sources of popular discussion and dispute would reconcile all parties to it.

"That

"That he most fervently prayed that the settlement agreed on might be final, and that no obstacle might be opposed to its confirmation by Her Majesty; that, should it be otherwise, and the question be again thrown back for decision in Canada, he could not foresee the consequences; but at least he knew that peace and tranquillity must, in that event, long remain strangers to the Province."

7. That in consequence of the earnest importunities of the said late C. Poulett Thompson, and in consequence of the said last-mentioned Act of the Province of Upper Canada, and with a view to the final settlement of the question, by an Act of the Imperial Parliament, passed in the 3d and 4th years of the reign of Her present Majesty, cap. 78, it is declared "to be expedient to provide for the final disposition of the lands, called Clergy Reserves, in Canada, and for the appropriation of the yearly income arising, or to arise therefrom, for the maintenance of religion and the advancement of Christian knowledge within the said Province."

8. That by the last-mentioned Act of Parliament, a disposition was made of the said funds, by appropriating two-sixths thereof to the Church of England, one-sixth to the Church of Scotland, and the remaining three-sixths to be applied by the Governor of Canada, with the advice of the Executive Council, for purposes of public worship and religious instruction in Canada, and that by such Act the Church of England and the Church of Scotland, and other denominations, have already acquired a vested interest therein.

9. That the people of Canada concurred in the final settlement of the said question by the Imperial Parliament, and for years it was so considered by all of the various political parties in Canada.

10. That in 1846 a committee of the Legislative Assembly of Canada, consisting of Messrs. Petrie, McDonald (of Kingston), Stuart (Bytown), Price, and Chalmers, none of whom belonged to the Church of England, unanimously reported that no change or deviation from the system (then existing) should be sanctioned by the Legislature.

11. That the Honourable Robert Baldwin, late Attorney-general for Upper Canada, and late colleague of the Honourable Francis Hincks, declared in his place in the Legislative Assembly, in 1846, during a debate on the Reserves, "that the Bill passed by the Legislature of Upper Canada, in 1840, led to a final disposal of the question by the Imperial Parliament. That he called on honourable Members to mark his words, that if the question be re-opened, former fierce agitation would be resumed. That so much did he dread the renewal of agitation, that he had in every instance, and *in toto*, discountenanced such a course, and that he therefore pressed upon both sides of the House to forbear reviving the question."

12. That the Honourable James Hervey Price, late Commissioner of Crown lands, and late colleague of the Honourable Francis Hincks, and the originator and mover of the resolutions of 1850, declared at the same time and place above mentioned,

"That the settlement under Lord Sydenham had been considered final."

"That peace had succeeded the long and fierce conflict, and the country was settling down in the hope that agitation on that subject was at an end."

"That although three-fourths of the people believed that the arrangement was made in injustice and partiality, they quietly submitted as the only means of restoring peace to the land; that proportionate to that hope would be the grief and excitement produced by the re-opening of the question."

"That he implored honourable Members to allow them to be dealt with in accordance with the Imperial Act, and one great source of heart-burning and mutual recriminations among the religious bodies would be at once and for ever lost in the oblivion of the past."

13. That at the same time and place the Honourable Malcolm Cameron, now a colleague of the Honourable Francis Hincks, stated, "that he was one of those who acquiesced in the settlement, and for the sake of peace wished never to hear it again, and that he warned the House to let the Act of the Imperial Government take its course, let the land be sold, and the different churches get the proceeds in strict accordance thereto."

14. That His Excellency, Lord Elgin, in his despatch to Earl Grey, of 19th July 1850, accompanying the Address of the Provincial Legislature, declared that he "deeply regretted the revival of agitation on this subject, of which Lord Sydenham truly observed, that it had been in Upper Canada the one all-absorbing and engrossing topic of interest, and for years the principal cause of the discontent and disturbance which had arisen, and under which the Province had laboured."

15. That this House deprecates in the strongest manner any attempt to bring back to this Province for future legislation, a subject which in the language of the Lord Sydenham is declared to be the perpetual spring of discord, strife, and hatred, and which if transferred to the United Legislature, would introduce into Lower Canada, "an entirely new element of strife."

16. That if the present unprincipled agitation should succeed in secularizing the Clergy Reserves, thus depriving religion in Upper Canada of its existing support, the same agitation ere long may be renewed, and disturb those endowments of the Roman-catholic church

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which hitherto have been so instrumental in conferring a moral and religious education upon the members of that communion, and hence may arise in Canada a spirit of antagonism between the Protestants and Roman-catholics which happily has not hitherto existed.

17. That the Honourable Inspector-general, in defiance of the action of the Legislature of Upper Canada, in defiance of the declared final action of the Imperial Legislature on that subject, in defiance of the assent which was tacitly given in Canada to that settlement, in defiance of the expressed opinion of Lord Sydenham, "that the subject of the Clergy Reserves had been for many years the source of all the troubles in the Province, the never-failing watchword at the hustings, and the perpetual spring of discord, strife and hatred, and that if thrown back for decision in Canada, he could not foresee the consequences; though at least he knew that peace and tranquillity must in that event long remain strangers to the Province," and in defiance of the declared sentiments of several of his late colleagues, and of the Honourable Malcolm Cameron, one of his present colleagues, that the question was finally settled by the Imperial Parliament, has by the resolutions, which he has laid before this House respecting the Clergy Reserves, again revived that subject, which his Excellency the Governor-general, Lord Elgin, in the above despatch, declared he deeply regretted had been revived; which has been declared by such high authority to be the source of all the troubles in the Province, the perpetual spring of discord, strife and hatred, and yet up to this period of the session he and his colleagues, as an administration, have studiously avoided announcing to the Legislature or to the country their opinion as to the final disposition which should be made of these Reserves.

18. That after the Imperial Government has finally legislated on this most important subject, in accordance with the earnest entreaties of the late Lord Sydenham, Governor-general of this Province, and after the Legislature of Upper Canada had passed an Act for such purpose, it is unstatesmanlike, unmanly, and ungenerous for the administration to use threatening or intimidating language towards the Imperial Government, whilst as a provincial cabinet they have neither the courage nor integrity openly to avow to the people of Canada what in their opinion should be the final disposition of these Reserves.

The 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 14th, 16th and 17th, of the said proposed Resolutions were negatived:

Yeas.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald, of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Stevenson, Street, and Wright of West Riding York.—18.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dumoulin, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-general Richards, Rolph, Rose, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of East Riding York, and Young,—50.

The 11th, 12th and 13th of the said proposed Resolutions were also negatived:

Yeas.—Messrs. Badgley, Boulton, Burnham, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Stevenson, Street, and Wright of West Riding York,—17.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor-general Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Attorney-general Drummond, Dumoulin, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-general Richards, Rolph, Rose, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of East Riding York, and Young,—51.

The 15th of the said proposed Resolutions was also negatived:

Yeas.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Stevenson, and Wright of West Riding York,—17.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor-General Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dumoulin, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-general Richards, Rolph, Rose, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of East Riding York, and Young,—51.

The 18th of the said proposed Resolutions was also negatived:

Yeas.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Street, and Wright of West Riding York,—18.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dumoulin, Fergusson, Fortier,

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Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-general Richards, Ridout, Rolph, Rose, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of East Riding York, and Young.—51.

On motion of Mr. Brown, the debate on the Hon. Mr. Hincks' motion was then adjourned till to-morrow, and to be then resumed after the presenting of reports to the committees.

Quebec, Wednesday, 15 September 1852.

The House resumed the adjourned debate upon the motion made by the Honourable Mr. Hincks yesterday, That an humble address be presented to Her most Gracious Majesty, to assure Her Majesty that this House deeply regrets to learn from the despatch of the Right honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act 3 & 4 Vict. c. 78, intituled, "An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the Distribution of the Proceeds thereof."

Mr. Brown moved in amendment, That the House deeply regrets that Government, in bringing the subject of the Clergy Reserves again before Parliament, has refrained from the expression of any opinion, as a Government, upon their future apporopriation—the real issue of the question;

And a debate arising thereupon,

On motion of the Honourable Mr. Badgley, the debate was adjourned till to-morrow, and to be then resumed after the presenting of Reports of Committees.

Quebec, Thursday, 16 September 1852.

The House resumed the adjourned debate upon Mr. Brown's amendment, which was yesterday proposed to be made to the motion made by the Honourable Mr. Hincks on Tuesday last, That an humble Address be presented to Her most Gracious Majesty, to assure Her Majesty that this House deeply regrets to learn, from the despatch of the Right honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act 3 & 4 Vict. c. 78, intituled, "An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the Distribution thereof;" and which amendment was, "That this House deeply regrets that Government, in bringing the subject of the Clergy Reserves again before Parliament, has refrained from the expression of any opinion, as a Government, upon any future appropriation—the real issue of the question."

Mr. Dixon moved, That the debate be further adjourned till to-morrow, and be then resumed after the referring of petitions.

Yeas, 35.——Nays, 33.

Quebec, Friday, 17 September 1852.

The House resumed the adjourned debate upon Mr. Brown's amendment, which was, on Wednesday last, proposed to be made to the motion by the Honourable Mr. Hincks on Tuesday last, that an humble address be presented to Her most Gracious Majesty to assure Her Majesty that this House deeply regrets to learn, from the despatch of the Right honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act, 3 & 4 Vict. c. 78, intituled, "An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution thereof:" And which amendment was, "That this House deeply regrets that Government in bringing the subject of the Clergy Reserves again before Parliament, has refrained from the expression of any opinion, as a Government, upon their future appropriation—the real issue of the question."

And the question being put on the amendment, the House divided:

Yeas.—Messrs. Badgley, Boulton, Brown, Burnham, Christie of Gaspé, Crawford, Dixon, Fergusson, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, M'Dougall, Papineau Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Willson, and Wright of West Riding York.—22.

Nays.—

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Nays.—Messrs. Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Le Blanc, Lemieux, M'Donald of Cornwall, Mackenzie, Marchildon, Mattice, M'Lachlin, Merritt, Mongenais, Morin, Paige, Patrick, Poulette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Wright of East Riding, York, and Young.—54.

Mr. Brown again moved in amendment, that the final settlement of this exciting question, most consonant with the feelings of the people of Canada, would be the diversion of the Clergy Reserve lands and funds from all ecclesiastical and church purposes whatever, and their application to the support of a general system of secular education, whereby persons of all classes of society and of all religious creeds may alike profit.

Yeas.—Messrs. Brown, Fergusson, Langton, Mackenzie, and Papineau.—5.

Nays.—Messrs. Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Crawford, Dixon, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fortier, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Johnston, Lacoste, La Terrière, Laurin, Le Blanc, Le Boutillier, Lemieux, M'Donald of Cornwall, Macdonald of Kingston, Malloch, Marchildon, Mattice, M'Dougall, M'Lachlin, Merritt, Mongenais, Morin, Paige, Patrick, Pollette, Poulin, Attorney-general Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Short, Sicotte, Smith of Frontenac, Stevenson, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Willson, Wright of East Riding York, Wright of West Riding York, and Young.—71.

Mr. Brown further moved in amendment, that a Select Committee of five members of this House be appointed to prepare and report to this House, with all convenient speed, the draft of a Bill, framed in consistency with the powers of the Parliament of Canada, providing for the speedy sale of the Clergy Reserve lands to actual settlers, and for the appropriation of the funds heretofore legally derived, or to be hereafter derived, from the sale of such Clergy Reserve lands, to the maintenance of common schools; also, to prepare and report to this House, for the adoption of this House, and to accompany the aforesaid Bill when it shall in due course be transmitted to Her Majesty, the draft of an humble Address to Her most Gracious Majesty, expressing the deep regret of this House at the contents of the despatch of the Right honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, dated the 22d April 1852, reminding Her Majesty that the settlement of the reserve question, in the words of the despatch of the Right honourable the Earl Grey, "is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature, to which it properly belongs to regulate all matters concerning the domestic interests of the Province," assuring Her Majesty that the settlement provided for in the Bill aforesaid is in unison with the opinions of the people of Canada and of their representatives, and is the only one which will ever be held as final, assuring Her Majesty that very strong feelings prevail among the people of Canada on this subject, and that consequences deeply and lamentably affecting the prosperity of this colony may be apprehended, if the feelings of the people are overruled by Imperial power, and earnestly urging that the said Bill may receive the Imperial sanction. The said Committee to consist of the Honourable Malcolm Cameron, the Honourable L. J. Papineau, Mr. Mackenzie, Mr. Fergusson, and the mover.

That the Constitutional Act, 31 Geo. 3, c. 31, directed that in respect of all grants of land made in the Province of Canada by the Crown, a quantity equal to one-seventh of the land so granted should be reserved for the support of a Protestant clergy, being one-eighth of each township; that instead of this proportion, and in direct violation of the Imperial Statute forming the only authority for the Reserve, there was actually set aside in Upper Canada as Clergy Reserves, by fraud or error, one-seventh of all the land, or a quantity equal to one-sixth of the land granted; that the same violation of the Act occurred in Lower Canada, but to a greater extent, a quantity equal to one-fifth of the land alienated having been reserved for the clergy, instead of one-seventh; that the public domain was thereby wrongfully divested of 300,000 acres in Upper Canada, and 227,559 acres in Lower Canada, or, in all, of 527,559 acres of land; and, therefore, that the said Select Committee be further instructed to prepare and report to this House, a measure providing for the recovery from the Clergy Reserve Fund, of the money received in payment of lands so wrongfully set apart, and for the appropriation of such money and of the land so wrongfully set apart and yet unsold, to the maintenance of common schools.

The House divided upon each paragraph:

Yeas.—Messrs. Brown, Fergusson, and Papineau,—3.

Nays.—Messrs. Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Crawford, Dixon, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fortier, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, LeBoutillier, Lemieux, McDonald of Cornwall, Macdonald of Kingston, Mackenzie, Malloch, Marchildon, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Paige, Patrick, Polette, Poulin, Attorney-general Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Short, Sicotte, Smith of Frontenac, Stevenson, Stuart, Taché, Terrill,

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Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Willson, Wright of East Riding of York, Wright of West Riding of York, and Young.—73.

Hon. Mr. Hincks' motion was then agreed to :—

Yeas.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Patrick, Polette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young.—54.

Nays.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Papineau, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Viger, Willson, and Wright of West Riding of York.—22.

Hon. Mr. Hincks then moved the following additional proposed Resolutions :—

1. That whatever difference of opinion may exist among the people of Canada as to the best mode of disposing of the revenues derived from lands known as Clergy Reserves, the great mass of the people will ever maintain the principle recognised by the Right Honourable the Earl Grey, then Her Majesty's principal Secretary of State for the Colonies, in his Despatch of 27 January 1851, to the Right Honourable the Earl of Elgin and Kincardine, that the question whether the existing arrangement " is to be maintained or altered is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature, to which it properly belongs to regulate all matters concerning the domestic interest of the Province."

2. That while the people of Canada are devotedly attached to Her Majesty's person and Government, and most anxious to maintain inviolate the connexion which binds them to the great empire over which she rules, yet this House is bound by a high sense of duty to inform Her Majesty that the refusal on the part of the Imperial Parliament to comply with the just demand of the Representatives of the Canadian people on a matter exclusively affecting their own interests, will be viewed as a violation of their constitutional rights, and will lead to deep and wide-spread dissatisfaction among Her Majesty's Canadian subjects.

3. That this House is well aware that attempts have been made to induce Her Majesty's Imperial Ministers to believe that the present representatives of the people of Canada entertain opinions on the subject of the repeal of the Clergy Reserves Act, different from those expressed by the late Parliament.

4. That this House confidently hopes, that when Her Majesty's Ministers shall be convinced that the opinions of the people of Canada and of their representatives on this subject are unaltered and unalterable, they will consent to give effect to the promise made by their predecessors; and this House is confirmed in this hope by the suggestion in the despatch of the Right honourable Sir John Pakington, that Her Majesty's Ministers are prepared to recommend amendments to the Imperial Clergy Reserves Act, with a view to satisfy the wishes of the Canadian people.

5. That this House can scarcely doubt that, the principle of amending the present Act being admitted, Her Majesty's Ministers will yield to the strong feeling which pervades the Canadian people, that any new Legislative enactments regarding the Clergy Reserves should be framed by their own representatives, instead of by the Imperial Parliament, which being necessarily unacquainted with the state of public opinion in Canada, cannot be expected to concur in a measure that will give permanent satisfaction to its inhabitants.

6. That this House desires to assure Her Majesty, that in thus giving expression to the public opinion of the country, it is actuated by the strongest feelings of loyalty to Her Majesty, and by a sincere desire to prevent those lamentable consequences which must be the result of a collision between the Imperial and Provincial Parliaments, on a question on which very strong feelings are known to prevail among the people of this Province.

And the question being separately put upon each, the first, second, fourth, and fifth of the proposed Resolutions were agreed to :—

Yeas.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, LeBlanc, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young.—55.

Nays.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Viger, Willson, and Wright of West Riding of York.—21.

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The third proposed Resolution was also agreed to:

Yeas.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, LaTerrière, Laurin, Leblanc, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Patrick, Polette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young,—53.

Nays.—Messrs Badgley, Boulton, Burnham, Christie of Gaspé, Clapham, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Papineau, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Viger, Willson, and Wright of West Riding of York.—23.

Mr. Egan moved, that the 7th proposed Resolution be amended by leaving out the word "collision," and inserting instead thereof the words "difference of opinion."

Yeas.—Messrs. Badgley, Burnham, Cameron, Cartier, Cauchon, Chapais, Solicitor-general Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Crawford, Dixon, Attorney-general Drummond, Dubord, Egan, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Le Boutillier, Macdonald of Kingston, Mackenzie, Malloch, Marchildon, Mattice, McDougall, Mc Lachlin, Merritt, Morin, Paige, Patrick, Polette, Poulin, Attorney-General Richards, Ridout, Robinson, Rolph, Sanborn, Seymour, Shaw, Short, Sicotte, Smith of Frontenac, Stevenson, Stuart, Taché, Terrill, Varin, White, Willson, Wright of East Riding of York, Wright of West Riding of York, and Young,—60.

Nays.—Messrs. Boulton, Brown, Chabot, Fergusson, LeBlanc, Lemieux, McDonald of Cornwall, Mongenais, Papineau, Rose, Tessier, Turcotte, Valois, and Viger,—14.

The said proposed Resolution as amended was then agreed to:—

Yeas.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-General Drummond, Dubord, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Attorney-General Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young,—52.

Nays.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Le Blanc, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Tessier, Viger, Willson, and Wright West Riding of York,—22.

The said resolutions were then referred to a select committee, to propose and report the draught of an address in conformity thereto.

Honourable Mr. Hincks, from the said committee, reported the following address, which was agreed to, and ordered to be engrossed.

[Then follows copy of an Address to Her Majesty, as enclosed in Lord Elgin's despatch No. 85, 22 September 1852. *See* page 3.]

On motion of the Hon. Mr. Hincks, an address was then voted to his Excellency, informing him of the House having voted the said address to Her Majesty, and praying his Excellency will be pleased to transmit the same; and ordered to be engrossed.

It was then ordered that the said addresses be presented by the whole House, and that such members of this House as are of the honourable the Executive Council do wait upon his Excellency to know when he will be attended by the House with the said addresses.

Hon. Mr. Hincks acquainted the House that his Excellency will receive their addresses on Monday next, at three o'clock, at the Government House.

Quebec, Monday, 18 October 1852.

Mr. Brown moved the following proposed Resolutions:—

1. That the Constitutional Act, 31 Geo. 3, c. 31, directed that in respect of all grants of land made in the Province of Canada by the Crown, a quantity equal to one-seventh of the land so granted should be reserved for the support of a Protestant clergy, being one-eighth of each township; that instead of this proportion, and in direct violation of the Imperial Statute forming the only authority of the Reserve, there was actually set aside in Upper Canada as Clergy Reserves, by fraud or error, one-seventh of all the land, or a quantity equal to one-seventh of the land granted; that the same violation of the Act occurred in Lower Canada, but to a greater extent, a quantity equal to one-fifth of the land alienated having been reserved for the Clergy, instead of one-seventh; and that the public domain was thereby wrongfully divested of 300,000 acres in Upper Canada, and 227,559 acres in Lower Canada, or, in all, of 527,559 acres of land.

2. That

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2. That it is expedient forthwith to restore the lands so illegally set apart, to the use of all Her Majesty's subjects in this Province; that a Select Committee of five members be therefore appointed to prepare and report to this House, a measure providing for the recovery from the Clergy Reserve Fund, of the money received in payment of the lands so wrongfully set apart, and for the appropriation of such money and of the land so wrongfully set apart, and yet unsold, to the maintenance of Common Schools. The said Committee to consist of Honourable Mr. Papineau, Mr. Smith of Durham, Mr. Mackenzie, Mr. Fergusson and the Mover.

Honourable Mr. Hincks moved, that the consideration of the said Regulations be postponed.

Yeas.—Messrs. Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Christie of Gaspé, Christie of Wentworh, Crawford, Dixon, Egan, Fortier, Fournier, Gamble, Gouin, Hincks, Langton, La Terrière, Laurin, Le Boutillier, M'Donald of Cornwall, Macdonald of Kingston, Sir Allan N. M'Nab, Malloch, Mattice, Merritt, Mongenais, Morin, Murney, Paige, Papineau, Patrick, Poulin, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Valois, Varin, Viger, Willson, and Wright of East Riding of York,—54.

Nays.—Messrs. Brown and Mackenzie,—2.

PETITIONS TO HER MAJESTY.

To the Queen's Most Excellent Majesty.

The Petition of the undersigned Bishops of the Dioceses of *Quebec, Toronto,* and *Montreal,* in the Province of *Canada.*

Most humbly showeth,

That the several dioceses of Quebec, Toronto, and Montreal have, at different periods since the year 1793, been constituted in connexion with the Church of England, by Your Majesty's Royal letters patent, and those of Your Majesty's Royal predecessors on the Throne of Great Britain; and that we the undersigned have been duly appointed by the same authority, Bishops of the said dioceses:

That we have now upwards of 220 clergy officiating under our charge, who are, in a very large measure, dependent for their support on the charitable contributions of the Society in London for "the Propagation of the Gospel in Foreign Parts."

That in very many of the existing missions, the members of the Church of England are wholly unable, by their own unassisted efforts, to provide for the maintenance of a resident clergyman, whilst at the same time every year additional clergy are required to supply the necessities of an increasing population, caused in no small degree by the continual influx of thousands of poor emigrants from Great Britain and Ireland:

That the assistance of "The Society for the Propagation of the Gospel" cannot be looked upon as a permanent source of income, and that, moreover, measures have been recently adopted for gradually withdrawing the salaries which have heretofore been supplied from those funds:

That in each of these dioceses the Church has for some time been endeavouring to raise funds of her own from the internal resources of the Province, through the instrumentality of the "Incorporated Church Societies," but that the incomes of these societies are still very limited; and being called on to expend a large proportion in assisting in the erection of churches and glebe-houses, and in supporting the widows and orphans of deceased missionaries, are able to apply but a very small sum annually to the maintenance of the clergy, or the establishment of permanent endowments in any of the missions:

That Your Majesty's petitioners, and the members of the Church of England generally, have always looked to the revenue arising from the lands called "the Clergy Reserves," as the only available fund within the Province for securing a permanent provision, and relieving the Church from entire dependence on the uncertain support of voluntary contributions:

That by an Act of the British Parliament, in the year 1774, 14 Geo. 3, c. 83, it was provided, that the rights, privileges, lands, or seigniories held by the Church of Rome previous to the conquest of Canada, and which were secured by the articles of capitulation, should be guaranteed to that body:

That in the same Act it was expressly provided that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the dues or rights belonging to the Crown, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said Province, as from time to time should be thought necessary and expedient:

That in the year 1791, an Act was passed by the British Parliament, 31 Geo. 3, c. 31, in which certain lands within the Province, called the "Clergy Reserves," were appropriated; and it was declared that the rents, profits, or emoluments of such lands shall be applicable solely to the maintenance and support of a Protestant clergy within the Province in which the same shall be situated, and to no other purpose whatsoever:

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That in the year 1823, in an Act passed by the Colonial Legislature, after having referred to this grant of lands which his most gracious Majesty King George the Third had been pleased to reserve, and the British Parliament had sanctioned as an appropriation for the support of a Protestant clergy, it was declared, in order to resolve certain doubts that had arisen, "That no tithes shall be claimed, demanded, or received by any ecclesiastical parson, rector, or vicar of the Protestant Church within this Province:"

That by these Acts of the Imperial and Colonial Legislatures, the Church of Rome was continued in possession of large endowments and privileges, which she holds undisturbed to this day, amongst which privileges is the right of taking tithe from all lands possessed by members of that communion throughout a very large portion of the Province; whilst the only prospect held out of any permanent provision for a Protestant clergy, was from the profits and emoluments of these Clergy Reserves, specially appropriated for that purpose; and in consequence of their claim to which lands, their right to take tithes would appear to have been more expressly denied:

That for a period of 30 years after their first appropriation, these Clergy Reserves were always considered to have been intended for the exclusive benefit of the members of the Church of England; certain subsequent clauses in the Act of 31 Geo. 3, c. 31, as well as other measures of the Crown and Parliament, causing such a construction to be put on the more general term used in the Act of Appropriation, of a Protestant clergy:

That in process of time, first the Church of Scotland, and afterwards other religious communities in the Province, asserted their right to a share in the benefit arising from these Reserves:

That for many years considerable ferment and agitation prevailed in the country on this subject, in consequence of which an investigation took place before a Committee of the House of Commons, in England, in the year 1827, which Committee, after entering largely into the question of the management of these lands, in their report stated "that their value, whatever it may be, must be applied to the maintenance of a Protestant clergy, there can be no doubt," but declined giving any definition respecting the meaning of that term:

That in the year 1840, the House of Lords having put certain questions to the Judges, and they having declared in answer that they were all of opinion that the words "a Protestant clergy, in the 31 Geo. 3, c. 31, are large enough to include, and that they do include other clergy than the clergy of the Church of England." An Act was passed by the Imperial Legislature, 3 & 4 Vict., c. 78, intituled, "An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the proceeds thereof," and in such Act it is stated expressly that it is expedient to provide for the final disposition of such lands:

That by this Act the proceeds of all sales were to be divided into six equal parts, whereof two were to be appropriated to the Church of England, and one to the Church of Scotland, and the residue was to be applied by the Governor of Canada, with the advice of the Executive Council, for the purposes of public worship and religious instruction in Canada:

That notwithstanding this arrangement was exceedingly adverse to the claims considered to have been originally existing in the Church of England, yet the members of that Communion quietly submitted to the decision thus enforced by the authority of the Imperial Legislature, and received the Act with satifaction, so far as it provided for the settlement of a question long and painfully agitated in this country, and accepted it, according to what they had all reason to do, as a final decision, and the extinction once for all of all discussions and differences upon the subject; and that to this settlement they considered, and so Your Majesty's petitioners do now consider, the faith of the Government to be pledged:

That under all these circumstances it has been impossible for Your Majesty's petitioners to view otherwise than with the keenest sense of injury, and the deepest feelings of astonishment and alarm, a proceeding during their late Session of one branch of the Provincial Legislature, when resolutions were passed by the House of Assembly, and an Address to Your Majesty was voted, to the effect that this reservation of land so often pledged and appropriated by Acts of the Crown, and of the Imperial and Colonial Legislatures, and the opinion of the Judges, for the maintenance of religion, should be alienated from its sacred purpose, and applied to the promotion of education and other secular objects:

That, as far as the Church of England is concerned, Your Majesty's petitioners believe it has never been attempted to prove that she has in any measure failed in faithfully executing, and that too even beyond her means, the trust committed to her charge in this Province, or that the ministers who are labouring in her several missions are not abundantly earning the small stipends afforded for their maintenance:

That Your Majesty's petitioners cannot but apprehend that the proposed confiscation, even of the remnant and pittance of endowment which has been left to them, will create extensive and permanent dissatisfaction among the members of the Church generally in this Province, creating fresh causes of jealousy and disquiet, and destroying confidence in the security of all rights of property in this country, however sanctioned by Royal charter, or Acts of the Imperial or Provincial Parliament:

That Your Majesty's petitioners, therefore, cannot refrain from deprecating in the most earnest and solemn manner, an act of spoliation which would be disastrous to the best interests of human society, and openly hostile to the propagation of the truth of God, and that your petitioners confide in Your Majesty's gracious protection of your loving and loya

subjects

subjects, and your concern for their religious well-being, to prevent the completion of a measure which, in the face of another Church, quietly possessing the most ample endowments, and enjoying in this Province the most magnificent resources, through the large and generous indulgence of Your Majesty's Government, would, in all human calculation, go far to crush the hopes and neutralize the efforts of a poor and laborious clergy, and cause severe damage through future generations to the spiritual interests of the people of these dioceses professing the religion of the British empire.

Wherefore, Your Majesty's petitioners most humbly pray, that Your Majesty will be graciously pleased to withhold Your Royal sanction from any measure for reversing or altering the provisions of the Act of the Imperial Parliament, 3 & 4 Vict., c. 78; and Your Majesty's petitioners, as in duty bound, will ever pray.

Dated this 19th day of February 1851.

(signed) *G. J. Quebec.*
John Toronto.
F. Montreal.

To Her Most Gracious Majesty QUEEN VICTORIA.

The humble Petition of the Bishop of *Montreal*, and the Clergy and Congregations of the Diocese of *Montreal*, in the Province of *Canada*.

Showeth,

THAT by an Act of the British Parliament, passed in the year 1774, 14 Geo. 3. c. 83, it was provided, that the rights, privileges, lands or seigniories held by the Church of Rome previous to the conquest of Canada, and which had been secured by the articles of capitulation, should be guaranteed to that body:

That in the same Act it was expressly provided, that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the dues or rights belonging to the Crown in Canada, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant Clergy within the said Province, as should from time to time be thought necessary and expedient:

That, in the year 1791, an Act was passed by the British Parliament, 31 Geo. 3, c. 31, in which certain lands within the Province, called the Clergy Reserves, were appropriated; and it was declared that "the rents, profits or emoluments of such lands shall be applicable solely to the maintenance and support of a Protestant Clergy within the Province, and to no other purpose whatever:"

That in the year 1823, in an Act passed by the Colonial Legislature, after referring to this grant of lands which his Majesty had been graciously pleased to reserve for the support of a Protestant Clergy, it was declared, in order to resolve certain doubts that had arisen, "that no tithes shall be claimed, demanded or received by any ecclesiastical parson, rector or vicar, of the Protestant Church within this Province:"

That, by these different Acts of the Legislature, the Church of Rome was continued in possession of large endowments and privileges, and does so hold them unto this day, amongst which is the right of taking tithe on all lands possessed by members of that communion throughout a very large portion of the Province; whilst the only prospect of any permanent endowment for a Protestant Clergy was from the profits and emoluments of these Clergy Reserves, which had been specially appropriated for that purpose, and in consideration of which their right to demand tithes seems more expressly to have been denied:

That for a period of 30 years after the first appropriation of these Clergy Reserves, they were considered to have been intended for the exclusive benefit of the clergy of the Church of England within this Province, certain subsequent clauses in the Act 31 Geo. 3, c. 31, as well as other measures of the Crown and Parliament, having caused such a construction to be put on the more general term used of "a Protestant clergy:"

That in progress of time first the Church of Scotland, and afterwards other religious communities within the Province, asserted their right to a share in the benefit arising from these Reserves:

That for many years considerable ferment and agitation prevailed in the country on this subject, and an investigation took place in England, before a Committee of the House of Commons, in the year 1827, which Committee, after entering largely into the question of the management of these lands, in their Report distinctly stated "that their value, whatever it may be, must be applied to the maintenance of a Protestant clergy there can be no doubt;" but the Committee declined giving any definition respecting the meaning of that term:

That in the year 1840, the House of Lords, having put certain questions to the Judges, and they having declared in answer that they were all of opinion that the words "'a Protestant clergy,' in the 31 Geo. 3, c. 31, were large enough to include, and that they do include, other clergy than the Clergy of the Church of England," an Act was passed by the Imperial Legislature, 3 & 4 Vict. c. 78, intituled, "An Act to provide for the Sale of the

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Clergy Reserves in the Province of Canada, and for the Distribution of the Proceeds thereof;" and therein it is enacted that " it is expedient to provide for the final disposition of the lands called Clergy Reserves in Canada," and directs that the proceeds of all sales were to be divided into six equal parts, of which two were to be appropriated to the Church of England and one to the Church of Scotland, and the residue to be applied by the Governor of Canada, with the advice of the Executive Council, for the purpose of public worship and religious instruction in Canada :

That notwithstanding this arrangement was exceedingly adverse to the claims originally believed to have been existing in the Church of England, yet the members of that communion peaceably submitted to the law, receiving the Act with satisfaction so far as it provided for the settlement of a question which had been long and painfully agitated, and accepting it, according to what they had good reason to do, as a final settlement and extinction, once for all, of all discussions and differences upon the subject; and that to this settlement they considered, and so your Majesty's petitioners do now consider, the faith of the Government to be pledged :

That, under all these circumstances, it has been impossible for your Majesty's petitioners to view otherwise than with the keenest sense of injury and the deepest feelings of astonishment and alarm, a proceeding, during their late Session, of one branch of the Provincial Legislature, in which resolutions have been passed by the House of Assembly, and an address to your Majesty has been voted, to the effect that this reservation of land so often solemnly pledged and appropriated for the maintenance of religion and support of a Protestant Clergy by acts of the Crown, and of the Imperial and Colonial Parliaments, sanctioned by the unanimous opinion of the Judges, should be alienated from its sacred purpose and applied to the promotion of education and other secular objects :

That Your Majesty's petitioners cannot but consider that such a measure, if allowed to take effect, must be calculated most seriously to shake all confidence in every species of endowment in this country, whether sanctioned by royal charter or by the Acts of Imperial or Colonial Legislatures, and that it will be highly injurious to the cause of religion :

That there are at this time 82 clergymen of the Church of England officiating in the two dioceses of Quebec and Montreal, in Lower Canada :

That the Church of England population in this division of the Province is believed to approach in numbers to the entire aggregate of all other Protestant denominations within that portion of the Province, and that it consists at the same time, to a very great extent, of the occupiers of poor and backward settlements, who mainly depend for the ministrations of religion upon the charity of the Society in London for the Propagation of the Gospel, the revenue up to this date derived from the Clergy Reserves supplying but a very small portion of the expenditure made upon the most frugal and parsimonious scale for this object :

That whenever the assistance of the above-mentioned Society shall be withdrawn, an arrangement which steps have been taken gradually to accomplish, the revenue from the Clergy Reserves, in whatever degree it shall have then improved, will form an extremely inadequate provision, and one which need not in any quarter be grudged, for the maintenance of religion among those who can do but little for themselves; and that Your Majesty's petitioners confide in Your Majesty's gracious protection of Your loving and loyal subjects, and Your concern for their religious well-being, to prevent the sanction of a measure which, in the face of another church, enjoying the most magnificent resources through the large and generous indulgence of Your Majesty's Government, would, in human calculation, go far to crush the hopes and neutralize the efforts of a poor and laborious clergy, and to carry severe damage in all perpetuity to the spiritual interests of the people in this diocese professing the religion of the British Empire.

Wherefore, your petitioners humbly pray, that Your Majesty will decline to re-open this question, but leave your petitioners and other religious bodies in the enjoyment of the privileges they now possess.

And your petitioners, both from duty and inclination, will ever pray.

(signed) *F. Montreal.*
John Bethune, D.D.,
Rector of Christchurch Cathedral.
W. Agar Adamson, D.C.L.

Montreal, 19 February 1851.

And 1,771 other Signatures.

CLERGY RESERVES (CANADA).

COPIES of all CORRESPONDENCE between Her Majesty's Government in *Canada*, or any Member thereof, and the Secretary of State for the Colonies, on the subject of the CLERGY RESERVES (in continuation of Papers presented to Parliament by Her Majesty's Command, February 1852).

(*Sir William Molesworth.*)

Ordered, by The House of Commons, *to be Printed*,
23 *December* 1852.

85.

Under 8 *oz.*

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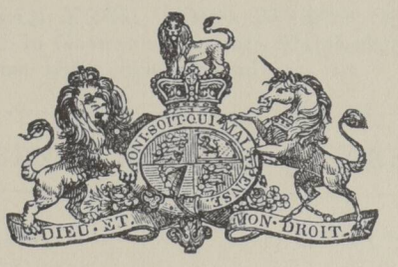
THE CLERGY RESERVES

IN

CANADA.

(*In continuation of Papers presented to Parliament by Her Majesty's Command, 23d February* 1852.)

Presented to both Houses of Parliament by Command of Her Majesty.
11th February 1853.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1853.

SCHEDULE.

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COPIES

OF ALL

CORRESPONDENCE between Her Majesty's Government in CANADA, or any Member thereof, and the Secretary of State for the Colonies, on the Subject of the CLERGY RESERVES.

Despatches from Governor the Right Honourable the Earl of Elgin & Kincardine.

(No. 53.) No. 1.

COPY of a DESPATCH from Governor the Right Honourable the Earl of ELGIN to Sir JOHN S. PAKINGTON, Bart. No. 1.

Government House, Quebec, June 19, 1852.
(Received July 5, 1852.)

SIR, (Answered, July 15, 1852, No. 43, page 13.)

I HAVE the honour to report, in reply to your Despatch No. 27*, of the 21st of May, that I have caused official communications to be addressed to the Bishops of Quebec and Montreal, informing them respectively that the Petition to Her Majesty from the Bishops of Quebec, Montreal, and Toronto, and that from the Bishops, Clergy, and Congregations of the Diocese of Montreal, in reference to the Clergy Reserves, have been very graciously received by Her Majesty, and that it is not the intention of Her Majesty's Advisers to propose any measure to Parliament on the subject, during the present session. * Page 13.

2. With reference to the last paragraph of the despatch above-mentioned I beg to state that I have read your despatch No. 12, of the 22d of April † to the Bishop of Quebec, as I apprehend that it was not probably your intention that I should place copies of this document, which is in the nature of a reply to an Address of the Legislative Assembly, in the hands of third parties, before the meeting of the Legislature. † Page 12.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

(No. 65.) No. 2.

COPY of a DESPATCH from Governor the Right Honourable the Earl of ELGIN to Sir JOHN S. PAKINGTON, Bart. No. 2.

Government House, Quebec, July 31, 1852.
(Received August 17, 1852.)

SIR, (Answered, August 25, 1852, No. 58, page 13.)

I HAVE the honour to enclose herewith two Addresses to Her Majesty the Queen, from the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, in order that they may be laid at the foot of the Throne.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

CANADA.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

Unto the QUEEN'S Most Excellent MAJESTY.

Most gracious Sovereign,

WE, Your Majesty's most loyal and dutiful subjects, the Ministers and Elders of the Presbyterian Church of Canada, in connexion with the Church of Scotland, in Synod assembled, gladly embrace this opportunity of renewing the expression of our devoted and undiminished attachment to Your Majesty's Royal Person and Government.

We rejoice to say, that in the important province of the British empire in which our lot is cast, the inestimable blessings of peace and prosperity are fully enjoyed, so that, under the benign protection of Your Majesty, we are in possession of the most perfect liberty in the due exercise of all our ecclesiastical functions. And we earnestly trust that those important civil and religious privileges we enjoy, shall ever be maintained unimpaired.

We sincerely trust that Great Britain is destined to occupy a yet more illustrious place than heretofore in the annals of nations, and take the lead in the great work of advancing the welfare and happiness of mankind, and of diffusing over the world the blessings of knowledge and religion.

That Almighty God, the King of kings, and Ruler of nations, may long preserve Your Majesty's life, a life so dear to Your subjects in every quarter of the world, and abundantly enrich Your Majesty, Your Royal Consort the Prince Albert, his Royal Highness the Heir Apparent to the British Throne, and all the Members of Your Royal House, with every blessing, temporal and spiritual, is our sincere and constant prayer.

Signed at Williamstown, this 12th day of July 1852 years. In name, in presence, and by appointment of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, by

JOHN M'MARINE,
Moderator of Synod.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

Unto the QUEEN'S Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal subjects, the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, beg leave to approach Your Majesty to express the views of the Church to which we belong, in reference to a matter of the utmost importance to very many of Your Majesty's subjects in this Province, the proper support to be afforded for religious instruction.

When the province of Canada, by an Act of the Imperial Parliament, was divided into Upper and Lower Canada in 1791, a recommendation was made by Your Majesty's pious grandfather, that a provision in lands should be made within each of the new Provinces for the support of a Protestant clergy. In the enactment referred to, one-seventh of the lands then belonging to the Crown in these Provinces, was required to be set apart for religious purposes, and when the governments were organized under the new charter, that provision of the Imperial Statute was carried into effect. These lands, for many years, in the infant state of the Province, were wholly unproductive, and the support of the Church of England devolved upon the Government, or societies in England established for the purpose of propagating the Gospel in Foreign Parts. While the Province was chiefly a wilderness, and the Presbyterian population confined principally to one section, few clergymen of the Church of Scotland were required, and few were induced to leave their homes and connexions to labour in so uninviting a field. By the rapid advance in population and improvements, the demand for such labourers has greatly increased, and now the lands set apart for religious purposes have become of such value, as to hold out some assurance that the objects of a pious Sovereign may be accomplished. The right of the Sovereign of the United Kingdom and the Imperial Parliament to appropriate a portion of the lands of the Crown to religious purposes will scarcely be questioned, and to the exercise of that right we have always been unable to discover any reasonable objection. We humbly beg leave to submit to Your Majesty, that a portion of the people of Canada cannot legitimately claim, even if they were disposed to do so, that lands appropriated by the British nation, because within the Province of Canada, necessarily belong to the people of Canada, and are liable to be wholly diverted from the great and pious objects for which they were intended.

We regret exceedingly that efforts are being made, by some of the denominations of Christians in these Provinces, to obtain the sanction of Your Majesty, and of the Imperial Parliament, to a measure for the withdrawal from religion of all support derived from these lands, and the application of these funds to secular purposes; but we trust and believe, that Your Majesty's Government are too strongly impressed with the sacred obligation which all must feel, of providing efficient means for the religious and moral instruction of the community, to admit of such efforts being successful. To many congregations and people in the remote settlements, the regular worship of God, conducted by ministers of their Church, must be in a great measure denied, should the support referred to be withdrawn.

We therefore pray that Your Majesty, in the exercise of the Royal prerogative, may not be induced to depart, in this province, from a principle which cannot be abandoned in the United Kingdon without shaking to their very foundation the glorious institutions which have exalted it as a Christian nation.

We pray to God that Your Majesty may long reign over a free, a loyal, and a religious people.

Signed at Williamstown, this Twelfth day of July One thousand eight hundred and fifty-two, in name, in presence, and by appointment of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, by

JOHN M'MARINE,
Moderator of Synod.

No. 3.

No. 3.

(No. 85.)

COPY of a DESPATCH from Governor the Right Honourable the Earl of ELGIN to Sir JOHN S. PAKINGTON, Bart.

Government House, Quebec, September 22, 1852.
(Received, October 12, 1852.)

SIR, (Answered, January 15, 1853, No. 2, page 14.)

I HAVE the honour to transmit herewith, with a view to its being laid at the foot of the Thone, the humble Address* to the Queen of Her Majesty's dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, on the subject of the Clergy Reserves.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

Enclosure in No. 3.

Encl. in No. 3.

To the QUEEN'S Most Excellent MAJESTY.

Most Gracious Sovereign,

WE Your Majesty's dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, beg leave most humbly and respectfully to assure Your Majesty that we deeply regret to learn from the despatch of the Right honourable Sir John Pakington, Your Majesty's Principal Secretary of State for the Colonies, that Your Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act 3 & 4 Vict. c. 78, intituled, "An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the Proceeds thereof."

We entreat Your Majesty to believe, that whatever difference of opinion may exist among the people of Canada as to the best mode of disposing of the revenues derived from the lands known as Clergy Reserves, the great mass of the people will ever maintain the principle recognized by the Right honourable the Earl Grey, then Your Majesty's Principal Secretary of State for the Colonies, in his despatch of 27th January 1851, to the Right honourable the Earl of Elgin and Kincardine, that the question whether the existing arrangement "is to be maintained or altered, is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature, to which it properly belongs to regulate all matters concerning the domestic interests of the province."

We beg leave further most humbly to represent, that while the people of Canada are devotedly attached to Your Majesty's Person and Government, and most anxious to maintain inviolate the connexion which binds them to the great empire over which Your Majesty rules, yet we are bound by a high sense of duty to inform Your Majesty that the refusal on the part of the Imperial Parliament to comply with the just demand of the representatives of the Canadian people on a matter exclusively affecting their own interests, will be viewed as a violation of their constitutional rights, and will lead to deep and wide-spread dissatisfaction among Your Majesty's Canadian subjects.

We are well aware that attempts have been made to induce Your Majesty's Imperial Ministers to believe that the present representatives of the people of Canada entertain opinions on the subject of the repeal of the Clergy Reserves Act, different from those expressed by the late Parliament.

But we confidently hope that when Your Majesty's Ministers shall be convinced that the opinions of the people of Canada, and of their representatives, on this subject are unaltered and unalterable, they will consent to give effect to the promise made by their predecessors; and we are confirmed in this hope by the suggestion in the despatch of the Right honourable Sir John Pakington, that Your Majesty's Ministers are prepared to recommend amendments to the Imperial Clergy Reserve Act, with a view to satisfy the wishes of the Canadian people.

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* Extracts from the Votes and Proceedings of the Assembly with reference to this Address will be found in the Appendix to the present Paper. *See* page 23.

CANADA.

We can scarcely doubt that, the principle of amending the present Act being admitted, Your Majesty's Ministers will yield to the strong feeling which pervades the Canadian people, that any new legislative enactments regarding the Clergy Reserves should be framed by their own representatives, instead of by the Imperial Parliament, which being necessarily unacquainted with the state of public opinion in Canada, cannot be expected to concur in a measure that will give permanent satisfaction to its inhabitants.

And we desire to assure Your Majesty, that in thus giving expression to the public opinion of the country, we are actuated by the strongest feelings of loyalty to Your Majesty, and by a sincere desire to prevent those lamentable consequences which must be the result of a difference of opinion between the Imperial and Provincial Parliaments on a question on which very strong feelings are known to prevail among the people of this province.

(Signed) JOHN SANDFIELD MACDONALD, Speaker.

Legislative Assembly Hall, Quebec,
September 17, 1852.

No. 4.

No. 4.

(No. 92.)

COPY of a DESPATCH from Governor the Right Honourable the Earl ELGIN to Sir JOHN S. PAKINGTON, Bart.

Government House, Quebec, September 25, 1852.
(Received October 12, 1852.)
(Answered January 15, 1853, No. 3, page 15.)

SIR,

I HASTEN to forward herewith a memorial which has this day been placed in my hands from the Lord Bishop of Quebec, on the subject of the address of the Legislative Assembly in relation to the Clergy Reserves, transmitted by this mail.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

Encl. in No. 4.

Enclosure in No. 4.

To his Excellency the Right Honourable the Earl of ELGIN AND KINCARDINE, K.T., Governor-General of British North America, &c. &c. &c.

The Memorial of GEORGE J. MOUNTAIN, D.D., Lord Bishop of Quebec,

Most humbly showeth,

THAT your Excellency's memorialist, having been called to preside over the interests of the Church of England in this diocese, is constrained by a sense of duty to God and man, to lay before your Excellency, with the prayer that it may be transmitted to Her Majesty's Government in England, his solemn remonstrance against the tenor of an address to Her Majesty, recently voted by the Legislative Assembly of this province, in relation to the Clergy Reserves within the same, and specially against the purpose intimated on the part of the advisers of Her Majesty in the provincial government, to secularize that property which by the pious munificence of the Sovereign and Parliament of England, was appropriated for the support and perpetuation of religion.

That the distribution of the revenue arising from this property, under the Imperial Act 3 & 4 Vict. c. 78, carrying with it a great sacrifice of the original claims of the Church of England, was distinctly understood to be final, and as your Excellency's memorialist humbly conceives, involved an absolute pledge to the parties coucerned, for the security and permanence of their interest in the same, as then established.

That the the clergy and lay members of the Church of England in this diocese are to be considered as only having abstained, during the present session, from petitioning your Excellency and the other branches of the provincial parliament, against alienation of those Reserves from their original purpose, because they were aware that, in the actual position of the affair, no legislative enactment affecting the lands in question can take place; but that the depth and earnestness of their feeling upon the subject has been sufficiently manifested in the petition (a copy of which is subjoined to this memorial, Appendix A.), which they addressed to the three branches of the Imperial Parliament towards the close of 1850, the same having been adopted at a numerous meeting held at Quebec, which was attended by lay delegates as well as clergymen from all parts of the diocese, who entered most warmly into the objects of the said petition.

That the great majority of the clergy in this diocese are missionaries labouring in settlements where the people, by their utmost exertions, are incapable of supporting a minister themselves; that the means contributed from England towards the maintenance of these missionaries are now in course of being gradually withdrawn, and that Quebec is the only

place in the diocese where there can be said to be anything like such wealth in the hands of any body of persons belonging to the Church of England as could be made available towards the relief of the spiritual wants existing and increasing with the increase of population in the said settlements.

That instances are within the knowledge of your Excellency's memorialist in which ministers of other Protestant denominations, placed among the people in such settlements, under stipulations for their maintenance, by the aid of contributions to be raised upon the spot, have, in consequence of the failure of these poor congregations to fulfil their engagements in such behalf, been compelled to abandon their charge.

That even if it could be considered, under any circumstances, justifiable to take advantage, after the final arrangement made by the above-mentioned Act 3 & 4 Vict. c. 78. of the clause in 31 Geo. 3. c. 31., which regards the varying or repealing of the previous clauses in the same, whereby the Clergy Reserves are set apart for the support of religion, the actual circumstances of the Church of England in the country, and the wants and prospects of her people are (as may appear from what has been above stated) the very opposite of such as to furnish a plea for the confiscation of any property allotted for her support; and a measure of this nature would be fraught with such calamitous consequences to their spiritual well-being as the promoters of the measure would themselves beyond all doubt fervently deprecate.

That notwithstanding the extraordinary efforts made in Canada West to foment prejudice and to excite popular feeling against the preservation of the compact concluded by means of the above-mentioned Act of 3 & 4 Vict. c. 78., the majority of members of the Legislative Assembly from that section of the province who voted in favour of the recent address was only a majority of six, the numbers respectively being 20 and 14,* and the names standing as appears in an Appendix to this memorial (B.); and that your Excellency's memorialist believes himself to proceed upon correct information when he states that the members generally from Canada East are understood to have regarded the question as one proper to Canada West on account of the greater stake there existing in the Reserves, and the far larger proportion of Protestant inhabitants, and, by consequence, to have simply followed the majority of voters from that section.

Wherefore your Excellency's memorialist humbly prays that your Excellency will be pleased to give your favourable consideration to the statements herein submitted, and to forward the same to Her Majesty's Secretary of State for the Colonies.

And your Excellency's memorialist, as in duty bound, will ever pray.

(Signed) G. J. Quebec.

Appendix (A.)

To the Queen's Most Excellent Majesty.

The Petition of the Bishop of Quebec, and Clergy and Congregations of the Diocese of Quebec, in the Province of Canada,

Most humbly showeth,

That in the year 1791 an Act was passed by the Imperial Parliament, 31 Geo. 3. c. 31., comprehending the appropriation of the lands called the Clergy Reserves, in the provinces of Upper and Lower Canada, for the support and maintenance of a Protestant clergy, and indicating in all its following clauses the clergy of the Church of England, and no other, as the body who were to be so supported and maintained.

That in the year 1793, Your Majesty's royal grandfather of blessed memory, King George III., following up the intention of the afore-mentioned Act, erected the provinces of Upper and Lower Canada into a diocese of the Church of England, in connexion with the Archiepiscopal See of Canterbury, of which the city of Quebec was made the see; and that in the letters patent appointing the Bishop to the same, express and formal reference is made to the aforesaid Act of appropriation of the Clergy Reserves, the two measures being manifestly designed to form parts of one and the same plan, and the decision being practically made in accordance with what was contemplated in all the clauses of the Act, as to what Protestant clergy were, under the Act, to be endowed.

That in the year 1816 the Bishop and clergy of the Church of England were constituted corporations by Royal Letters Patent, one corporation for Lower, and one for Upper Canada, for the management respectively of the Clergy Reserves, for the benefit of their own church within the then existing two provinces, and that these corporations were beginning to put in train the efficient and advantageous administration of the said Reserves, when their proceedings were interfered with, and finally stopped by the transfer to the hands of the Commissioner of Crown Lands of the direction of the Clergy Reserves, and the introduction of the system of sales, conducted by that functionary, in the manner of effecting which the most grievous and most extensive detriment in all perpetuity was done to the interests of the Church.

---

* Sir Allan M'Nab, the leader of opposition to the measure of confiscation, would have been added to this number, but was confined at home by illness.

CANADA.

That the exclusive claim of the Church of England to the benefit of the Clergy Reserves implied, as has been made to appear in different measures of the Crown and Parliament of Great Britain, continued unchallenged and unquestioned till after the year 1820, and that when the efforts which were made to assert a rival claim produced a great amount of painful ferment and agitation in the country the clergy and members of the Church of England in maintaining what, according to their clear and settled convictions, was their right to the whole profits of the Reserves, as the patrimony of the said church, forbore from contributing to the excitement of the public mind upon the subject by any inflammatory appeals, or any coloured representations to suit the interests of their own party.

That in the year 1840 a vast concession was made to the parties adverse to the claims originally recognised as existing in the Church of England by the enactment of an Imperial statute for the division of the profits arising from the Clergy Reserves, under the provisions of which statute two-thirds of the proceeds of the lands then sold, and two-thirds of one half of the lands still unsold, were allotted to the Church of England in this province.

That notwithstanding the facts herein already set forth, and the great inaccuracies of many of those representations proceeding from other quarters, upon which this legislative measure appears to have been based, the clergy and lay members of the Church of England in the province peaceably submitted to this arrangement of the long-agitated questions respecting the Clergy Reserves, and accepted it, according to what they had all reason to do, as the final settlement of those questions, and the extinction, once for all, of all discussions and differences upon the subject; and that to this settlement they considered, and so your Majesty's petitioners do now consider, the faith of the Government to be pledged.

That from the date of passing the aforesaid Act of 1840 up to the close of the year 1849, no discontent was manifested in any quarter on account of the provisions of the said Act, and that up to the present moment there has been no agitation of feeling in the province upon the subject.

That under all these circumstances it has been impossible for your Majesty's petitioners to view otherwise than with the keenest sense of injury and the deepest feelings of astonishment and alarm a proceeding of the House of Assembly during the late session of the Provincial Legislature, in which resolutions have been passed and an address to Your Majesty has been voted, to the effect that this reservation of land for the maintenance of religion should be alienated from its sacred purpose, and applied to the promotion of education and other secular objects.

That although your Majesty's petitioners had patiently submitted to the great and unlooked-for diminution of the revenues of the Church of England created by the Act of 1840, and to the variety of what they have conceived to be vexatious and injurious proceedings in the administration of the lands, tending still further to impair and lessen those revenues—although they had brought themselves to acquiesce in an arrangement which, with the addition of all these disadvantages, presses with particular hardship upon their Church in Lower Canada, in which the whole extent of the seigneurial tracts of country comprise no Clergy Reserves whatever—yet they cannot but apprehend that the proposed confiscation even of the remnant and pittance of endowment which had been left to them will create extensive and permanent dissatisfaction among the members of the Church at large in the province, nor can they fail in the most earnest and solemn manner to deprecate an act of spoliation which would be disastrous to the most sacred interests of human society, and openly hostile to the propagation of the truth of God.

That the Church of England population of Lower Canada is believed to approach, in numbers, to the entire aggregate of all other Protestant denominations within that portion of the province, and that it consists, at the same time, to a very great extent, of the occupiers of poor and backward settlements, who mainly depend for the ministrations of religion upon the charity of the Society in London for the Propagation of the Gospel; the revenue up to this date derived from the Clergy Reserves supplying but a very small portion of the expenditure made, upon the most frugal and parsimonious scale, for this object.

That whenever the assistance of the above-mentioned society shall be withdrawn (an arrangement which steps have been taken gradually to accomplish), the revenue from the Clergy Reserves, in whatever degree it shall have then improved, will form an extremely inadequate provision, and one which need not in any quarter be grudged for the maintenance of religion among those who can do but little for themselves; and that your Majesty's petitioners confide in your Majesty's gracious protection of your loving and loyal subjects, and your concern for their religious well-being, to prevent the sanction of a measure which, in the face of another Church enjoying the most magnificent resources through the large and generous indulgence of your Majesty's Government, would, in human calculation, go far to crush the hopes and neutralise the efforts of a poor and laborious clergy, and to carry severe damage, in all perpetuity, to the spiritual interests of the people in this diocese professing the religion of the British empire.

That your Majesty's petitioners, who conceive in all humility that the hard measure dealt already, in different ways, to the Church of England in this province, has reached a point at which they might hope that it would stop, are most unwillingly compelled to see in the resolutions and address of the House of Assembly, to which reference is here made, the manifestation of a spirit towards the religion which they profess, calculated to inspire them with apprehensions of the most grave and serious character for the future, and to impress upon them the anticipation that if the object of the resolutions and address should be actually

gained, it may only be the prelude to a course of oppressive measures, against the advance of which they fervently and confidently implore the succour and interposition of their Sovereign.

Wherefore your Majesty's petitioners most humbly pray, that Your Majesty will be graciously pleased to withhold your royal sanction from any measure for reversing or altering the provisions of the Act of the Imperial Parliament 3 & 4 Vict. c. 78.

Appendix (B.)

NAMES of the Upper Canada Members who voted upon the Address of the Legislative Assembly respecting the Clergy Reserves.

YEAS.—Brown, Cameron, Christie of Wentworth, Fergusson, Hartman, Hincks, Johnson, Langton, M'Donald of Cornwall, Mackenzie, Mattrie, M'Lachlin, Merritt, Paige, Patrick, Richards, Rolph, Rose, White, Wright of East Riding of York.

NAYS.—Boulton, Burnham, Crawford, Dixon, Macdonald of Kingston, Malloch, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Willson, Wright of West Riding of York.

(Sir Allan Macnab, who would have voted with the minority, disabled from attendance.)

Despatches from the Secretary of State.

FROM SIR JOHN PAKINGTON, BART.

No. 1.

No. 1.

(No. 12.)

COPY of a DESPATCH from Sir JOHN S. PAKINGTON Bart. to the Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, April 22, 1852.

BY a Despatch of my predecessor, Earl Grey, of the 11th July last,* you were informed that Her Majesty's then servants found themselves compelled to postpone to another session the introduction into Parliament of a Bill giving to the Canadian Legislature authority to alter the existing arrangement with regard to the Clergy Reserves.

2. With reference to that intimation, I have now to inform you that it is not the intention of Her Majesty's present advisers to propose such a measure to Parliament this session.

3. They have, in the first place, taken into consideration that, since any opinion upon this difficult subject was expressed by the Legislature of Canada, a general election has taken place in the province, and it is as yet uncertain what the views of the new Assembly as to the disposal of the Clergy Reserves may be.

4. But, independently of that circumstance, Her Majesty's Government feel serious doubts how far they would be able to give their consent and support to an arrangement, the result of which would too probably be the diversion to other purposes of the only public fund, except that devoted to the endowment of the Roman Catholic Church, which now exists for the support of Divine worship and religious instruction in the colony.

5. While it appears to Her Majesty's Government that, under the distribution authorized by the Clergy Reserves Act, 3 & 4 Vict. c. 78, of the proceeds of the sales of the reserved lands, no ground is left for reasonable jealousy or complaint of undue favour to particular religious denominations, they think it may possibly be desirable, on account of the changes which may be effected in the character of the population through extensive immigration or other causes, that the distribution in question should from time to time be reconsidered.

6. Any proposals of such a nature Her Majesty's Government would be willing to entertain ; but they are of opinion that they could only regard any measure which would place it in the power of an accidental majority of the colonial legislature, however small, to divert for ever from its sacred object the fund arising from that portion of the public lands of Canada which, almost from the period of the British conquest of that province, has been set apart for the religious instruction of the people, with the most serious doubt and hesitation how far they should be justified in advising Her Majesty to give Her consent to such an enactment.

7. These views on the part of Her Majesty's Government, with respect to a proposal so deeply and permanently affecting the interests of Canada, cannot but derive additional strength from the numerous petitions, having many thousand signatures, which have been addressed both to the Queen and to the Parliament of the United Kingdom, praying that the existing Act relating to the Clergy Reserves may continue in force.

I have, &c.

Governor the Right Hon.
The Earl of Elgin and Kincardine,
&c. &c. &c.

(Signed) JOHN S. PAKINGTON.

* Page 18 of Papers relative to the Clergy Reserves in Canada, presented to Parliament by Command, 23d February 1852.

(No. 27.) No. 2.

COPY of a DESPATCH from Sir JOHN S. PAKINGTON Bart. to the Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, May 21, 1852.

I HAVE received from the Secretary of State for the Home Department a petition from the Bishops of Quebec, Montreal, and Toronto,* praying that Her Majesty will be graciously pleased to withhold Her Royal Assent from any measure altering the provisions of the Act 3 & 4 Vict. relative to the Clergy Reserves in Canada, and also a petition from the bishop, clergy, and congregations of the diocese of Montreal,† praying that the said question may not be re-opened.

I have to request that you will acquaint the petitioners that I have laid their petitions before the Queen, and that Her Majesty was pleased to receive them very graciously.

On this subject it is only necessary that I should instruct your Lordship to refer the petitioners to my Despatch No. 12,‡ of the 22d of April, communicating to you the views entertained by Her Majesty's Government upon this question.

I have, &c.

Governor the Right Hon. (Signed) JOHN S. PAKINGTON.
The Earl of Elgin and Kincardine,
&c. &c. &c.

* See Appendix to this Paper.

† Ditto.

‡ Page 12.

(No. 43.) No. 3.

No. 3.

COPY of a DESPATCH from Sir JOHN S. PAKINGTON Bart. to the Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, July 15, 1852.

I HAVE the honour to acknowledge the receipt of your Despatch No. 53,§ of the 19th June, and to convey to your Lordship my approval of the course which you adopted in communicating to the Bishops of Quebec and Montreal the decision of Her Majesty's Government on the question of the Clergy Reserves.

I have, &c.

Governor the Right Hon. (Signed) JOHN S. PAKINGTON.
The Earl of Elgin and Kincardine,
&c. &c. &c.

§ Page 5.

(No. 58.) No. 4.

No. 4.

COPY of a DESPATCH from Sir J. S. PAKINGTON Bart. to the Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, August 25, 1852.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch No. 65, ‖ of the 31st ultimo, enclosing two Addresses to the Queen from the Synod of the Presbyterian Church in Canada in connexion with the Church of Scotland.

I have laid these Addresses before the Queen, and Her Majesty was pleased to receive them very graciously.

I have, &c.

Governor the Right Hon. (Signed) JOHN S. PAKINGTON.
The Earl of Elgin and Kincardine,
&c. &c. &c.

‖ Page 5.

FROM THE DUKE OF NEWCASTLE.

No. 5. (No. 2.) No. 5.

COPY of a DESPATCH from the Duke of NEWCASTLE to the Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, January 15, 1853.

I HAVE the honour to acknowledge your Despatch of the 22d of September last¶, addressed to my predecessor, and forwarding an address to the Queen from the Commons of Canada in Provincial Parliament assembled, on the subject of the clergy reserves.

¶ Page 7.

2. This address was laid before Her Majesty by my predecessor, and your Lordship is probably aware, from what has recently passed on this subject in the Imperial Parliament, that Her Majesty's late advisers had taken the matters contained in it into their consideration, and were preparing to communicate with you respecting it when the recent change in the administration interfered with their intentions.

3. In consequence of that event it became my duty to bring the subject under the attention of my colleagues at the earliest opportunity, and I have now to inform you that Her Majesty's Government have determined on advising Her Majesty to accede to the prayer of that address.

4. In arriving at this decision they have felt it their duty to keep out of view the question whether or not any alteration is at present desirable in the mode of appropriating the fund derived from those reserves established by the 3 & 4 Victoria, chapter 78. They do not deny that they share in the regret expressed by Lord Grey in his despatch of January 27th, 1851, that any desire should be entertained to disturb a settlement devised with a view to reconcile conflicting interests and feelings, and which it was hoped might have accomplished that object. But they are fully satisfied that no such sentiments of regret would justify the Government or Parliament of this country in withholding from the Canadian people, through their representatives, the right of dealing as they may think proper with matters of strictly domestic interest.

5. That such was to a great extent the view originally entertained by the British Parliament of this question appears evident from the provisions of the original constitutional Act of 31 Geo. III., by which a wide discretion was left to the then Canadian legislature to alter or repeal its provisions. That liberty it was thought proper in framing the act of 1840 to withdraw, but in restoring it Her Majesty's Government are but reverting to those general principles of policy which were recognized in 1791 in this instance, and which have been habitually adopted and adhered to in others,—principles on which alone they conceive that the government of Canada can or ought to be conducted, and by the maintenance of which they believe that those sentiments of loyalty to the Crown and attachment to the existing connexion with this great empire which now animate the colony can be most effectually confirmed.

6. They will therefore be prepared to follow the course already indicated by Lord Grey in the despatch above referred to, namely, to recommend to Parliament to pass an Act giving to the provincial legislature authority to make, subject to the preservation of all existing interests, such alterations as they may think fit in the present arrangements respecting the clergy reserves. Her Majesty's Government are induced to make this reservation solely from those considerations of justice which they rejoice to find so fully recognized in the addresses which have been from time to time presented to the Crown.

7. The language of these addresses is such as to give every ground for confidence that the powers to be thus given to the Provincial Parliament will be exercised with caution and forbearance towards the feelings and interests of all classes in those two great districts which are now happily united under the single legislature and government of Canada. But I must repeat that it is not from a reliance on this confident anticipation, however strongly they may entertain it, that Her Majesty's Government have come to their present decision, but because they are satisfied on more general principles that the Parliament of Canada, and not the Parliament of the United Kingdom, is the body

to which the functions of legislation on this subject must for the public advantage be committed.

8. You will take an early opportunity for communicating the contents of this despatch to the legislature.

I have, &c.

Governor the Right Hon.
The Earl of Elgin and Kincardine,
&c. &c. &c.

(Signed) NEWCASTLE.

No. 6.

No. 6.

(No. 3.)

COPY of a DESPATCH from the Duke of NEWCASTLE to the Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, January 15, 1853.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch No. 92,* of the 25th of September, transmitting a memorial from the Bishop of Quebec on the subject of the Address of the Legislative Assembly of Canada relative to the Clergy Reserves, enclosed in your Despatch No. 85,† of the 22d September, and I have to instruct your Lordship to communicate the substance of my Despatch of this day's date to the Bishop, as my answer to his memorial.

* Page 8.

† Page 7.

I have, &c.

Governor the Right Hon.
The Earl of Elgin and Kincardine,
&c. &c. &c.

(Signed) NEWCASTLE.

CANADA.

No. 1.

Correspondence with Mr. Hincks.

No. 1.

Copy of a LETTER from F. Hincks Esq. to the Right Honourable Sir John S. Pakington Bart.

Sir, Morley's Hotel, London, May 3, 1852.

I have the honour to enclose a copy of an approved Report of the Committee of the Executive Council of Canada, dated the 7th ultimo, which I received by the last mail. I have learned through the medium of the public journals that Her Majesty's Government has determined to take no action in the question of the clergy reserves during the present session of Parliament; and however much I may regret that decision, I am well aware that, under the circumstances, it is irrevocable. I have already had an opportunity of urging, during the interview with which you were good enough to honour me, the importance of settling this long vexed question as speedily as possible. It was my duty to state that the number of those who insist on the present settlement is very small, and I may now add, that one of the leading opposition newspapers in Upper Canada, and in the interest of the Church of England, has come out distinctly for a new scheme of distribution. I would press on Her Majesty's Government more formally what I have already urged in my conversation with you, that if, as has been alleged, the present Canadian Parliament is favourable to the views of the Church of England, it is surely the best time for that church to procure a settlement that will be regarded as constitutional. I can assure Her Majesty's Government with the utmost sincerity, that there will be no end to agitation in Canada if the attempt be made to settle this question permanently according to the public opinion of England instead of that of the province itself; and I may add, that it is well known that many who are opponents of the secularization of the Clergy Reserves are on constitutional grounds in favour of a settlement by the Provincial Parliament. I believe that after the assurance given by the late Government, it will be found impossible to protract very long the repeal of the Imperial Act; and I have no hesitation in affirming that no interests will suffer more by delay than those of the Church of England. If Her Majesty's Government desire, before determining on their line of action on this question, to ascertain the views of the present Canadian Parliament, I would respectfully beg to be informed of their decision.

I have, &c.

Sir J. S. Pakington, Bart., &c. &c. &c.

(Signed) FRANCIS HINCKS.

Encl. in No. 1.

Enclosure in No. 1.

Extract from a Report of a Committee of the Honourable the Executive Council on Matters of State, dated 7th April 1852, approved by his Excellency the Governor-General in Council on the same day.

The Committee have had under consideration the memorandum of the President of the Committe of Council on the propriety of instructing the Honourable the Inspector-General to ascertain the views of Her Majesty's Government on the subject of a repeal of the Imperial Act 3 & 4 Vict. c. 78., in conformity with the addresses to Her most Gracious Majesty, from both branches of the Canadian Legislature at its last session, on the subject of the Clergy Reserves.

The assurances of Her Majesty's late Government that such action would be taken, had prepared the people of Canada to expect that no further delay would take place in meeting their just wishes upon a question of such paramount importance to them; the Committee, therefore, recommend that their colleague, the Inspector-General, while in England, be requested by the provincial secretary to seek an interview with Her Majesty's Ministers, and represent to them the importance of carrying out the pledges of their predecessors on the subject of the Clergy Reserves, and thus empower the colonial legislature to deal with the question in acordance with the well understood wishes of the people of Canada.

Certified.

The Hon. the Provincial Secretary, &c. &c. &c.

(Signed) Wm. H. Lee.

CANADA.

No. 2.

No. 2.

Copy of a LETTER from the Earl of Desart to F. Hincks Esq.

Sir, Downing Street, May 7, 1852.

I am directed by Secretary Sir John Pakington to acknowledge your letter of the 3d instant, transmitting an extract from an approved Report of a Committee of the Executive Council of Canada, dated 7th April, instructing you to represent to Her Majesty's Ministers the importance of carrying out the pledges of their predecessors on the subject of the Clergy Reserves.

Sir J. Pakington desires me to inform you, that until the receipt of your communication he was not aware of the existence of the Report of which you now send him a copy, Lord Elgin not having as yet transmitted it to this department. Being thus without any information that you were officially instructed to communicate with Her Majesty's Government on that particular subject, Sir J. Pakington did not think it necessary to announce to you their determination upon it, as he unquestionably would have done if he had been aware that your mission to this country was connected with it. I am now directed by Sir J. Pakington to enclose to you a copy of the despatch which he addressed to Lord Elgin on the 22d ultimo, communicating the decision of Her Majesty's Government.

No. 12, April 1852 p. 12.

I have, &c.

F. Hincks, Esq. (Signed) DESART.

No. 3.

No. 3.

Copy of a LETTER from F. Hincks Esq. to the Right Honourable Sir John S. Pakington Bart.

Sir, Morley's Hotel, London, May 10, 1852.

I have the honour to acknowledge the receipt of a letter from the Earl of Desart, dated the 7th instant, enclosing a copy of your despatch to Governor-General the Earl of Elgin and Kincardine, dated the 22d ultimo, communicating the decision of Her Majesty's Government on the subject of the Canada Clergy Reserves, and I have to express my grateful acknowledgments therefor. It is probable that, as the approved Report of the Committee of the Executive Council of Canada was sent to me for the purpose of being delivered to Her Majesty's Government, it was deemed unnecessary by his Excellency the Governor-General to transmit another copy; but you will, I think, find on inquiry, that his Excellency has communicated to you a copy of a memorandum agreed to at a meeting of the members of the Council on the 25th February, prior to my departure, by which I was instructed "to press upon the consideration of Her Majesty's Government the importance of procuring the assent of the Imperial Parliament, as soon as possible, to a Bill for repealing the Imperial Act, 3 & 4 Vict. c. 78, providing for the sale of the Clergy Reserves in Canada, and for the distribution of the proceeds thereof, as prayed for by addresses from both houses of the provincial Parliament, and for authorizing the provincial Parliament to legislate on the subject of those Reserves."

I trust that the existence of these instructions, followed up as they have been by the approved Report of Council, which I had the honour to transmit in my letter of the 3d instant, will be a sufficient apology for my offering some remarks on your despatch of the 22d ultimo, which shall be made in a spirit of the highest respect to Her Majesty's Government. Had the addresses from the two houses of the Canadian Legislature prayed for any particular distribution of the income arising from the Clergy Reserve Fund, there most unquestionably would have been grave objections to any Imperial action to be founded on the opinions of a Parliament which had ceased to exist. But I would respectfully urge, that there can be no reasonable ground for doubt, that the great majority of the people of Canada desire that this question, which is one of local interest, should be disposed of by their own Parliament. I need not, however, press this point further, because I am well aware that legislation during the present session of the Imperial Parliament is now out of the question, and that before any further action could be taken by Her Majesty's Government, the new Canadian Parliament will have had an opportunity of expressing its views on the subject. But I am bound by a sense of duty to Her Majesty to express to Her confidential

CANADA.

advisers, that it is with the most serious alarm that I have read the concluding portion of your despatch. Most devotedly attached as I am to the maintenance of the subsisting connexion between the mother country and the British American colonies, I cannot view without grave apprehension the prospect of collision between Her Majesty's Government and the Parliament of Canada, on a question regarding which such strong feelings prevail among the great mass of the population. Such a difficulty is the more to be regretted, because the question of the Clergy Reserves is the only one, so far as I am aware, at all likely to lead to collision. It happens, most unfortunately, that public opinion in England differs very widely from that in Canada, on questions at all partaking of a religious character; and as the people of Canada are convinced that they are better judges than any parties in England can be of what measures will best conduce to the peace and welfare of the province, Her Majesty's Government will, I trust, perceive that the danger which I apprehend is at least deserving of the most grave consideration. I cannot have the slightest doubt that the members of Her Majesty's Government are actuated by the most earnest desire to promote the best interests of Canada, and that if they could be brought to believe that I have given a faithful account of the state of public opinion there, they would be disposed to yield their own wishes for the sake of the peace of the colony. I am quite ready to acknowledge the high respectability of the petitioners against the repeal of the Clergy Reserves Act. The bishops, clergy, and an influential portion of the laity of the Church of England, the clergy and a portion of the laity of the Church of Scotland, are doubtless in favour of the present settlement, which, indeed, confers on the Church of Scotland an income wholly beyond its requirements in Canada; while the majority of the Presbyterian population neither receive any share of the endowment, nor desire to participate in it. While, however, I admit the respectability of the petitioners, I think that I am justified in affirming that they do not represent anything like a majority of the population of Canada; indeed, the very fact that they on all occasions endeavour to accomplish their wishes by appealing, not to their own representatives in Parliament, but to the Imperial Parliament, is conclusive proof that they are themselves conscious that their views are not in accordance with public opinion in Canada. I forbear from entering into the consideration of the probable action of the Canadian Legislature on the Clergy Reserves question, because I am anxious to impress on Her Majesty's Government that, although there may be wide differences of opinion among the opponents of the present arrangement as to the best mode of settling the question, a vast majority of the people are agreed as to the necessity of its being effected by provincial legislation; and I am aware that some of the best friends of the Church of England question the soundness of the policy which has influenced the promoters of the petitions lately presented to Parliament to look for support to their views in England, instead of using their legitimate influence over public opinion in Canada. I do not by any means desire to conceal from Her Majesty's Government that, saving always the rights of existing incumbents, a very strong feeling prevails, especially in Upper Canada, in favour of the secularization of the Clergy Reserves; but I ought not to omit reminding them that, although it is true that the portion of public lands known as Clergy Reserves was set apart for the religious instruction of the people at a very early period, and when there were very few inhabitants in the colony, it is likewise true that power was expressly given to the provincial legislature "to vary or repeal" the clauses in the Act 31 Geo. 3., setting apart these lands; that successive Houses of Assembly remonstrated against giving effect to them, and that so firmly were the advisers of His late Majesty King William the Fourth impressed with the necessity of getting rid of this most perplexing question, that Secretary Viscount Goderich, in a despatch dated 21st November 1831, communicated the Royal instructions that a Bill, framed in England, should be submitted to the provincial Legislature, for the purpose of getting rid entirely of the endowment. The people of Canada know well the cause of the failure in carrying out the gracious intentions of His late Majesty, as well as their own repeatedly expressed wishes. The opinions of the mass of the people have never wavered during the last twenty-five years, although circumstances have from time to time induced them to pause in their efforts, in order to concentrate public opinion on questions more deeply affecting their constitntional rights. I cannot, therefore, conceive that any action which the

Canadian Parliament may take of the nature referred to in the despatch, could be correctly designated as the result of an accidental majority. All the great questions which have been settled in England during the last fifty years might be said with equal justice to have been carried by accidental majorities; and if a supposition on the part of Her Majesty's Government that any majority in the Canadian Parliament expressing views antagonistic to their own was an accidental one, were deemed a sufficient ground for resisting that majority, I would most respectfully submit that there would be no security whatever for constitutional government. I am well convinced that Her Majesty's advisers have every disposition to attach due weight to the clearly expressed opinion of the people of Canada, and I am therefore anxious to remind them of, and to urge upon their consideration the past history of the Clergy Reserves question, which I have endeavoured to glance at as briefly as possible. There is a passage in the despatch to the Earl of Elgin which seems to me calculated to lead to some misconception. I refer to the paragraph describing the Clergy Reserves as the only "public fund, except that devoted to the endowment of the Roman Catholic Church." I am not aware that any public fund has ever been devoted to the endowment of the Roman Catholic Church in Canada. Whatever property may be in the possession of Roman Catholics has been obtained principally by private donation or bequest, although in some cases there were additional grants from the French Crown, which were secured to the possessors at the conquest. These grants were made to communities consisting of ecclesiastics or religious ladies, either for charitable or educational purposes, or for the conversion of the Indians. If I am correct in this statement, as I believe that I am, I most respectfully submit that such grants as those to which I have referred bear no analogy to the Clergy Reserves, and can scarcely be considered as a public fund devoted to the endowment of the Roman Catholic Church. I should not discharge my duty to Her Majesty's Government were I not to state to them with perfect frankness my views on another paragraph in the despatch. I refer to that in which it is intimated that Her Majesty's Government would be willing to entertain a proposal for reconsidering the mode of distributing the income of the Clergy Reserves. I have no hesitation in stating it as my conviction that the Canadian Parliament will not invite the legislation of the Imperial Parliament regarding the distribution of a local fund. Any such proposition would be received as one for the violation of the most sacred constitutional rights of the people. I am therefore fully convinced that the future action of the Canadian Parliament will be essentially of the same character with that which has been already taken. I can assure you, Sir, that it is with deep regret that I find myself compelled by a sense of public duty to urge upon you views which I fear will not meet the approbation of Her Majesty's Government; but I trust that I have succeeded in doing so in a respectful manner; and I feel assured that they will receive the consideration which the importance of the subject demands, and that Her Majesty's advisers will be guided in their final decision by what they believe to be for the best interests of Canada.

I have &c.

Sir J. S. Pakington, Bart., &c. &c. &c.

(Signed) FRANCIS HINCKS.

No. 4.

No. 4.

Copy of a LETTER from the Earl of Desart to Francis Hincks Esq.

Sir, Downing Street, May 17, 1852.

I am directed by Secretary Sir John Pakington to acknowledge your letter of the 10th of this month, on the subject of the decision of Her Majesty's Government as to the Clergy Reserves question, and to thank you for the representations which you have made to them on this and other subjects affecting the views and interests of the people of Canada, on which they are fully sensible of the value of your opinion.

2. I am to add that Sir John Pakington has not been able to find in the records of this department any trace of the memorandum agreed to by the Executive Council on the 25th February last, to which your letter refers, having been communicated to his predecessor or himself.

I have, &c.

F. Hincks, Esq.

(Signed) DESART.

Letter from the Bishop of Quebec.

EXTRACT of a LETTER from the Bishop of Quebec to the Right. Hon. Sir JOHN S. PAKINGTON Bart., dated Quebec, October 22, 1852.

IT may be proper that I should here state what are the advantages which we do enjoy. There are three clergymen in this diocese, myself included, who still receive salaries from Government, but the salary in each case is to cease upon the first occurrence of vacancy. There is an appropriation of about 1,150*l.* currency a year from the share of the Clergy Reserves left to the Church of England, of which 300*l.* is assigned to Bishop's College at Lennoxville (an institution connected equally with both the dioceses of Lower Canada, though situated in that of Quebec), and the remainder is distributed among twenty-eight missionaries, whose meagre incomes are, with two exceptions, made up under the existing but not permanent arrangements, by the bounty of the Society for the Propagation of the Gospel. And there is a sum set apart for the maintenance of the future bishopric out of the Clergy Reserves Fund, which now amounts to about 13,000*l.* currency, and is advancing towards the mark at which it will yield the moderate episcopal salary which is now given in other cases in the colonies, and the surplus will then be available for other objects of the Church. The whole number of clergy holding charge in my diocese is thirty-seven. There is no part of the North American colonies, perhaps, with the exception of Newfoundland, which, with reference to the Church of England population, is so poor as the diocese of Quebec, Quebec itself being the only spot within the whole diocese in which there is anything like wealth in the hands of the members of that church; and the great majority of the missions being established in the rude and more backward settlements of the country.

Having had occasion to mention the Clergy Reserves, I take the liberty of indicating as a document which I humbly conceive correctly exhibits the whole case, in a condensed form, the petition to the Imperial Parliament from the bishop, clergy, and laity of this diocese, sent home towards the close of 1850, of which a copy was appended to a memorial addressed by myself to the Governor General* in September last, and transmitted by his Excellency to yourself. This petition was very warmly supported and numerously signed. For the convenience of reference I send herewith a printed copy of the petition from the diocese of Montreal, which, with the necessary adaptations, was adopted verbatim from that of Quebec (Appendix A.)

* See Page 8.

Enclosure.

Enclosure.

Appendix (A.)

To the QUEEN'S most Excellent MAJESTY.

The Petition of the Bishop of Montreal, and the Clergy and Congregations of the Diocese of Montreal, in the Province of Canada.

Most humbly showeth,

THAT in the year 1791 an Act was passed by the Imperial Parliament, 31 Geo. 3, c. 31, comprehending the appropriation of the lands called the Clergy Reserves, in the provinces of Upper and Lower Canada, for the support and maintenance of a Protestant clergy, and indicating in all the following clauses the clergy of the Church of England, and no other, as the body who were to be supported and maintained.

That in the year 1793 Your Majesty's royal grandfather, of blessed memory, King George III., following up the intention of the afore-mentioned Act, erected the provinces of Upper and Lower Canada into a diocese of the Church of England, in connexion with the Archiepiscopal See of Canterbury, of which the city of Quebec was made the see; and that in the letters patent appointing the bishop to the same express and formal reference is made to the aforesaid Act of appropriation of the Clergy Reserves, the two measures being manifestly designed to form parts of one and the same, the plan and the decision being practically made in accordance with what was contemplated in all the clauses of the Act, as to what Protestant clergy were, under the Act, to be endowed.

That in the year 1816 the bishop and clergy of the Church of England were constituted corporations by Royal Letters Patent, one corporation for Lower, and one for Upper Canada, for the management respectively of the Clergy Reserves, for the benefit of their own Church within the then existing two provinces, and that these corporations were beginning to put in train the efficient and advantageous administration of the said Reserves, when their proceedings were interfered with, and finally stopped by the transfer to the hands of the Commissioner of Crown Lands of the direction of the Clergy Reserves, and the introduction of the system of sales conducted by that functionary, in the manner of effecting which the most grievous and most extensive detriment in all perpetuity was done to the interests of the Church.

That the exclusive claim of the Church of England to the benefit of the Clergy Reserves implied, as has been here made to appear, in different measures of the Crown and Parliament of Great Britain, continued unchallanged and unquestioned till after the year 1820, and that when the efforts which were made to assert a rival claim produced a great amount of painful ferment and agitation in the country, the clergy and members of the Church of England, in maintaining what, according to their clear and settled convictions, was their right to the whole profits of the Reserves as the patrimony of the said Church, forbore from contributing to the excitement of the public mind upon the subject by any inflammatory appeals, or any coloured representations to suit the interests of their own party.

That in the year 1840 a vast concession was made to the parties adverse to the claims originally recognized as existing in the Church of England, by the enactment of an Imperial Statute for the division of the profits arising from the Clergy Reserves, under the provisions of which statute two-thirds of the proceeds of the lands then sold, and two-thirds of one-half of the lands still unsold, were allotted to the Church of England in this province.

That notwithstanding the facts herein already set forth, and the great inaccuracies of many of those representations proceeding from other quarters, upon which this legislative measure appears to have been based, the clergy and lay members of the Church of England in the province peacefully submitted to this arrangement of the long-agitated questions respecting the Clergy Reserves, and accepted it according to what they had all reason to do, as the final settlement of those questions, and the extinction, once for all, of all discussions and differences upon the subject; and that to this settlement they considered, and so Your Majesty's petitioners do now consider, the faith of the Government to be pledged.

That from the date of passing the aforesaid Act of 1840, up to the close of the year 1849, no discontent was manifested in any quarter on account of the provisions of the said Act, and that up to the present moment there has been no agitation of feeling in the province upon the subject.

That under all these circumstances it has been impossible for Your Majesty's petitioners to view otherwise than with the keenest sense of injury, and the deepest feelings of astonishment and alarm, a proceeding of the House of Assembly during the late session of the Provincial Legislature, in which resolutions have been passed, and an address to Your Majesty has been voted, to the effect that this reservation of land for the maintenance of religion should be alienated from its sacred purpose, and applied to the promotion of education and other secular objects.

That, although Yonr Majesty's petitioners had patiently submitted to the great and unlooked-for diminution of the revenues of the Church of England created by the Act of 1840, and to a variety of what they have conceived to be vexatious and injurious proceedings in the administration of the lands, tending still further to impair and lessen those revenues; although they had brought themselves to acquiesce in an arrangement which, with the addition of all these disadvantages, presses with particular hardship upon their Church in Lower Canada, in which the whole extent of the seigneurial tracts of country comprise no Clergy Reserves whatever, yet they cannot but apprehend that the proposed confiscation even of the remnant and pittance of endowment which had been left to them will create extensive and permanent dissatisfaction among the members of the Church at large in the province, nor can they fail, in the most earnest and solemn manner, to deprecate an act of spoliation which would be disastrous to the most sacred interests of human society, and openly hostile to the propagation of the truth of God.

That the Church of England population of Lower Canada is believed to approach, in numbers, to the entire aggregate of all other Protestant denominations within that portion of the province, and that it consists, at the same time, to a very great extent, of the occupiers of poor and backward settlements, who mainly depend for the ministration of religion upon the charity of the Society in London for the Propagation of the Gospel, the revenue up to this date, derived from the Clergy Reserves, supplying but a very small portion of the expenditure made, upon the most frugal and parsimonious scale, for this object.

That whenever the assistance of the above-mentioned society shall be withdrawn, an arrangement which steps have been taken gradually to accomplish, the revenue from the Clergy Reserves, in whatever degree it shall have been improved, will form an extremely inadequate provision, and one which need not in any quarter be grudged, for the mainte-

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nance of religion among those who can do but little for themselves; and that Your Majesty's petitioners confide in Your Majesty's gracious protection of your loving and loyal subjects, and your concern for their religious well-being, to prevent the sanction of a measure which, in the face of another Church enjoying the most magnificent resources through the large and generous indulgence of Your Majesty's Government, would, in human calculation, go far to crush the hopes and neutralize the efforts of a poor and laborious clergy, and to carry severe damage, in all perpetuity, to the spiritual interests of the people in this diocese, professing the religion of the British Empire.

That Your Majesty's petitioners, who conceive in all humility that the hard measure dealt already, in different ways, to the Church of England in this province, has reached a point at which they might hope that it would stop, are most unwillingly compelled to see, in the resolutions and address of the House of Assembly, to which reference is here made, the manifestation of a spirit towards the religion which they profess, calculated to inspire them with apprehensions of the most grave and serious character for the future, and to impress upon them the anticipation, that if the object of the resolutions and address shulod be actually gained, it may only be the prelude to a course of oppressive measures, against the advance of which they fervently and confidently implore the succour and interposition of their Sovereign.

Wherefore Your Majesty's petitioners most humbly pray, that Your Majesty will be graciously pleased to withhold Your Royal sanction from any measure for reversing or altering the provisions of the Act of the Imperial Parliament, 3 & 4 Vict. c. 78.

APPENDIX.

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY.

Quebec, Tuesday, September 14, 1852.

HONOURABLE Mr. Hincks moved, that an humble address be presented to Her most gracious Majesty to assure Her Majesty that this House deeply regrets to learn, from the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act, 3 & 4 Vict. c. 78., intituled "An Act to provide "for the Sale of Clergy Reserves in the Province of Canada, and for the Distribution of "the Proceeds thereof."

Mr. Boulton moved in amendment the following proposed resolutions:—

1. That his Excellency the Governor-General, in his despatch to Earl Grey of 19th July 1850, accompanying the address of the Provincial Legislature on the subject of the Clergy Reserves (embodying certain resolutions introduced by the Honourable James Hervey Price, then a member of the Government and colleague of the Honourable Francis Hinckes), declared that he deeply regretted the revival of agitation on this subject, of which, he said, Lord Sydenham had truly observed, that it had been in Upper Canada the one all-absorbing and engrossing topic of interest, and for years the principal cause of the discontent and disturbance which had arisen, and under which the province had laboured.

2. That since the expression of the above language by the present Governor-General, he has not enunciated or communicated to Parliament any opinion that it is desirable to revive the agitation, or in anywise legislate on this subject, which has heretofore produced such discord, strife, and hatred in this colony.

3. That in the absence of any change of sentiments on this all-important subject, and of any recommendation from his Excellency that it should again occupy the attention of Parliament, it is right to infer that his Excellency's views thereon, as expressed in the abovementioned despatch, are unchanged.

4. That this house has, therefore, the right to assume that on this all-important subject there is a difference of opinion between his Excellency the Governor-General and his present advisers as to the policy of "reviving agitation on this subject," which the re-opening of a Parliamentary discussion thereupon must inevitably produce.

5. That under our present system of responsible government, as introduced into and carried out in this province, the power and responsibility of the Executive Council cannot be dissevered from that of the Sovereign's Representative.

6. That the Representative of Her Majesty in this colony acts through his cabinet, who are responsible to Parliament for the acts and measures of the head of the Government, and that being incumbents of office by their own consent, they must be held as bound to defend and support in Parliament the acts and measures of the head of the Government.

7. That before discussing the resolutions on the subject of the Clergy Reserves proposed by the Honourable Francis Hincks, this House should not only be made aware by the Government of their views, as an administration, as to the final disposition of these Reserves, but also be informed whether the Cabinet, in introducing these resolutions, has the countenance and support of the head of the Government, or whether the Governor-General's expressed opinion, deprecating any renewal of agitation on this vexatious subject, still remains unchanged.

And the question being separately put upon the four first proposed resolutions, the House divided upon each:—

Yeas.—Messrs. Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Dubord, Egan, Gamble, Le Boutillier, Lyon, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Street, Willson, and Wright of West Riding, York,—22.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor-General Chuaveau, Clapham, Attorney-General Drummond, Fergusson, Fortier, Gouin, Hincks, Langton, La Terrière, Laurin, McDonald of Cornwall, Mackenzie, Mattice, Merritt, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-General Richards, Rolph, Rose, Stuart, Taché, Terrill, Valois, Viger, White, Wright of East Riding, York, and Young,—37.

The question being then separately put upon the three last of the proposed resolutions, the House divided upon each:—

Yeas.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Dubord, Egan, Gamble, Le Boutillier, Lyon, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Street, Willson, and Wright of West Riding of York,—23.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor-General Chauveau, Christie of Wentworth, Clapham, Attorney-General Drummond, Dumoulin, Fergusson, Fortier, Gouin, Hartman, Hincks, Langton, La Terrière, Laurin, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, Merrit, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-General Richards, Rolph, Rose, Stuart, Taché, Terrill, Valois, Viger, White, Wright of East Riding of York, and Young,—41.

Mr. Boulton again moved, in amendment to the Honourable Mr. Hincks' motion, that His late most gracious Majesty King George the Third was graciously pleased to express his desire to make a permanent appropriation of lands in Upper and Lower Canada for the support and maintenance of a protestant clergy within the same, and for the purpose of fulfilling such gracious intentions an Act was passed in the thirty-first year of his reign, containing certain provisions for the support and maintenance of such Protestant clergy within the said provinces.

2. That after nearly twenty years of unprofitable legislation on the subject of these Reserves in Upper Canada, prior to its union with Lower Canada, and after the bitterest feelings had been engendered amongst its inhabitants, an Act passed by the Parliament of Upper Canada, in 1839, intituled 'An Act to re-invest in Her Majesty the lands set apart for a Protestant Clergy," wherein it is recited that doubts had arisen respecting the proper legal construction of the said Act, and that it had been made a question to what sects or denominations of Protestants the term Protestant clergy used in the said Act was intended to be applicable, and that the continuance of such doubts, and the controversies to which they have given rise, were in a high degree prejudicial to the peace and good government of that province, and unfavourable to the spiritual and temporal interests of the people thereof, and that it was expedient to put an end to such doubts and controversies by enabling Her Majesty, Her heirs and successors, to dispose of the said reserves, and the monies accrued or thereafter to accrue therefrom in such manner as to Her Majesty, Her heirs or successors, might seem just and fit for the maintenance of public worship and support of religion within the said province.

3. That in and by the said Act of the Parliament of Upper Canada it was enacted that all the lands then vested in Her Majesty, and which before the passing of the said Act were reserved, allotted, and appropriated for the maintenance and support of a Protestant clergy in the said province of Upper Canada, under the authority of the said Act of Parliament of Great Britain, passed in the thirty-first year of His said late Majesty's reign, should be and remain vested in Her Majesty, Her heirs and successors, freed and absolutely discharged from all and every of the trusts, conditions, limitations, and restrictions contained in or imposed or declared by the said last-mentioned Act; provided always, that the said lands were by the said Act vested in Her Majesty, her heirs and successors, discharged from the said trusts and conditions, to the intent and in order that the same lands might be, by and under the authority of the Parliament of Great Britain and Ireland, applied and appropriated, by way of endowment or otherwise, solely for the maintenance of public worship and the support of religion within the said province, and to no other use or purpose whatsoever.

4. That in 1840 the Legislature of Upper Canada, at the instance of the Right Honourable C. Poulett Thompson, passed another Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof, which said Bill was carried in the House of Assembly by 28 to 20, and in the Legislative Council by 13 to 5.

5. That in the preamble to the said last-mentioned Act it is declared, "that it is expe- "dient to provide for the final disposition of the lands called Clergy Reserves in the said "province, and for the appropriation of the yearly income arising or to arise therefrom for "the maintenance of religion and the advancement of Christian knowledge;" and in pursuance thereof the said Act enacted that the said Reserves, and the funds arising or to arise therefrom, should be appropriated for the maintenance of religion and the advancement of Christian knowledge.

6. That in a despatch from the late Right Honourable C. Poulett Thompson to Lord John Russell, Her Majesty's Secretary of State for the Colonies, dated 22d January 1840, enclosing the Bill above mentioned, it is stated, "that there is no subject of such vital importance to the peace and tranquillity of the province as the question of the Clergy Reserves; that there is none, with reference to the future union of the two provinces, which it is more necessary to determine without delay; that it has been for many years the source of all the troubles in the province, the never-failing watchword at the hustings, the perpetual spring of discord, strife, and hatred; that to leave this question undetermined would be to put an end to all hope of re-establishing tranquillity within the province; but to establish the union without settlement of it, and to transfer the decision to the United Legislature, would be to add to the sources of discord which then prevailed in Lower Canada an entirely new element of strife, for amongst the various evils by which Lower Canada had been visited, one, and one only, perhaps the greatest of all, has been wanting—religious dissension; that he was satisfied that the value of arriving at a settlement could not be over-estimated; and, that strong as those feelings might have been, the immense advantage of having the question finally withdrawn from the sources of popular discussion and dispute would reconcile all parties to it.

"That he most fervently prayed that the settlement agreed on might be final, and that no obstacle might be opposed to its confirmation by Her Majesty; that, should it be otherwise, and the question be again thrown back for decision in Canada, he could not foresee the consequences; but at least he knew that peace and tranquillity must, in that event, long remain strangers to the province."

7. That in consequence of the earnest importunities of the said late C. Poulett Thompson, and in consequence of the said last-mentioned Act of the province of Upper Canada, and with a view to the final settlement of the question, by an Act of the Imperial Parliament, passed in the 3d and 4th years of the reign of Her present Majesty, cap. 78, it is declared "to be expedient to provide for the final disposition of the lands called Clergy Reserves "in Canada, and for the appropriation of the yearly income arising or to arise therefrom, "for the maintenance of religion and the advancement of Christian knowledge within the "said province."

8. That by the last-mentioned Act of Parliament a disposition was made of the said funds, by appropriating two sixths thereof to the Church of England, one sixth to the Church of Scotland, and the remaining three sixths to be applied by the Governor of Canada, with the advice of the Executive Council, for purposes of public worship and religious instruction in Canada, and that by such Act the Church of England and the Church of Scotland, and other denominations, have already acquired a vested interest therein.

9. That the people of Canada concurred in the final settlement of the said question by the Imperial Parliament, and for years it was so considered by all of the various political parties in Canada.

10. That in 1846 a committee of the Legislative Assembly of Canada, consisting of Messrs. Petrie, McDonald (of Kingston), Stuart (Bytown), Price, and Chalmers, none of whom belonged to the Church of England, unanimously reported that no change or deviation from the system (then existing) should be sanctioned by the Legislature.

11. That the Honourable Robert Baldwin, late Attorney-General for Upper Canada, and late colleague of the Honourable Francis Hincks, declared in his place in the Legislative Assembly, in 1846, during a debate on the Reserves, "that the Bill passed by the Legislature of Upper Canada in 1840, led to a final disposal of the question by the Imperial Parliament. That he called on honourable members to mark his words, that if the question be re-opened, former fierce agitation would be resumed. That so much did he dread the renewal of agitation, that he had in every instance, and *in toto*, discountenanced such a course, and that he therefore pressed upon both sides of the House to forbear reviving the question."

12. That the Honourable James Hervey Price, late Commissioner of Crown lands, and late colleague of the Honourable Francis Hincks, and the originator and mover of the resolutions of 1850, declared at the same time and place above mentioned,

"That the settlement under Lord Sydenham had been considered final."

"That peace had succeeded the long and fierce conflict, and the country was settling down in the hope that agitation on that subject was at an end."

"That although three fourths of the people believed that the arrangement was made in injustice and partiality, they quietly submitted as the only means of restoring peace to the land; that proportionate to that hope would be the grief and excitement produced by the re-opening of the question.

"That he implored honourable members to allow them to be dealt with in accordance with the Imperial Act, and one great source of heart-burning and mutual recriminations among the religious bodies would be at once and for ever lost in the oblivion of the past."

13. That at the same time and place the Honourable Malcolm Cameron, now a colleague of the Honourable Francis Hincks, stated, "that he was one of those who acquiesced in the settlement, and for the sake of peace wished never to hear it again, and that he warned the House to let the Act of the Imperial Government take its course, let the land be sold, and the different churches get the proceeds in strict accordance thereto."

14. That his Excellency Lord Elgin, in his despatch to Earl Grey of 19th July 1850, accompanying the Address of the Provincial Legislature, declared that he "deeply regretted the revival of agitation on this subject, of which Lord Sydenham truly observed that it had been in Upper Canada the one all-absorbing and engrossing topic of interest, and for years the principal cause of the discontent and disturbance which had arisen, and under which the Province had laboured."

15. That this House deprecates in the strongest manner any attempt to bring back to this province for future legislation, a subject which, in the language of the Lord Sydenham, is declared to be the perpetual spring of discord, strife, and hatred, and which if transferred to the United Legislature, would introduce into Lower Canada, "an entirely new element of strife."

16. That if the present unprincipled agitation should succeed in secularizing the Clergy Reserves, thus depriving religion in Upper Canada of its existing support, the same agitation ere long may be renewed, and disturb those endowments of the Roman Catholic Church which hitherto have been so instrumental in conferring a moral and religious education

upon the members of that communion, and hence may arise in Canada a spirit of antagonism between the Protestants and Roman Catholics which happily has not hitherto existed.

17. That the Honourable Inspector General, in defiance of the action of the Legislature of Upper Canada, in defiance of the declared final action of the Imperial Legislature on that subject, in defiance of the assent which was tacitly given in Canada to that settlement, in defiance of the expressed opinion of Lord Sydenham, "that the subject of the Clergy Reserves had been for many years the source of all the troubles in the province, the never-failing watchword at the hustings, and the perpetual spring of discord, strife, and hatred, and that if thrown back for decision in Canada he could not foresee the consequences, though at least he knew that peace and tranquillity must in that event long remain strangers to the province," and in defiance of the declared sentiments of several of his late colleagues, and of the Honourable Malcolm Cameron, one of his present colleagues, that the question was finally settled by the Imperial Parliament, has, by the resolutions which he has laid before this House respecting the Clergy Reserves, again revived that subject, which his Excellency the Governor General, Lord Elgin, in the above despatch, declared he deeply regretted had been revived; which has been declared by such high authority to be the source of all the troubles in the province, the perpetual spring of discord, strife, and hatred, and yet up to this period of the session he and his colleagues, as an administration, have studiously avoided announcing to the Legislature or to the country their opinion as to the final disposition which should be made of these Reserves.

18. That after the Imperial Government has finally legislated on this most important subject, in accordance with the earnest entreaties of the late Lord Sydenham, Governor-General of this province, and after the Legislature of Upper Canada had passed an Act for such purpose, it is unstatesmanlike, unmanly, and ungenerous for the administration to use threatening or intimidating language towards the Imperial Government, whilst as a provincial cabinet they have neither the courage nor integrity openly to avow to the people of Canada what in their opinion should be the final disposition of these Reserves.

The 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 14th, 16th, and 17th of the said proposed Resolutions were negatived:

Yeas.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Stevenson, Street, and Wright of West Riding York,—18.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor General Chauveau, Christie of Wentworth, Clapham, Attorney General Drummond, Dumoulin, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of East Riding York, and Young,—50.

The 11th, 12th and 13th of the said proposed Resolutions were also negatived:

Yeas.—Messrs. Badgley, Boulton, Burnham, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Stevenson, Street, and Wright of West Riding York,—17.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Attorney General Drummond, Dumoulin, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright, of East Riding York, and Young,—51.

The 15th of the said proposed Resolutions was also negatived:

Yeas.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Stevenson, and Wright of West Riding York,—17.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor General, Chauveau, Christie of Wentworth, Clapham, Attorney General Drummond, Dumoulin, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Street Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of East Riding York, and Young,—51.

The 18th of the said proposed Resolutions was also negatived:

Yeas.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Street, and Wright of West Riding York,—18.

Nays.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor General Chauveau, Christie of Wentworth, Clapham, Attorney General Drummond, Dumoulin, Fergusson,

Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-general Richards, Ridout, Rolph, Rose, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of East Riding York, and Young,—51.

On motion of Mr. Brown, the debate on the Hon. Mr. Hincks's motion was then adjourned till to-morrow, and to be then resumed after the presenting of reports to the committees.

Q uebec, Wednesday, September 15, 1852.

THE House resumed the adjourned debate upon the motion made by the Honourable Mr. Hincks yesterday, That an humble address be presented to Her most gracious Majesty, to assure Her Majesty that this House deeply regrets to learn from the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act 3 & 4 Vict. c. 78, intituled "An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the Distribution of the Proceeds thereof."

Mr. Brown moved in amendment, That the House deeply regrets that Government, in bringing the subject of the Clergy Reserves again before Parliament, has refrained from the expression of any opinion, as a Government, upon their future appropriation—the real issue of the question;

And a debate arising thereupon,

On motion of the Honourable Mr. Badgley, the debate was adjourned till to-morrow, and to be then resumed after the presenting of Reports of Committees.

Quebec, Thursday, September 16, 1852.

THE House resumed the adjourned debate upon Mr. Brown's amendment, which was yesterday proposed to be made to the motion made by the Honourable Mr. Hincks on Tuesday last, That an humble Address be presented to Her most gracious Majesty, to assure Her Majesty that this House deeply regrets to learn, from the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act 3 & 4 Vict. c. 78, intituled "An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the Distribution thereof;" and which amendment was, "That this House deeply regrets that Government, in bringing the subject of the Clergy Reserves again before Parliament, has refrained from the expression of any opinion, as a Government, upon any future appropriation—the real issue of the question."

Mr. Dixon moved, That the debate be further adjourned till to-morrow, and be then resumed after the referring of petitions.

Yeas, 35.——Nays, 33.

Quebec, Friday, September 17, 1852.

THE House resumed the adjourned debate upon Mr. Brown's amendment, which was, on Wednesday last, proposed to be made to the motion by the Honourable Mr. Hincks on Tuesday last, that an humble address be presented to Her most gracious Majesty to assure Her Majesty that this House deeply regrets to learn, from the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act, 3 & 4 Vict. c. 78, intituled "An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the Distribution thereof:" And which amendment was, "That this House deeply regrets that Government in bringing the subject of the Clergy Reserves again before Parliament has refrained from the expression of any opinion, as a Government, upon their future appropriation—the real issue of the question."

And the question being put on the amendment, the House divided:

Yeas.—Messrs. Badgley, Boulton, Brown, Burnham, Christie of Gaspé, Crawford, Dixon, Fergusson, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, M'Dougall, Papineau, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Willson, and Wright of West Riding York,—22.

Nays.—Messrs. Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Le Blanc, Lemieux, M'Donald of Cornwall, Mackenzie, Marchildon, Mattice, M'Lachlin, Merritt, Mongenais, Morin, Paige, Patrick, Poulette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Wright of East Riding, York, and Young,—54.

Mr. Brown again moved in amendment, that the final settlement of this exciting question, most consonant with the feelings of the people of Canada, would be the diversion of the Clergy Reserve lands and funds from all ecclesiastical and church purposes whatever, and their application to the support of a general system of secular education, whereby persons of all classes of society and of all religious creeds may alike profit.

Yeas.—Messrs. Brown, Fergusson, Langton, Mackenzie, and Papineau,—5.

Nays.—Messrs. Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Crawford, Dixon, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fortier, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Johnston, Lacoste, La Terrière, Laurin, Le Blanc, Le Boutillier, Lemieux, M'Donald of Cornwall, Macdonald of Kingston, Malloch, Marchildon, Mattice, M'Dougall, M'Lachlin, Merritt, Mongenais, Morin, Paige, Patrick, Pollette, Poulin, Attorney-general Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Short, Sicotte, Smith of Frontenac, Stevenson, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Willson, Wright of East Riding York, Wright of West Riding York, and Young,—71.

Mr. Brown further moved in amendment, that a Select Committee of five members of this House be appointed to prepare and report to this House, with all convenient speed, the draft of a Bill, framed in consistency with the powers of the Parliament of Canada, providing for the speedy sale of the Clergy Reserve lands to actual settlers, and for the appropriation of the funds heretofore legally derived, or to be hereafter derived, from the sale of such Clergy Reserve lands, to the maintenance of common schools; also, to prepare and report to this House, for the adoption of this House, and to accompany the aforesaid Bill when it shall in due course be transmitted to Her Majesty, the draft of an humble Address to Her most gracious Majesty, expressing the deep regret of this House at the contents of the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, dated the 22d April 1852, reminding Her Majesty that the settlement of the reserve question, in the words of the despatch of the Right Honourable the Earl Grey, "is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature, to which it properly belongs to regulate all matters concerning the domestic interests of the Province," assuring Her Majesty that the settlement provided for in the Bill aforesaid is in unison with the opinions of the people of Canada, and of their representatives, and is the only one which will ever be held as final, assuring Her Majesty that very strong feelings prevail among the people of Canada on this subject, and that consequences deeply and lamentably affecting the prosperity of this colony may be apprehended, if the feelings of the people are overruled by Imperial power, and earnestly urging that the said Bill may receive the Imperial sanction. The said Committee to consist of the Honourable Malcolm Cameron, the Honourable L. J. Papineau, Mr. Mackenzie, Mr. Fergusson and the mover.

That the Constitutional Act, 31 Geo. 3, c. 31 directed that in respect of all grants of land made in the Province of Canada by the Crown, a quantity equal to one-seventh of the land so granted should be reserved for the support of a Protestant clergy, being one-eighth of each township; that instead of this proportion, and in direct violation of the Imperial Statute forming the only authority for the Reserve, there was actually set aside in Upper Canada as Clergy Reserves, by fraud or error, one-seventh of all the land, or a quantity equal to one-sixth of the land granted; that the same violation of the Act occurred in Lower Canada, but to a greater extent, a quantity equal to one-fifth of the land alienated having been reserved for the clergy, instead of one-seventh; that the public domain was thereby wrongfully divested of 300,000 acres in Upper Canada, and 227,559 acres in Lower Canada, or, in all, of 527,559 acres of land; and therefore that the said Select Committee be further instructed to prepare and report to this House, a measure providing for the recovery from the Clergy Reserve Fund, of the money received in payment of lands so wrongfully set apart and for the appropriation of such money and of the land so wrongfully set apart and yet unsold, to the maintenance of common schools.

The House divided upon each paragraph:

Yeas.—Messrs. Brown, Fergusson, and Papineau,—3.

Nays.—Messrs. Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Crawford, Dixon, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, LaTerriere, Laurin, LeBlanc, LeBoutillier, Lemieux, McDonald of Cornwall, Macdonald of Kingston, Mackenzie, Malloch, Marchildon, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Paige, Patrick, Polette, Poulin, Attorney-general Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Short, Sicotte, Smith of Frontenac, Stevenson, Stuart, Taché,

Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Willson, Wright of East Riding of York, Wright of West Riding of York, and Young.—73.

Hon. Mr. Hincks' motion was then agreed to:

Yeas.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Patrick, Poulette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young—54.

Nays.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon Gamble, LeBoutillier, Macdonald of Kingston, Malloch, McDougall, Papineau, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Viger, Willson, and Wright of West Riding of York.—22.

Hon. Mr. Hincks then moved the following additional proposed Resolutions:

1. That whatever difference of opinion may exist among the people of Canada as to the best mode of disposing of the revenues derived from lands known as Clergy Reserves, the great mass of the people will ever maintain the principle recognized by the Right Honourable the Earl Grey, then Her Majesty's Principal Secretary of State for the Colonies, in his Despatch of 27th January 1851, to the Right Honourable the Earl of Elgin and Kincardine, that the question whether the existing arrangement "is to be maintained or altered is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature, to which it properly belongs to regulate all matters concerning the domestic interest of the province."

2. That while the people of Canada are devotedly attached to Her Majesty's person and Government, and most anxious to maintain inviolate the connexion which binds them to the great empire over which she rules, yet this House is bound by a high sense of duty to inform Her Majesty, that the refusal on the part of the Imperial Parliament to comply with the just demand of the representatives of the Canadian people on a matter exclusively affecting their own interests, will be viewed as a violation of their constitutional rights, and will lead to deep and wide-spread dissatisfaction among Her Majesty's Canadian subjects.

3. That this House is well aware that attempts have been made to induce Her Majesty's Imperial Ministers to believe that the present representatives of the people of Canada entertain opinions on the subject of the repeal of the Clergy Reserves Act different from those expressed by the late Parliament.

4. That this House confidently hopes, that when Her Majesty's Ministers shall be convinced that the opinions of the people of Canada and of their representatives on this subject are unaltered and unalterable, they will consent to give effect to the promise made by their predecessors; and this House is confirmed in this hope by the suggestion in the despatch of the Right Honourable Sir John Pakington, that Her Majesty's Ministers are prepared to recommend amendments to the Imperial Clergy Reserves Act, with a view to satisfy the wishes of the Canadian people.

5. That this House can scarcely doubt that, the principle of amending the present Act being admitted, Her Majesty's Ministers will yield to the strong feeling which pervades the Canadian people, that any new legislative enactments regarding the Clergy Reserves should be framed by their own representatives, instead of by the Imperial Parliament, which, being necessarily unacquainted with the state of public opinion in Canada, cannot be expected to concur in a measure that will give permanent satisfaction to its inhabitants.

6. That this House desires to assure Her Majesty, that in thus giving expression to the public opinion of the country, it is actuated by the strongest feelings of loyalty to Her Majesty, and by a sincere desire to prevent those lamentable consequences which must be the result of a collision between the Imperial and Provincial Parliaments, on a question on which very strong feelings are known to prevail among the people of this province.

And the question being separately put upon each, the first, second, fourth, and fifth of the proposed Resolutions were agreed to:—

Yeas.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, LeBlanc, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young.—55.

Nays.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougal, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Viger, Willson, and Wright of West Riding of York.—21.

The third proposed Resolution was also agreed to:

Yeas.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Leblanc, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Patrick, Polette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young.—53.

Nays.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Clapham, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Papineau, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Viger, Willson, and Wright of West Riding of York.—23.

Mr. Egan moved, that the 7th proposed Resolution be amended by leaving out the word "collision," and inserting instead thereof the words "difference of opinion."

Yeas.—Messrs. Badgley, Burnham, Cameron, Cartier, Cauchon, Chapais, Solicitor-general Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Crawford, Dixon, Attorney-general Drummond, Dubord, Egan, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Le Boutillier, Macdonald of Kingston, Mackenzie, Malloch, Marchildon, Mattice, McDougall, McLachlin, Merritt, Morin, Paige, Patrick, Polette, Poulin, Attorney-general Richards, Ridout, Robinson, Rolph, Sanborn, Seymour, Shaw, Short, Sicotte, Smith of Frontenac, Stevenson, Stuart, Taché, Terrill, Varin, White, Willson, Wright of East Riding of York, Wright of West Riding of York, and Young.—60.

Nays.—Messrs. Boulton, Brown, Chabot, Fergusson, LeBlanc, Lemieux, McDonald of Cornwall, Mongenais, Papineau, Rose, Tessier, Turcotte, Valois, and Viger.—14.

The said proposed Resolution as amended was then agreed to:—

Yeas.—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young.—52.

Nays.—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Le Blanc, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Tessier, Viger, Willson, and Wright of West Riding of York.—22.

The said resolutions were then referred to a select committee, to propose and report the draught of an address in conformity thereto.

Honourable Mr. Hincks, from the said committee, reported the following address, which was agreed to, and ordered to be engrossed.

[Then follows copy of an address to Her Majesty, as enclosed in Lord Elgin's despatch No. 85, September 22, 1852. *See* page 3.]

On motion of the Hon. Mr. Hincks, an address was then voted to his Excellency, informing him of the House having voted the said address to Her Majesty, and praying his Excellency will be pleased to transmit the same; and ordered to be engrossed.

It was then ordered that the said addresses be presented by the whole House, and that such members of this House as are of the honourable the Executive Council do wait upon his Excellency to know when he will be attended by the House with the said addresses.

Hon. Mr. Hincks acquainted the House that his Excellency will receive their addresses on Monday next, at three o'clock, at the Government House.

Quebec, Monday, October 18, 1852.

Mr. Brown moved the following proposed resolutions:—

1. That the Constitutional Act, 31 Geo. 3, c. 31, directed that in respect of all grants of land made in the Province of Canada by the Crown, a quantity, equal to one-seventh of the land so granted, should be reserved for the support of a Protestant Clergy, being one-eighth of each township; that instead of this proportion, and in direct violation of the Imperial Statute forming the only authority of the Reserve, there was actually set aside in Upper Canada as Clergy Reserves, by fraud or error, one-seventh of all the land, or a quantity equal to one-seventh of the land granted; that the same violation of the Act occurred in Lower Canada, but to a greater extent, a quantity equal to one-fifth of the land alienated having been reserved for the Clergy, instead of one-seventh; and that the public domain was thereby wrongfully divested of 300,000 acres in Upper Canada, and 227,559 acres in Lower Canada, or, in all, 527,559 acres of land.

2. That it is expedient forthwith to restore the lands so illegally set apart, to the use of all Her Majesty's subjects in this province; that a Select Committee of five members be therefore appointed to prepare, and report to this House, a measure providing for the recovery from the Clergy Reserve Fund of the money received in payment of the lands so wrongfully set apart, and for the appropriation of such money and of the land so wrongfully set apart, and yet unsold, to the maintenance of common schools. The said Committee to consist of Honourable Mr. Papineau, Mr. Smith of Durham, Mr. Mackenzie, Mr. Fergusson, and the mover.

Honourable Mr. Hincks moved, that the consideration of the said regulations be postponed.

Yeas.—Messrs. Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Christie of Gaspé, Christie of Wentworth, Crawford, Dixon, Egan, Fortier, Fournier, Gamble, Gouin, Hincks, Langton, La Terrière, Laurin, Le Boutillier, M'Donald of Cornwall, Macdonald of Kingston, Sir Allan N. M'Nab, Malloch, Mattice, Merritt, Mongenais, Morin, Murney, Paige, Papineau, Patrick, Poulin, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Valois, Varin, Viger, Willson, and Wright of East Riding of York.—54.

Nays.—Messrs. Brown and Mackenzie.—2.

PETITIONS TO HER MAJESTY.

To the Queen's Most Excellent Majesty.

The Petition of the undersigned Bishops of the Dioceses of Quebec, Toronto, and Montreal, in the Province of Canada,

Most humbly showeth,

That the several dioceses of Quebec, Toronto, and Montreal have, at different periods since the year 1793, been constituted in connexion with the Church of England, by your Majesty's Royal letters patent, and those of your Majesty's Royal predecessors on the throne of Great Britain; and that we the undersigned have been duly appointed by the same authority, bishops of the said dioceses:

That we have now upwards of 220 clergy officiating under our charge, who are, in a very large measure, dependent for their support on the charitable contributions of the Society in London for "the Propagation of the Gospel in Foreign Parts:"

That in very many of the existing missions, the members of the Church of England are wholly unable, by their own unassisted efforts, to provide for the maintenance of a resident clergyman, whilst at the same time every year additional clergy are required to supply the necessities of an increasing population, caused in no small degree by the continual influx of thousands of poor emigrants from Great Britain and Ireland:

That the assistance of "The Society for the Propagation of the Gospel" cannot be looked upon as a permanent source of income, and that, moreover, measures have been recently adopted for gradually withdrawing the salaries which have heretofore been supplied from those funds:

That in each of these dioceses the Church has for some time been endeavouring to raise funds of her own from the internal resources of the province, through the instrumentality of the "Incorporated Church Societies," but that the incomes of these societies are still very limited; and being called on to expend a large proportion in assisting in the erection of churches and glebe houses, and in supporting the widows and orphans of deceased missionaries, are able to apply but a very small sum annually to the maintenance of the clergy, or the establishment of permanent endowments in any of the missions:

That your Majesty's petitioners, and the members of the Church of England generally, have always looked to the revenue arising from the lands called "the Clergy Reserves," as the only available fund within the province for securing a permanent provision and relieving the Church from entire dependence on the uncertain support of voluntary contributions:

That by an Act of the British Parliament, in the year 1774, 14 Geo. III. c. 83, it was provided, that the rights, privileges, lands, or seigniories held by the Church of Rome previous to the conquest of Canada, and which were secured by the articles of capitulation, should be guaranteed to that body:

That in the same Act it was expressly provided that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the dues or rights belonging to the Crown, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said province, as from time to time should be thought necessary and expedient:

That in the year 1791 an Act was passed by the British Parliament, 31 Geo. III. c. 31, in which certain lands within the province, called "the Clergy Reserves," were appropriated; and it was declared that the rents, profits, or emoluments of such lands shall be applicable solely to the maintenance and support of a Protestant clergy within the province in which the same shall be situated, and to no other purpose whatsoever:

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That in the year 1823, in an Act passed by the Colonial Legislature, after having referred to this grant of lands which his most gracious Majesty King George III. had been pleased to reserve, and the British Parliament had sanctioned as an appropriation for the support of a Protestant clergy, it was declared, in order to resolve certain doubts that had arisen, "That no tithes shall be claimed, demanded, or received by any ecclesiastical parson, rector, or vicar of the Protestant Church within this province:"

That by these Acts of the Imperial and Colonial Legislatures, the Church of Rome was continued in possession of large endowments and privileges, which she holds undisturbed to this day, amongst which privileges is the right of taking tithe from all lands possessed by members of that communion throughout a very large portion of the province; whilst the only prospect held out of any permanent provision for a Protestant clergy, was from the profits and emoluments of these Clergy Reserves, specially appropriated for that purpose; and in consequence of their claim to which lands, their right to take tithes would appear to have been more expressly denied:

That for a period of 30 years after their first appropriation, these Clergy Reserves were always considered to have been intended for the exclusive benefit of the members of the Church of England; certain subsequent clauses in the Act of 31 Geo. III. c. 31, as well as other measures of the Crown and Parliament, causing such a construction to be put on the more general term used in the Act of Appropriation, of a Protestant clergy:

That in process of time, first the Church of Scotland, and afterwards other religious communities in the province, asserted their right to a share in the benefit arising from these Reserves:

That for many years considerable ferment and agitation prevailed in the country on this subject, in consequence of which an investigation took place before a Committee of the House of Commons in England, in the year 1827, which Committee, after entering largely into the question of the management of these lands, in their Report stated "that their value, whatever it may be, must be applied to the maintenance of a Protestant clergy, there can be no doubt," but declined giving any definition respecting the meaning of that term:

That in the year 1840, the House of Lords having put certain questions to the judges, and they having declared in answer that they were all of opinion that the words "a Protestant clergy, in the 31 Geo. III. c. 31, are large enough to include and that they do include other clergy than the clergy of the Church of England," an Act was passed by the Imperial Legislature, 3 & 4 Vict. c. 78, intituled "An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the proceeds thereof," and in such Act it is stated expressly, that it is expedient to provide for the final disposition of such lands:

That by this Act the proceeds of all sales were to be divided into six equal parts, whereof two were to be appropriated to the Church of England, and one to the Church of Scotland, and the residue was to be applied by the Governor of Canada, with the advice of the Executive Council, for the purposes of public worship and religious instruction in Canada:

That notwithstanding this arrangement was exceedingly adverse to the claims considered to have been originally existing in the Church of England, yet the members of that communion quietly submitted to the decision thus enforced by the authority of the Imperial Legislature, and received the Act with satisfaction, so far as it provided for the settlement of a question long and painfully agitated in this country, and accepted it, according to what they had all reason to do, as a final decision, and the extinction once for all of all discussions and differences upon the subject; and that to this settlement they considered, and so your Majesty's petitioners do now consider the faith of the Government to be pledged:

That under all these circumstances it has been impossible for your Majesty's petitioners to view otherwise than with the keenest sense of injury and the deepest feelings of astonishment and alarm, a proceeding during their late Session of one branch of the Provincial Legislature, when resolutions were passed by the House of Assembly, and an Address to your Majesty was voted, to the effect that this reservation of land so often pledged and appropriated by Acts of the Crown, and of the Imperial and Colonial Legislatures, and the opinion of the judges, for the maintenance of religion, should be alienated from its sacred purpose, and applied to the promotion of education and other secular objects:

That, as far as the Church of England is concerned, your Majesty's petitioners believe it has never been attempted to prove that she has in any measure failed in faithfully executing, and that too even beyond her means, the trust committed to her charge in this province, or that the ministers who are labouring in her several missions are not abundantly earning the small stipends afforded for their maintenance:

That your Majesty's petitioners cannot but apprehend that the proposed confiscation, even of the remnant and pittance of endowment which has been left to them, will create extensive and permanent dissatisfaction among the members of the Church generally in this province, creating fresh causes of jealousy and disquiet, and destroying confidence in the security of all rights of property in this country, however sanctioned by Royal charter or Acts of the Imperial or Provincial Parliament:

That your Majesty's petitioners, therefore, cannot refrain from deprecating in the most earnest and solemn manner, an act of spoliation which would be disastrous to the best interests of human society, and openly hostile to the propagation of the truth of God; and that your petitioners confide in your Majesty's gracious protection of your loving and loyal

subjects, and your concern for their religious well-being, to prevent the completion of a measure which, in the face of another Church, quietly possessing the most ample endowments, and enjoying in this province the most magnificent resources, through the large and generous indulgence of your Majesty's Government, would, in all human calculation, go far to crush the hopes and neutralize the efforts of a poor and laborious clergy, and cause severe damage through future generations to the spiritual interests of the people of these dioceses professing the religion of the British empire.

Wherefore, your Majesty's petitioners most humbly pray, that your Majesty will be graciously pleased to withhold your Royal sanction from any measure for reversing or altering the provisions of the Act of the Imperial Parliament, 3 & 4 Vict. c. 78; and your Majesty's petitioners, as in duty bound, will ever pray.

Dated this 19th day of February 1851.

(Signed) G. J. Quebec.
John Toronto.
F. Montreal.

To Her Most Gracious Majesty Queen Victoria.

The humble Petition of the Bishop of Montreal, and the Clergy and Congregations of the Diocese of Montreal, in the Province of Canada.

Showeth,

That by an Act of the British Parliament, passed in the year 1774, 14 Geo. III. c. 83, it was provided, that the rights, privileges, lands, or seigniories held by the Church of Rome previous to the conquest of Canada, and which had been secured by the articles of capitulation, should be guaranteed to that body:

That in the same Act it was expressly provided, that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the dues or rights belonging to the Crown in Canada, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said province, as should from time to time be thought necessary and expedient:

That, in the year 1791, an Act was passed by the British Parliament, 31 Geo. III. c. 31, in which certain lands within the province, called the Clergy Reserves, were appropriated; and it was declared that "the rents, profits, or emoluments of such lands shall be applicable solely to the maintenance and support of a Protestant clergy within the province, and to no other purpose whatever:"

That in the year 1823, in an Act passed by the Colonial Legislature, after referring to this grant of lands which his Majesty had been graciously pleased to reserve for the support of a Protestant clergy, it was declared, in order to resolve certain doubts that had arisen, "that no tithes shall be claimed, demanded, or received by any ecclesiastical parson, rector, or vicar of the Protestant Church within this province:"

That, by these different Acts of the Legislature, the Church of Rome was continued in possession of large endowments and privileges, and does so hold them unto this day, amongst which is the right of taking tithe on all lands possessed by members of that communion throughout a very large portion of the province; whilst the only prospect of any permanent endowment for a Protestant clergy was from the profits and emoluments of these Clergy Reserves, which had been specially appropriated for that purpose, and in consideration of which their right to demand tithes seems more expressly to have been denied:

That for a period of thirty years after the first appropriation of these Clergy Reserves they were considered to have been intended for the exclusive benefit of the clergy of the Church of England within this province, certain subsequent clauses in the Act 31 Geo. III. c. 31, as well as other measures of the Crown and Parliament, having caused such a construction to be put on the more general term used of "a Protestant clergy:"

That in progress of time first the Church of Scotland, and afterwards other religious communities within the province, asserted their right to a share in the benefit arising from these Reserves:

That for many years considerable ferment and agitation prevailed in the country on this subject, and an investigation took place in England, before a Committee of the House of Commons, in the year 1827, which Committee, after entering largely into the question of the management of these lands, in their Report distinctly stated "that their value, whatever it may be, must be applied to the maintenance of a Protestant clergy, there can be no doubt;" but the Committee declined giving any definition respecting the meaning of that term:

That in the year 1840, the House of Lords, having put certain questions to the Judges, and they having declared in answer that they were all of opinion that the words "'a Protestant clergy,' in the 31 Geo. III. c. 31, were large enough to include, and that they do include, other clergy than the clergy of the Church of England," an Act was passed by the Imperial Legislature, 3 & 4 Vict. c. 78, intituled "An Act to provide for the sale of the

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Clergy Reserves in the province of Canada, and for the distribution of the proceeds thereof;" and therein it is enacted that "it is expedient to provide for the final disposition of the lands called Clergy Reserves in Canada," and directs that the proceeds of all sales were to be divided into six equal parts, of which two were to be appropriated to the Church of England and one to the Church of Scotland, and the residue to be applied by the Governor of Canada, with the advice of the Executive Council, for the purpose of public worship and religious instruction in Canada:

That notwithstanding this arrangement was exceedingly adverse to the claims originally believed to have been existing in the Church of England, yet the members of that communion peaceably submitted to the law, receiving the Act with satisfaction, so far as it provided for the settlement of a question which had been long and painfully agitated, and accepting it, according to what they had good reason to do, as a final settlement and extinction, once for all, of all discussions and differences upon the subject; and that to this settlement they considered, and so your Majesty's petitioners do now consider, the faith of the Government to be pledged:

That, under all these circumstances, it has been impossible for your Majesty's petitioners to view otherwise than with the keenest sense of injury and the deepest feelings of astonishment and alarm, a proceeding, during their late Session, of one branch of the Provincial Legislature, in which resolutions have been passed by the House of Assembly, and an address to your Majesty has been voted, to the effect that this reservation of land so often solemnly pledged and appropriated for the maintenance of religion and support of a Protestant Clergy by Acts of the Crown, and of the Imperial and Colonial Parliaments, sanctioned by the unanimous opinion of the Judges, should be alienated from its sacred purpose and applied to the promotion of education and other secular objects:

That your Majesty's petitioners cannot but consider that such a measure, if allowed to take effect, must be calculated most seriously to shake all confidence in every species of endowment in this country, whether sanctioned by Royal charter or by the Acts of Imperial or Colonial Legislatures, and that it will be highly injurious to the cause of religion:

That there are at this time eighty-two clergymen of the Church of England officiating in the two dioceses of Quebec and Montreal, in Lower Canada:

That the Church of England population in this division of the province is believed to approach in numbers to the entire aggregate of all other Protestant denominations within that portion of the province, and that it consists at the same time, to a very great extent, of the occupiers of poor and backward settlements, who mainly depend for the ministrations of religion upon the charity of the Society in London for the Propagation of the Gospel, the revenue up to this date derived from the Clergy Reserves supplying but a very small portion of the expenditure made upon the most frugal and parsimonious scale for this object:

That whenever the assistance of the above-mentioned Society shall be withdrawn, an arrangement which steps have been taken gradually to accomplish, the revenue from the Clergy Reserves, in whatever degree it shall have been improved, will form an extremely inadequate provision, and one which need not in any quarter be grudged, for the maintenance of religion among those who can do but little for themselves; and that your Majesty's petitioners confide in your Majesty's gracious protection of your loving and loyal subjects, and your concern for their religious well-being, to prevent the sanction of a measure which, in the face of another Church, enjoying the most magnificent resources through the large and generous indulgence of your Majesty's Government, would, in human calculation, go far to crush the hopes and neutralize the efforts of a poor and laborious clergy, and to carry severe damage in all perpetuity to the spiritual interests of the people in this diocese professing the religion of the British empire.

Wherefore, your petitioners humbly pray, that your Majesty will decline to re-open this question, but leave your petitioners and other religious bodies in the enjoyment of the privileges they now possess.

And your petitioners, both from duty and inclination, will ever pray.

(Signed) F. Montreal.
John Bethune, D.D.,
Rector of Christchurch Cathedral.
W. Agar Adamson, D.C.L.
And 1,771 other Signatures.

Montreal, February 19, 1851.

FURTHER PAPERS

RELATIVE TO

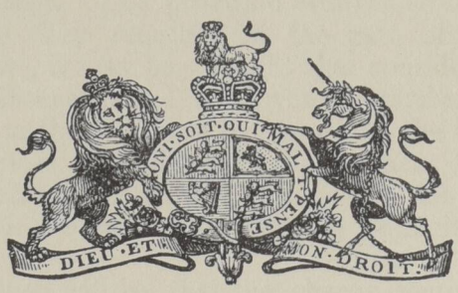
THE CLERGY RESERVES

IN

CANADA.

(*In continuation of Papers presented to Parliament by Her Majesty's Command, 11th February* 1853.)

Presented to both Houses of Parliament by Command of Her Majesty.
4th April 1853.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1853.

FURTHER PAPERS

RELATIVE TO

THE CLERGY RESERVES IN CANADA.

No. 21.

Copy of a DESPATCH from the Duke of Newcastle to the Earl of Elgin and Kincardine.

My Lord, Downing Street, 24th March 1853.

In my despatch of the 15th January last, I informed you that Her Majesty's Government had determined on advising Her Majesty to accede to the prayer of the address to the Queen from the Commons of Canada on the subject of the Clergy Reserves.

2. I enclose a copy of the Bill which has been introduced into the House of Commons by the Under Secretary of this Department in pursuance of that decision, and which has passed the second reading by a large majority.

Bill.

3. By the last section of this Bill, as it was originally introduced, it was proposed to repeal section 8. of the Act to provide for the sale of these reserves passed in 1840, which imposes a guarantee of certain annual sums to the Churches of England and Scotland respectively on the Consolidated Fund,—a guarantee which has hitherto been inoperative on account of the large excess of the proceeds of the Reserves above the sums in question, and which for the same reason would in all probability remain so if those proceeds continued to be appropriated to the present purposes.

4. At the time when this provision of the Bill was adopted, I was not aware of any peculiar circumstances connected with the introduction of the guarantee clause into the Act of 1840 which should take that clause out of the ordinary case of similar enactments. Power being given to the Canadian Legislature over the fund itself, it appeared consistent that the collateral guarantee should cease.

5. It seems, however, on further inquiry, that there was an understanding on the subject of that clause in 1840, between Her Majesty's then Ministers on the one hand, and the Archbishop of Canterbury, as representing the Church of England in Canada, on the other. The provision established by it was made a condition for the concession then required on the part of the Church of England. This being the case, it may be thought that considerations of good faith are involved in its maintenance. I refer you for farther explanation to the debate which took place in the House of Commons on the 6th July 1840.

6. Under these circumstances, Her Majesty's Government have thought it advisable to propose the withdrawal of the third section, which was accordingly struck out of the Bill by the House of Commons in Committee on the 18th current.

7. The effect of this omission will be, that the charge contingently imposed on the Consolidated Fund will remain unaffected by this Act. The contingency is one which cannot arise so long as the life interests protected by the Bill continue to require the expenditure of 7,700*l.* annually for the Church of England, and 1,580*l.* for the Church of Scotland, unless (which is not to be anticipated) the proceeds of the Reserves should fall below that joint amount. It was against this event, however, that the provision was intended to guard. When the life interests have so far terminated as to reduce the sum required below that amount, then, if the remaining proceeds of the Reserves shall have been devoted to purposes other than those of the Churches of England and

Scotland, it may be contended, even although the fund may largely exceed the sum mentioned in the Act, that, according to a possible construction of the clause in question, the liability may arise.

8. It has been urged in Parliament, that the guarantee on the part of the Imperial Treasury ought now to cease, both on grounds of justice and because the reason originally assigned by Lord John Russell in 1840 for placing it on the Consolidated Fund, instead of the revenue of Canada, no longer exists; and it may be further argued, that in making this final settlement the sums so guaranteed ought to be received out of the general provisions of the Act, and definitively charged on the revenues.

9. Her Majesty's Government would, however, feel themselves bound to oppose the introduction of any such provision into the present Bill. They would regard it as wholly incompatible with the general principles upon which the measure is based, and with the assurances already given to Canada.

I cannot, however, avoid expressing a hope, that, if at some future time the Parliament of Canada should think proper to legislate upon the subject of the Clergy Reserves, they will not lose sight of the expectations which this guarantee, whatever may be its force, held out at the time to the Churches of England and Scotland, more especially as it was inserted in the Act of 1840, for the purpose of promoting a settlement of the question which was then regarded as highly beneficial to Canada, and which has in the interval greatly mitigated those religious disputes which had before extensively prevailed.

I have, &c.
(Signed) NEWCASTLE.

CLERGY RESERVES (CANADA) ACT.

OPINIONS of the JUDGES on the QUESTIONS propounded to them on the 13th of April 1840, relative to the CLERGY RESERVES (CANADA) ACT.

(*Delivered by the Lord Chief Justice of the Court of Common Pleas.*)

My Lords,

ON the part of Her Majesty's Judges, I have the honour to represent to your Lordships, that all the Judges of England, with the exception of Lord Denman and Lord Abinger, have met together in Serjeant's Inn, for the purpose of taking into consideration the several questions which your Lordships have been pleased to propose to us; and that after discussion upon the subject, and deliberation, we have agreed, unanimously, upon the answers to be returned to those several questions, as follows:

In answer to the first Question, we are all of opinion that the words "a Protestant Clergy" in the Statute 31 Geo. 3, c. 31, are large enough to include, and that they do include, other Clergy than those of the Church of England, and Protestant Bishops, Priests, and Deacons, who have received Episcopal Ordination.

For those words, which are first to be met with in the Statute 14 Geo. 3, c. 83 (recited in the Act now under consideration), appear to us, both in their natural force and meaning, and still more from the context of the clauses in which they are found, to be there used to designate and intend a Clergy opposed in doctrine and discipline to the Clergy of the Church of Rome, and rather to aim at the encouragement of the Protestant Religion in opposition to the Romish Church, than to point exclusively to Clergy of the Church of England. And although the Legislature, in passing the Statute 31 Geo. 3, appears to have had in its view the establishment of the Church of England, primarily, and in a more especial and immediate manner, as is evident from this, that the only detailed provisions for carrying the object of the Act into effect are confined to the erection and endowment of Parsonages and Rectories according to the Establishment of the Church of England, the presenting thereto Incumbents or Ministers of the Church of England duly ordained according to the rites of the said Church, and the subjecting of them to all spiritual and ecclesiastical jurisdiction and authority, according to the laws and canons of the Church of England which are lawfully made and received in England (sections 38, 39, 40, of the said Act); yet does it appear to us, that the Legislature, by employing the more general and comprehensive term "Protestant Clergy" in the same Statute in which they also use the expression "Incumbents or Ministers of the Church of England," must be intended to have included within the former and larger expression other Clergy beside those who are comprised within the limit of the latter.

And when your Lordships desire the Judges to state, if any other Clergy are included, what other? we answer, that it appears to us that the Clergy of the Established Church of Scotland do constitute one instance of such other Protestant Clergy.

For by the Act of Union of the two kingdoms of England and Scotland, it is made a fundamental article of such Union, "that the true Protestant Religion as then professed within the kingdom of Scotland, with the worship, discipline, and government of the Church, should be effectually and unalterably secured within the kingdom of Scotland." And when a subsequent Act of the British Legislature, relating to the government, laws, and religion of a British colony, acquired by conquest since the Union, and forming part of the dominions of the British Crown, employs, with reference

to that colony, the terms "a Protestant Clergy," there being no words in the Statute which necessarily restrain and limit the meaning of the expression, we think it must be held to include the Clergy of the Protestant Church established in Scotland; and we feel ourselves confirmed in this opinion by observing, that on several occasions the precise expression is to be found in the Statute Book, "the Clergy of the Established Church of Scotland." The 48 Geo. 3, c. 138, in its very title mentions "the Clergy of Scotland." In the 50 Geo. 3, c. 84, "the Rights and Interests of the Clergy of Scotland" are repeatedly spoken of; and in the 5 Geo. 4, c. 72, s. 7, a reference will be found to several Acts of Parliament which make mention of the "Poor Clergy of the Established Church of Scotland."

And although in answering your Lordships' question we specify no other Church than the Protestant Church of Scotland, we do not thereby intend that besides that Church the Ministers of other Churches may not be included under the term "Protestant Clergy." At the same time, as we do not find on the Statute Book the acknowledgment by the Legislature of any other Clergy answering that description, and as we are not furnished by your Lordships with any information as to the doctrine or discipline of any other denominations of Protestants to which the Statute of the 31 Geo. 3 can by possibility apply, we are unable to specify any other to your Lordships as falling within the Statute.

My Lords,—In answer to the Question secondly put to us, we are all of opinion that the effect of the 41st section of the Statute is prospective only, and that the power thereby given to the Legislative Council and Assembly of either of the Provinces cannot be extended to affect lands which have been already allotted and appropriated under former grants; for the manifest import of the 41st section appears to us to be limited to this, namely, "the varying or repealing the provisions respecting the allotment and appropriation of lands," and not to comprehend "the varying or repealing allotments or appropriations which have been already made under provisions of the Act, whilst such provisions continued unrepealed and in full force." The provisions of the Statute of Wills might be varied or repealed without affecting the devises of land already made under it.

My Lords,—In answer to the Question lastly proposed, we all agree in the opinion that the Legislative Council and Assembly of the Province of Upper Canada have exceeded their authority in passing the Act "to provide for the Sale of the Clergy Reserves, and for the distribution of the Proceeds thereof," in respect of both the enactments specified in your Lordships' Question. As to the enactment "that it should be lawful for the Governor, by and with the advice of the Executive Council, to sell, alienate, and convey in fee simple all or any of the Clergy Reserves," we have, in answer to the second Question, already stated our opinion to be such, as that it is inconsistent with any such power in the Colonial Legislature; and as to the enactment "that the proceeds of all past sales of such Reserves, which have been or may be invested under the authority of the Act of the Imperial Parliament passed in the 7 & 8 Geo. 4, for authorizing the sale of part of the Clergy Reserves in the Provinces of Upper and Lower Canada, shall be subject to such orders and directions as the Governor in Council shall make and establish for investing in any Securities within the Province of Upper Canada the amount now funded in England, together with the proceeds hereafter to be received from the Sales of all or any of the said Reserves," we think such an enactment is in its terms inconsistent with and contradictory to the provisions of the Statute of the Imperial Parliament 7 & 8 Geo. 4, and therefore void, there being no express authority reserved by that Act to the Colonial Legislature to repeal the provisions of such latter Statute.

CLERGY RESERVES (CANADA) ACT.

COPY of the OPINIONS of the JUDGES on the QUESTIONS propounded to them on the 13th of April 1840, relative to the CLERGY RESERVES (CANADA) ACT.

[*Brought from the Lords*, 24 *February* 1853.]

Ordered, by The House of Commons, *to be Printed*,
24 *February* 1853.

160.

Under 1 *oz.*

436

CLERGY RESERVES (CANADA).

RETURN to an Address of the Honourable The House of Commons, dated 23 November 1852;—*for*,

"RETURNS for every Year, since 1840, of the Amount of the CLERGY RESERVE FUND of *Canada*, formed under the Act 3 & 4 Vict. c. 78, s. 3:"

"Of the PAYMENTS made out of the said FUND to the Church of *England*, to the Church of *Scotland*, and to any other Religious Sect, under the Act 3 & 4 Vict. c. 78, ss. 4 and 7:"

"Of the PAYMENTS made out of the CONSOLIDATED FUND of the United Kingdom, to the Church of *England*, and to the Church of *Scotland*, in *Upper Canada*, under the Act 3 & 4 Vict. c. 78, s. 8:" *

"And, of any other PAYMENTS made out of the Revenue of the United Kingdom, to Religious Sects in *Canada*, distinguishing each Sect." *

* *Note.*—This information will be supplied in a further Return to the present Address.

Colonial Office, Downing-street, 28 February 1853.

FREDERICK PEEL.

(*Sir William Molesworth.*)

Ordered, by The House of Commons, *to be Printed*, 1 *March* 1853.

LOWER CANADA. - - - - - -

RETURNS for every Year since 1840 of the Amount of the CLERGY RESERVE FUND of that c. 78, s. 3; also of the Payments made out of the said FUND to the Church of *England*, to the required by the LETTER from the Right Hon. the Secretary of State for the Colonies, dated

YEARS.	FUND.			AMOUNT CURRENCY.		
	Under Section 3d of the Act.			£.	s.	d.
1841	On account of Dividends on Investments in England - - -			555	11	1
1842	Ditto - - ditto - - ditto - - - - - - -			4,511	8	7
		£.	s. d.			
1843	Ditto - - ditto - - ditto - - - -	1,204	5 3			
	Rents of Leased Lots - - - - -	141	18 6			
				1,346	3	9
1844	Dividends on Investments in England - - -	-	- -	1,451	8	6
		£.	s. d.			
1845	Ditto - - ditto - - ditto - - - -	1,769	- 9			
	Rents of Leased Lots - - - - -	13	10 -			
				1,782	10	9
	Add, sums of the Revenues of the Clergy Reserve Fund in Canada in the years 1838, 1839, and 1840, 500 *l.* sterling each year - - - - - - - - - -			1,666	13	4
			£.	11,313	16	-
1846	Dividends on Investments in England - - - - - -			2,602	8	1
	TOTAL - - - £.			2,602	8	1
1847	Dividends on Investments in England - - - - - -			2,929	16	-
	Ditto - - ditto - in the Province - - - - -			95	-	-
	TOTAL - - - £.			3,024	16	-
1848	Dividends on Investments in England - - - - - -			2,980	-	-
	Ditto - - ditto - in the Province - - - - -			95	-	-
	Rents of Leased Lots - - - - - - - -			4	14	-
	Transferred from the Account for Upper Canada - - - -			68	4	11
	TOTAL - - - £.			3,147	18	11
1849	Dividends on Investments in England - - - - - -			2,933	6	8
	Ditto - - ditto - in the Province - - - - -			95	-	-
	TOTAL - - - £.			3,028	6	8
1850	Dividends on Investments in England - - - - - -			2,933	6	8
	Ditto - - ditto - in the Province - - - - -			95	-	-
	Rents of Leased Lots - - - - - - - - -			200	-	-
	TOTAL - - - £.			3,228	6	8
	New Fund under Sections 4 and 7 of the Act.					
"	Dividends on Investments within the Province - - - -			127	-	-
	Interest on Lots Sold on Credit - - - - - - - -			230	14	4
	Rents of Leased Lots - - - - - - - - - -			139	3	6
	Total for 1850 - - - £.			496	17	10
	Amount of this Fund received in previous years, not before apportioned			543	4	3
	TOTAL - - - £.			1,040	2	1

- - - - - - LOWER CANADA.

Portion of the Province of *Canada* formerly *Lower Canada*, formed under the Act 3 & 4 Vict. Church of *Scotland*, and to any other Religious Sect, under the Act 3 & 4 Vict. c. 78, ss. 4, 7, 2 December 1852, addressed to his Excellency the Governor-General of the Province.

YEARS.	PAYMENTS.	£.	s.	d.	AMOUNT CURRENCY. £.	s.	d.
	Under Section 3d of the Act.						
1841	Paid to the Church of Scotland - - - - - - - -				555	11	1
1842	Paid to the Church of Scotland - - - - - - - -				555	11	1
1843	Paid to the Church of Scotland - - - - - - - -				555	11	1
1844	Paid to the Church of Scotland - - - - - - - -				452	–	–
1845	Paid to the Church of Scotland for this year - - - - -				330	13	7
	Add, previously paid to the Church of Scotland for the years 1838, 1839, and 1840, 500 *l.* sterling each - - -				1,666	13	4
	Paid to the Church of England - - - - - - - -				7,197	15	10
	Overpaid to the Church of Scotland to this date - £.344. 14 *s.* 10 *d.*						
				£.	11,313	16	–
1846	Two-thirds to the Church of England - - -	1,734	18	9			
	Add, over-payment to the Church of Scotland up to 1845 - - - - - - -	344	14	10			
					2,079	13	7
	One-third to the Church of Scotland - - -	867	9	4			
	Deduct, over-payment to 1845 - - -	344	14	10			
					522	14	6
			TOTAL - - -	£.	2,602	8	1
1847	Two-thirds paid to the Church of England - - - - -				2,016	10	8
	One-third to the Church of Scotland - - - - - -				1,008	5	4
			TOTAL - - -	£.	3,024	16	–
1848	Two-thirds paid to the Church of England - - - - -				2,098	12	8
	One-third paid to the Church of Scotland - - - - -				1,049	6	3
			TOTAL - - -	£.	3,147	18	11
1849	Two-thirds paid to the Church of England - - - - -				2,018	17	9
	One-third paid to the Church of Scotland - - - - -				1,009	8	11
			TOTAL - - -	£.	3,028	6	8
1850	Two-thirds paid to the Church of England - - - - -				2,152	4	5
	One-third paid to the Church of Scotland - - - - -				1,076	2	3
			TOTAL - - -	£.	3,228	6	8
	New Fund, under Sections 4 and 7 of the Act.						
„	Two-sixth shares paid to the Church of England - - - -				346	14	–
	One-sixth share paid to the Church of Scotland - - - -				173	7	–
			TOTAL Payments - - -	£.	520	1	–
	Balance of this Fund at the future appropriation of the Governor in Council - - - - - - - - - - - - - -				520	1	1
			TOTAL - - -	£.	1,040	2	1

YEARS.	FUND.	AMOUNT CURRENCY.
		£. s. d.
	Fund under Section 8 of the Act.	
1851	Dividends on Investments in England - - - - - - -	2,936 13 4
	Ditto - - ditto - in the Province - - - - - -	95 – –
	Rents of Leased Lots - - - - - - - - - - -	2 1 –
	TOTAL - - - £.	3,033 14 4
	New Fund under Sections 4 and 7 of the Act.	
	Dividends on Investments in the Province - - - - - -	127 – –
	Interest on Lots Sold on Credit - - - - - - - -	251 19 9
	Rent of Leased Lots - - - - - - - - - - -	75 4 2
	TOTAL - - - £.	454 3 11
	Old Fund under Section 3 of the Act.	
1852	Dividends on Investments in England - - - - - - -	2,957 17 4
	Interest on Investments in the Province - - - - - - -	95 – –
	Rents of Leased Lots - - - - - - - - - - -	3 15 4
	TOTAL - - - £.	3,056 12 8
	New Fund under Sections 4 and 7 of the Act.	
	Dividends on Investments in the Province - - - - - -	199 17 10
	Interest from Lands Sold on Credit - - - - - - -	252 12 7
	TOTAL - - - £.	452 10 5

Inspector-General's Office, Quebec,
31 January 1853.

YEARS.	PAYMENTS.	AMOUNT CURRENCY.
	Under Section 3 of the Act.	£. s. d.
1851	Two-thirds paid to the Church of England - - - - - -	2,022 9 7
	One-third to the Church of Scotland - - - - - - -	1,011 4 9
	TOTAL - - - £.	3,033 14 4
	New Fund under Sections 4 & 7 of the Act.	
,,	Two-sixth shares paid to the Church of England - - - - -	151 7 11
	One-sixth share paid to the Church of Scotland - - - - -	75 14 –
	TOTAL PAYMENTS - - - £.	227 1 11
	Balance of this Fund at the future appropriation of the Governor in Council - - - - - - - - - - - - - -	227 2 –
	TOTAL - - - £.	454 3 11
	Under Section 3 of the Act.	
1852	Two-thirds paid to the Church of England - - - - - -	2,037 15 1
	One-third to the Church of Scotland - - - - - - -	1,018 17 7
	TOTAL - - - £.	3,056 12 8
	Under Sections 4 & 7 of the Act.	
,,	Two-sixth shares to the Church of England - - - - - -	150 16 9
	One-sixth share to the Church of Scotland - - - - - -	75 8 5
	TOTAL PAYMENTS - - - £.	226 5 2
	Balance of this Fund remaining at the future appropriation of the Governor in Council - - - - - - - - - - - -	226 5 3
	TOTAL - - - £.	452 10 5

Note.—There remains of this Fund unappropriated, the under-mentioned sums, viz.:

	£. s. d.
From the Year 1850 - - - - - - - - - - -	520 1 1
Ditto - - - 1851 - - - - - - - - - -	221 2 –
Ditto - - - - 1852, as above - - - - - - -	226 5 3
TOTAL UNAPPROPRIATED CURRENCY - - - £.	973 8 4

Jos. Cary,
Deputy Inspector-General.

UPPER CANADA. - - - -

RETURNS for every Year since 1840, of the Amount of the CLERGY RESERVE FUND of *Canada* FUND to the Church of *England*, to the Church of *Scotland*, and to any other Religious Sect, Secretary for the Colonies, dated Downing-street, 2 December 1852, addressed to his Excel-

YEAR.	FUND.	AMOUNT CURRENCY.
	Under Section 3 of the Act.	£. s. d.
1841	Dividends on investments in England - - - - - -	4,525 – –
	Interest on lands sold on credit - - - - - - -	6,807 5 –
	Rents from leased lots - - - - - - - - -	1,497 15 6
	TOTAL - - - £.	12,830 – 6
1842	Dividends on investments in England - - - - - -	4,083 10 9
	Interest on lands sold on credit - - - - - - -	4,634 13 10
	Rents from leased lots - - - - - - - - -	700 – –
	TOTAL - - - £.	9,418 4 7
1843	Dividends on investments in England - - - - - -	3,138 13 11
	Interest on lands sold on credit - - - - - - -	5,268 7 5
	Rents from leased lots - - - - - - - - -	408 – 7
	TOTAL - - - £.	8,815 1 11
1844	Dividends on investments in England - - - - - -	6,809 13 –
	Interest on sales on credit - - - - - - - -	6,500 – –
	Refund of overpayment of a pension - - - - - -	38 17 9
	TOTAL - - - £.	13,348 10 9
1845	Dividends on investments in England - - - - - -	7,292 3 9
	Interest on sales on credit - - - - - - - -	11,911 3 5
	Rents from leased lots - - - - - - - - -	5,500 – –
	Balance from previous years, being part of the sum reserved for the Wesleyan Methodists - - - - - - - - -	1,624 2 7
	TOTAL - - - £.	26,327 9 9

- - - - - UPPER CANADA.

West, formed under the Act 3 & 4 Vict. c. 78, s. 3; also of the Payments made out of the said under the Act 3 & 4 Vict. c. 78, s. 4 and 7, required by the Letter from the Right Honourable lency the Governor-general of the Province.

YEAR.	PAYMENTS.						AMOUNT CURRENCY.		
	Under Section 3 of the Act.						£.	s.	d.
1841	To the Church of England - - - - - - - - -						9,479	18	11
	To the Church of Scotland - - - - - - - - -						1,822	4	5
	To the United Synod of the Presbyterian Church - - - -						777	15	2
	To the Roman Catholic Church - - - - - - - -						1,666	13	4
	TOTAL - - - £.						13,746	11	10
1842	To the Church of England - - - - - - - - -						8,189	5	2
	To the Church of Scotland - - - - - - - - -						1,710	16	8
	To the United Synod of the Presbyterian Church - - - -						707	1	4
	To the Roman Catholic Church - - - - - - - -						1,666	13	4
	TOTAL - - - £.						12,273	16	6
1843	To the Church of England - - - - - - - - -						7,912	10	–
	To the Church of Scotland - - - - - - - - -						1,527	13	–
	To the United Synod of the Presbyterian Church - - - -						707	1	1
	To the Roman Catholic Church - - - - - - - -						1,666	13	4
	TOTAL - - - £.						11,813	17	5
1844	To the Church of England - - - - - - - - -						7,737	19	1
	To the Church of Scotland - - - - - - - - -						1,157	16	7
	To the United Synod of the Presbyterian Church - - - -						619	6	4
	To the Roman Catholic Church - - - - - - - -						1,666	13	4
	TOTAL - - - £.						11,181	15	4
		£.	s.	d.	£.	s.	d.		
1845	Amount of Fund for this year, per contra - - - - - - - -				26,327	9	9		
	Out of which was paid—								
	To the Roman Catholic Church -	1,666	13	4					
	For allowance to Rev. W. Bell, as Presbyterian Minister at Perth -	111	2	2					
	To the United Synod of the Presbyterian Church - - - -	636	7	–					
	For investment for the Wesleyan Methodists, being the annual allowance to that sect from the year 1841 to 1845, inclusive, at 700*l.* sterling per annum - -	3,888	17	9	= 6,303	–	3		
								6,303	– 3
	Leaving to be divided between the Churches of England and Scotland - - - - - - - - -				20,024	9	6		
	Two-thirds of which paid to the Church of England - - -							13,349	13 –
	One-third to the Church of Scotland - - - - - -							6,674	16 6
	TOTAL - - -							26,327	9 9

YEAR.	FUND.	AMOUNT CURRENCY.
	Old Fund:	£. s. d.
1846	Dividends on Investments in England - - - - - -	11,360 8 8
	Ditto - - ditto - - in the Province - - - - -	210 3 3
	Interest on Sales of Land on Credit - - - - - -	8,452 17 8
	Rents of Leased Lots - - - - - - - - - -	10,037 9 9
	Transfer from the New Fund, arising under the 7th Section of the Act, towards refunding Over-payments out of this Fund to the Clergy of the Roman-Catholic Church - - - - - - - -	353 6 8
	Total - - - £.	30,714 6 –
	New Fund, under 4th & 7th Sections of the Act.	
	Dividends on Investments in the Province - - - - -	706 13 4
	Total - - - £.	706 13 4
	Old Fund:	
	Under Section 3d of the Act.	
1847	Dividends on Investments in England - - - - - -	8,401 1 5
	Ditto - - ditto - - in the Province - - - - -	1,176 3 6
	Interest on Sales of Land on Credit - - - - - -	6,440 18 2
	Rents on Leased Lots - - - - - - - - - -	7,881 – –
	Transfer from the New Fund under the 7th Section of the Act, the Balance of Over-payment out of this Fund to the Clergy of the Roman Catholic Church - - - - - - - - -	946 18 4
	Total - - - £.	24,846 1 5
	New Fund:	
	Under 4th and 7th Sections of the Act.	
	Dividends on Investments in the Province - - - - -	2,424 10 7
	Interest on Lands sold on Credit - - - - - - -	1,065 17 5
	Total - - - £.	3,490 8 –

YEAR.	PAYMENTS.						AMOUNT CURRENCY.		
					£.	s. d.	£.	s.	d.
1846	Amount of Fund, per contra - - - - - -				30,714	6 –			
	Out of which was paid—	£.	s.	d.					
	To the Roman Catholic Church - -	1,666	13	4					
	For investment for Wesleyan Methodists,	777	15	7					
	Allowance to the Rev. W. Bell, Presbyterian Minister, at Perth - - -	111	2	2					
	To the United Synod of the Presbyterian Church - - - - - - -	636	7	–	= 3,191	18 1			
							3,191	18	1
	Leaving to be divided between the Churches of England and Scotland - - - - - - - -				27,522	7 11			
	Two-thirds of which paid to the Church of England - - -						18,348	5	3
	One-third paid to the Church of Scotland - - - - -						9,174	2	8
	TOTAL - - - £.						30,714	6	–
	Under 4th and 7th Sections of the Act.								
1846	Two-sixth Shares paid to the Church of England - - - -						235	11	1⅓
	One-sixth Share to the Church of Scotland - - - - -						117	15	6⅔
	Total New - - - £.						353	6	8
	Leaves Three-sixth Shares, applied by the Governor in Council towards the repayment of Excess of Payment out of Fund, under the 3d Section, to the Roman Catholic Church - - - - - - -						353	6	8
	TOTAL - - - £.						706	13	4
	Under Section 3d of the Act.								
1847	Amount of Fund, per contra - - - - -				£.	s. d.			
					24,846	1 5			
	Out of which there was paid—	£.	s.	d.					
	Allowan ceto the Roman Catholic Church	1,666	13	4					
	Ditto to the Rev. W. Bell, Presbyterian Minister - - - -	111	2	3					
	Ditto to the United Synod of the Presbyterian Church - - -	565	13	–					
					2,343	8 7	2,343	8	7
	Leaving to be divided between the Churches of England and Scotland - - -				22,502	12 10			
	Two-thirds of which paid to the Church of England - - - -						15,001	15	3
	One-third to the Church of Scotland - - - - - -						7,500	17	7
	TOTAL - - - £.						24,846	1	5
	Under Sections 4th & 7th of the Act.								
1847	Two-sixth Shares of this Fund paid to the Church of England - -						1,163	9	4
	One-sixth Share to the Church of Scotland - - - - -						581	14	8
	Under the order of the Governor in Council paid to Ruling Elders of the Congregations of the South Gower, Oxford and Mountain, in connexion with the Synods of the Presbyterian Church of Canada -						50	–	–
	Transferred to the other Fund under Section 3, being the Balance of Over-payment out of that Fund to the Roman Catholic Church -						946	18	4
	Balance of this Fund at the future appropriation of the Governor in Council - - - - - - - - - - - - -						748	5	8
	TOTAL - - - £.						3,490	8	–

YEAR.	FUND.	AMOUNT CURRENCY. £. s. d.
1848	OLD FUND:	
	Under Section 3 of the Act.	
	Dividends on investments in England	8,536 9 2
	Ditto on ditto within the province	2,036 16 5
	Interest on sales of land on credit	1,950 – –
	Rents of leased lots	1,747 2 6
	Amount over credited to Wesleyan Methodists, up to 1846	621 13 8
	Deduction: £.	14,892 1 9
	So much erroneously credited to this Fund, transferred to the Fund for Lower Canada	68 4 11
	TOTAL £.	14,823 16 10
	NEW FUND:	
	Under Sections 4 and 7 of the Act.	
	Dividends on investments in the province	4,133 – –
	Interest on sales of land on credit	1,209 9 1
	TOTAL £.	5,342 9 1
	OLD FUND:	
	Under Section 3 of the Act.	
1849	Dividends on investments in England	8,402 15 6
	Ditto on ditto in the province	2,169 17 6
	Interest on lands sold on credit	5,759 – –
	Rents of leased lots	1,254 – 3
	TOTAL £.	17,585 13 3
	NEW FUND:	
	Under Sections 4 and 7 of the Act.	
	Dividends on investments within the province	4,873 – –
	Interest on lands sold on credit	1,933 5 4
	TOTAL £.	6,806 5 4

YEAR.	PAYMENTS.	£. s. d.	£. s. d.	AMOUNT CURRENCY. £. s. d.
	Under Section 3 of the Act.			
1848	Amount of fund, as per contra - - - -		14,823 16 10	
	Out of which was paid—			
	To the Roman-catholic Church -	1,296 4 5		
	To Rev. W. Bell, Presbyterian Minister - - - - -	111 2 3		
	To the United Synod Presbyterian Church - - - - -	565 13 –		
	To the Wesleyan Methodists, for 1847 - - - - - -	607 15 6		
	To the Wesleyan Methodists, for 1848 - - - - - -	607 15 6		
			3,188 10 8	3,188 10 8
	Leaving to be divided between the Churches of England and Scotland - - - - -		11,635 6 2	
	Two thirds of which to the Church of England - - - -			7,756 17 5
	One-third to the Church of Scotland - - - - - -			3,878 8 9
	TOTAL - - - £.			14,823 16 10
	Under Sections 4 and 7 of the Act.			
„	Two sixth shares to the Church of England - - - - -			1,780 16 4
	One-sixth share of the Church of Scotland - - - - -			890 8 2
	To the Roman Catholic Church, to complete, with the amount paid out of the Old Fund as above, the allowance of 1,666 *l.* 13 *s.* 4 *d.* per annum - - - - - - - - - -			370 8 11
	Balance of this Fund, for the future appropriation of the Governor in Council - - - - - - - - - - - - -			2,300 15 8
	TOTAL - - - £.			5,342 9 1
	Under Section 3 of the Act.			
1849	Amount of Fund, as per contra - - - -		17,585 13 3	£. s. d.
	Out of which was paid—	£. s. d.		
	Allowance to Roman Catholic Clergy	1,296 4 5		
	To Rev. A. Bell, Presbyterian minister - - - - - - -	111 2 3		
	To the ministers of the United Synod of the Presbyterian Church -	565 13 –		
	To the Wesleyan Methodists - -	591 2 2		
			2,564 1 10	2,564 1 10
	Leaving to be divided between the Churches of England and Scotland - - - - - £.		15,021 11 5	
	Two-thirds of which paid to the Church of England - - -			10,014 7 7
	One-third to the Church of Scotland - - - - - -			5,007 3 10
	TOTAL - - - £.			17,585 13 3
	Under Sections 4 and 7 of the Act.			
„	Two-sixth shares paid to the Church of England - - - -			2,268 15 1
	One-sixth share to the Church of Scotland - - - - -			1,134 7 7
	To the Roman-catholic Church - - - - - - - -			370 8 11
	Total Payments - - - £.			3,773 11 7
	Balance of this Fund at the future disposal of the Governor in Council - - - - - - - - - - - -			3,032 13 9
	TOTAL - - - £.			6,806 5 4

YEAR.	FUND.	AMOUNT CURRENCY.
	OLD FUND:	£. s. d.
	Under Section 3 of the Act.	
1850	Dividends on investments in England - - - - - - -	8,402 15 6
	Ditto on ditto in the province - - - - - -	2,515 17 6
	Interest on lands sold on credit - - - - - - - -	6,630 17 4
	Rents of leased lots - - - - - - - - - -	3,091 9 5
	TOTAL - - - £.	20,640 19 9
	NEW FUND:	
	Under Sections 4 and 7 of the Act.	
	Dividends on investments within the province - - - - - -	6,648 – –
	Interest on lands sold on credit - - - - - - - -	4,153 11 4
	TOTAL - - - £.	10,801 11 4
	OLD FUND:	
	Under Section 3 of the Act.	
1851	Dividend on investments in England - - - - - - -	8,412 6 6
	Ditto - ditto in the province - - - - - -	2,524 17 11
	Interest on lands sold on credit - - - - - - - -	4,721 15 –
	Rents from leased lots - - - - - - - - - -	2,393 1 2
	TOTAL - - - £.	18,052 – 7
	NEW FUND:	
	Under Sections 4 and 7 of the Act.	
„	Dividends on investments in the province - - - - - -	6,648 – –
	Interest from lands sold on credit - - - - - - - -	3,808 19 7
	TOTAL - - - £.	10,456 19 7

YEAR.	PAYMENTS.				AMOUNT CURRENCY.		
	Under Section 3 of the Act.						
			£.	s. d.	£.	s.	d.
1850	Amount of Fund, as per contra			20,640 19 9			
	Out of which was paid—						
	Allowance to the Roman-catholic Church	1,296	4 5				
	To Rev. W. Bell, Presbyterian minister	111	2 3				
	To the United Synod of the Presbyterian Church	565	13 4				
	To the Wesleyan Methodists	574	– 10				
				2,547 – 10	2,547	–	10
	Leaving to be divided between the Churches of England and Scotland			18,093 18 11			
	Two-thirds of which to the Church of England				12,062	12	7
	One-third ditto to the Church of Scotland				6,031	6	4
	TOTAL £.				20,640	19	9
	Under Sections 4 & 7 of the Act.						
	Two-sixth shares paid to the Church of England				3,600	10	5
	One-sixth share to the Church of Scotland				1,800	5	3
	Paid to the Roman-catholic Church				370	8	11
	Paid to the Wesleyan Methodists, being the balance due to that sect, to make the annual allowance to them, with the sums paid out of the Old Fund, equal to the sum of 700 *l.* sterling, or currency 777 *l.* 15 *s.* 7 *d.*				1,148	6	8
	TOTAL Payments £.				6,919	11	3
	Balance of this Fund, at the future appropriation of the Governor in Council				3,882	–	1
	TOTAL £.				10,801	11	4
	Under Section 3 of the Act.						
			£.	s. d.	£.	s.	d.
1851	Amount of the Fund, as per contra			18,052 – 7			
	Out of which was paid—						
	To the Clergy of the Roman Catholic Church	1,018	8 10				
	To Rev. W. Bell, Presbyterian minister	111	2 3				
	To the United Synod of the Presbyterian Church	565	13 4				
	To the Wesleyan Methodists	574	– 10				
				2,269 5 3	2,269	5	3
	Leaving to be divided between the Churches of England and Scotland			15,782 15 4			
	Two-thirds of which is paid to the Church of England				10,521	16	11
	One-third to the Church of Scotland				5,260	18	5
	TOTAL £.				18,052	–	7
	Under Sections 4 and 7 of the Act.						
"	Two-sixth shares paid to the Church of England				3,485	13	2
	One-sixth share paid to the Church of Scotland				1,742	16	7
	Paid to the Roman Catholic Church				648	4	5
	Paid to the Wesleyan Methodists				203	14	8
	TOTAL Payments £.				6,080	8	10
	Balance of this Fund at the future appropriation of the Governor in Council				4,376	10	9
	TOTAL				10,456	19	7

YEAR.	FUND.	AMOUNT CURRENCY.
	OLD FUND:	
	Under Section 3 of the Act.	£. s. d.
1852	Dividends on investments in England - - - - - -	9,208 12 11
	Ditto - on investments within the Province - - - -	2,515 17 6
	Interest on lands sold on credit - - - - - - - -	4,270 – 10
	Rents of leased lots - - - - - - - - - -	1,914 8 7
	TOTAL - - - £.	17,908 19 10
	NEW FUND:	
	Under Sections 4 and 7 of the Act.	
„	Dividends on investments in England - - - - - -	1,897 4 4
	Ditto - on investments within the Province - - - -	6,648 – –
	Interest from lands sold on credit - - - - - - - -	4,950 7 4
	TOTAL - - - £.	13,495 11 8

YEAR.	PAYMENTS.			AMOUNT CURRENCY.
	Under Section 3 of the Act.			
		£. s. d.	£. s. d.	£. s. d.
1852	Amount of fund, as per contra - - - -		17,908 19 10	
	Out of which was paid:			
	To the clergy of the Roman Catholic Church - - - - -	740 13 4		
	Salary of Rev. W. Bell, Presbyterian minister - - - - -	111 2 2		
	Stipends of the ministers of the United Synod of the Presbyterian Church - - - - - -	565 13 4		
	Ditto of Wesleyan Methodists	574 – 10		
			1,991 9 8	1,991 9 8
	Leaving to be divided between the Churches of England and Scotland - - - - - - -		15,917 10 2	
	Two-thirds of which to the Church of England -		- - -	10,611 13 5
	One-third to the Church of Scotland - - -		- - -	5,305 16 9
			TOTAL - - - £.	17,908 19 10
	Under Sections 4 and 7 of the Act.			
„	Two-sixth shares paid to the Church of England - - - -			4,498 10 6
	One-sixth share to the Church of Scotland - - - - -			2,249 5 4
	Paid to the Roman Catholic Church - - - - - -			926 – –
	Paid to the Wesleyan Methodists - - - - - - -			203 14 8
			Total Payments - - - £.	7,877 10 6
	Balance of this fund remaining at the future appropriation of the Governor in Council - - - - - - - - - -			5,618 1 2
			TOTAL - - - £.	13,495 11 8

Mem.—

Mem.—There remains unappropriated of the New Fund, under the Sections 4 and 7 of the Act 3 & 4 Vict. c. 78, the undermentioned sums; viz.:

	£.	s.	d.	
Year 1847 - - - - - - - - - - - -	748	5	8	
„ 1848 - - - - - - - - - - - -	2,300	15	8	
„ 1849 - - - - - - - - - - - -	3,032	13	9	
„ 1850 - - - - - - - - - - - -	3,882	–	1	
„ 1851 - - - - - - - - - - - -	4,376	10	9	
„ 1852 - - - - - - - - - - - -	5,618	1	2	
TOTAL Unappropriated - - - £.	19,958	7	1	Currency.

Inspector-General's Office, Quebec,
31 January 1853.

Joseph Cary,
Deputy Inspector-General.

CLERGY RESERVES (CANADA).

RETURNS for each Year since 1840 of the Amount of the CLERGY RESERVE FUND of *Canada*, formed under the Act 3 & 4 Vict. c. 78, s. 3; and of the Payments made out of the said Fund to the Church of *England*, to the Church of *Scotland*, and to any other Religious Sect, under the Act 3 & 4 Vict. c. 78, ss. 4 and 7.

(*Sir William Molesworth.*)

Ordered, by The House of Commons, *to be Printed,*
1 *March* 1853.

CLERGY RESERVES (CANADA.)

RETURN to an Address of the Honourable The House of Commons, dated 23 November 1852;—*for*,

"RETURN of the Extent of the CLERGY RESERVES in *Canada*, the Number of Acres Unsold, and their probable Value."

Colonial Office, 28 February 1853.

FREDERICK PEEL.

RETURN of the Extent of the CLERGY RESERVES in *Canada*, the Number of Acres Unsold, and their probable Value.

Number of Acres originally Appropriated.		Number of Acres remaining Unsold		Probable Value of Clergy Reserves remaining Unsold.		
	Acres.		*Acres.*		£.	*s.*
Canada, West -	2,412,200	Canada, West -	1,032,850	Canada, West - 1,032,850 acres, @ 6/6 Cy. p' acre	335,676	5
Canada, East -	934,052	Canada, East -	541,750	Canada, East - 541,750 acres, @ 3/6 Cy. p' acre	94,806	5
TOTAL - -	3,346,252	TOTAL - -	1,574,600	TOTAL - -	£. 430,482	10

Crown Lands Department, Quebec, January 1853.

(signed) *John Rolph*,
Commissioner of Crown Lands.

CLERGY RESERVES (CANADA).

RETURN of the Extent of the CLERGY RESERVES in *Canada*, the Number of Acres Unsold, and their probable Value.

Ordered, by The House of Commons, *to be Printed*,
1 *March* 1853.

174.

CLERGY RESERVES (CANADA).

RETURN to an Address of the Honourable The House of Commons, dated 23 February 1853;—*for*,

"COPIES of, 1. A LETTER recently written by the Lord Bishop of *Quebec* to the Duke of *Newcastle*, on the Subject of the CLERGY RESERVES in *Canada*:"

"2. Of the Draft DESPATCH from Sir *John Pakington* to the Earl of *Elgin*, which was prepared for Transmission by the Mail of Friday, December 16th, in Reply to his Lordship's Despatch of September 22d, forwarding an Address to the Queen from the Legislative Assembly of *Canada*, on the Subject of the CLERGY RESERVES."

Colonial Office, 28 February 1853.

FREDERICK PEEL.

— No. 1. —

COPY of a LETTER from the Bishop of *Quebec* to his Grace the Duke of *Newcastle*.

No. 1.
Bishop of Quebec to the Duke of Newcastle.
12 February 1853.

My Lord Duke, 15, Grosvenor-street, 12 February 1853.

I AM impelled to solicit the attention of your Grace to some representations upon the subject of the Clergy Reserves in Canada, a subject for which I am less fully prepared than I could desire, because, when I left Canada, in the beginning of last month, the intelligence had not reached that country of the change in the Ministry at home, and the views of the late Ministry upon the subject in question are known to have been declared in a manner which superseded the necessity of any endeavours to avert the now threatened confiscation of church property.

In the situation to which, in the providence of God, I have been called, the guardianship of the temporal interests of the church within the limits of my jurisdiction must be considered as comprehended in the duties imposed upon me; and having been brought home by other objects of importance to the Church, I am in a manner put forward by circumstances as the representative in this country of Church interests in Canada at this crisis,—a crisis so pregnant with alarming consequences that I shall be pardoned, I trust, if I speak freely what I feel.

I have, however, in the successive attacks which have been made upon the church property in Canada, been again and again engaged in the endeavour to repel those attacks; and I may venture, perhaps, to refer your Grace to the more recent of certain representations and remonstrances submitted by myself to Her Majesty's Government, which are among the documents contained in your office. I refer in part to a letter which I addressed to your Grace's predecessor, Sir J. Pakington, on the 22d of October 1852,* in which the subject of the Clergy Reserves is incidentally touched upon, but more particularly to the copies which accompanied my letter, of two documents relating to that subject, the first being the Petition of the Bishop, Clergy, and Laity of the diocese of Quebec, transmitted for presentation to the Imperial Parliament about the end of 1850,— and the other, a Memorial which I addressed to his Excellency Lord Elgin, shortly before I had occasion to address myself to Sir John. Those two documents will be found, in my apprehension, to exhibit in a sufficiently condensed compass the main points and the real merits of the case.

* Page 20 of Papers relative to "Clergy Reserves," presented to Parliament by Her Majesty's Command, 11 February 1853.

It is not at any great length, therefore, that I purpose now to obtrude my observations upon your Grace; but, under your permission, I shall proceed to give forth, without disguise, the depth of my own convictions upon certain features of this solemn subject, in which the interests of our holy religion are for all perpetuity involved.

First, then, I find it impossible to regard the securalization of the Clergy Reserves as otherwise than stamped with a sacrilegious character. I do not see how it can be denied to be the alienation of a property given to God; and it is well worthy of remembrance that in republican America, the endowments of the Church of England have been held sacred; they were preserved to her, in one noted instance, through the very convulsions of that revolution which separated the colonies from the mother country (and the circumstance was the more marked, because the Church was exposed to particular odium on account of the characteristic loyalty of her members); they were restored to her in another instance, by the decision of the courts of the United States, after a long space of years, in which they had been taken possession of and held as townlands, in the absence, at the time, of any episcopalian claimants of the property. (I speak here of the Church of England as continued in the American Church.) These facts are not unobserved in Canada; nor is it possible to suppose that they are without their influence upon the affection of some of the colonists towards the British Government, when the confiscation of their Church property is threatened under actual British rule.

2. It appears to me at least deserving of inquiry, and it is an inquiry of the most serious character possible which thus presents itself, whether the Royal sanction could be given to the projected measure of confiscation, without violating the coronation oath. If, as I apprehend to be the correct view of the case, and as is assumed in the use, within the colonies, of the forms of ordination, the Colonial Bishops and Clergy, made by the Royal Letters Patent to belong to the Archiepiscopal Province of Canterbury, are Bishops and Clergy of the realm of England, then it is not necessary to say that they are protected by that oath against any invasion or infraction of their existing rights, privileges, and endowments, of whatever kind.

3. The disposal of this question involves the question of the maintenance of public faith. The Act 3 & 4 Vict. c. 78, was regarded and held by all parties, and was accepted by the parties interested, as a final settlement of the long agitated questions respecting the reserves,—a settlement, it is also to be remembered, which was anterior to the establishment of responsible Government within the colony. It has been distinctly recognised as final in the formal language of the Provincial Legislature; and if the conclusive arrangements of that Act can now be disturbed, and its provisions can be overset, it would be difficult to show how any rights or interests in the province can be safe.

My Lord Duke, these are of themselves considerations which, if I am not guilty of presumption in saying so, call for the exercise of the maxim, "Be just and fear not;" and if the Government of this great country had long ago had the firmness to apply this principle to the question, all injurious disturbance in connexion with the Clergy Reserves would have been saved. Respect would be felt for it if such firmness was exercised now. Most certainly the surrender of control over the Clergy Reserves to a party now raising agitation in Canada, will not prove to be the pacification of the colony; and that it never can be too late to do that which is called for by the rule of right, and that consequences are not to be argued upon when this rule is once clear, is what no person will more promptly acknowledge than your Grace.

The matter being once rested upon foundations such as these, it seems almost to be a work of supererogation to reiterate additional arguments, however correct and forcible in themselves, which have at different times been urged upon the attention of Her Majesty's Government, and which will be found stated in the documents to which I have above referred. I will only trespass upon your Grace by noticing two further points, which I number as continuing the series of the considerations already in part here submitted.

4. The nature of this endowment is not such as to be properly productive of any odium or discontent. It carries with it no burden imposed upon any class

of

of religionists within the country. It operates in no vexatious manner. It presents no obstruction to the improvement and advancement of the country, the utmost facilities being given, and the most favourable terms afforded, in throwing the lands into the market for the creation of the necessary fund.

5. That whereas it is anticipated, in different quarters, that the party in the colony now intent upon the confiscation of the Church property, and engaged in embroiling the country for the attainment of their object, may be counted upon, in the event of their gaining the principle for which they contend, to deal not ungenerously in the actual disposal of their prize, and to manifest some mindful sense of the ample generosity of the Home Government towards themselves,—the fact stands before the world, and cannot be put out of sight, that the members of the Local Government now in power, who have identified their policy with the aims of the party in question, are pledged, to a man, in their places in the Provincial Parliament, to the secularization of the Reserves, if placed within their control.

I will not, my Lord Duke, abandon the hope that Her Majesty's Government will pause before committing itself to this threatened sacrifice of a sacred patrimony,—and will not, by the side of the magnificently endowed and largely favoured Church of Rome in the colony, consent to have the Church of the Sovereign and of the Empire thrust down to a position which will compel her to come before this country, in order to obtain the means of carrying on the work committed from above to her hands, as a plundered and a persecuted Church.

I have, &c.

(signed) *G. J. Quebec.*

— No. 2. —

DRAFT of a DESPATCH from Sir *John S. Pakington* to Governor-General the Earl of *Elgin*, prepared for Transmission by the Mail of 16 December 1852.

No. 2.
Sir J. Pakington to the Earl of Elgin.
December 1852.

My Lord, Downing-street, December 1852.

1. I HAVE had the honour to receive your Lordship's despatch,* No. 85, of the 22d September, forwarding an Address to the Queen from the Commons of Canada, in Provincial Parliament assembled, on the subject of the Clergy Reserves.

2. I have laid this Address before Her Majesty, who was pleased to receive it very graciously.

3. It is with sincere regret, that Her Majesty's Government feel themselves unable to advise Her Majesty to comply with the wishes of the Assembly, for the introduction of a Bill into the Imperial Parliament, to repeal the Act 3 & 4 Vict. c. 78.

4. In arriving reluctantly at this conclusion, Her Majesty's advisers disclaim any intention of "violating the constitutional rights" of the Canadian Parliament. On the contrary, they regard those rights with the high respect which is justly due to them, and they fully and distinctly recognize both the justice and the propriety of the general rule, that in those dependencies of the British Crown which enjoy the advantages of representative institutions, questions which affect exclusively local interests, should be decided and dealt with by the Local Government and Legislature.

5. But Her Majesty's Government are not less clearly of opinion, that the question of the repeal of the Imperial Act 3 & 4 Vict. c. 78, involves interests, and is connected with circumstances, which make it fairly an exception to this general rule.

6. It is the earnest desire of Her Majesty's Government, not only to avoid any

* Page 7 of Papers relative to "Clergy Reserves, Canada," presented to both Houses of Parliament, by Command of Her Majesty, 11 February 1853.

any serious "difference of opinion" with the Legislature and Government of Canada, but to act with them, if possible, in friendly concert, upon a subject of such great and enduring importance to the Canadian people, especially of the Upper Province.

7. Her Majesty's Government desire to call the attention of the Commons of Canada to the circumstances under which the Imperial Act was passed.

8. After a long period of agitation, and frequent attempts at legislation on the part of the Upper Canadian Assembly, an Act was passed by the Parliament of that Province, for placing the disposal of the Clergy Reserves in the hands of the Imperial Parliament. This Act was not confirmed, for reasons stated in Lord John Russell's despatch to Lord Sydenham of the 7th February 1839. Another Act, providing for the sale and disposal of the Clergy Reserves, was subsequently passed by the Provincial Legislature. This Act would have received the Royal assent, but for a legal objection which was found to be insuperable.

9. In consequance of the legal difficulty to the confirmation by the Crown of the Provincial Act, the Act 3 & 4 Vict. c. 78, similar in principle though differing in detail from the Act sent from Canada, was passed by the Imperial Parliament.

10. Her Majesty's Government cannot fail to remember, that not only was the Imperial Act similar in principle to the Provincial Act, but that the former was passed and regarded at the same time, both in Canada and in this country, as a final settlement of a long agitated and most difficult question; and the settlement of which had moreover been pressed upon the Imperial Government by successive Governors of the Canadian Provinces, and by the general wish of the Canadian people.

11. Her Majesty's Government would further remind the House of Assembly that the generally admitted necessity of permanently settling this long debated question, had reference, not only to the manifest evils of prolonged agitation, but also to the circumstances under which the reunion of the two Provinces of Canada was then about to take place.

12. It was held, and in the opinion of Her Majesty's Government it was wisely held, to be of paramount importance that a permanent settlement of the Clergy Reserve question should precede the act of reunion.

13. In considering, therefore, how far it is right or expedient to reopen this question, it is impossible for Her Majesty's advisers to overlook the fact, that since it has been decided, the two Provinces, with a population for the most part distinct both in race and religion, have been united under one representative Government.

14 Her Majesty's advisers have pleasure in expressing their high sense of the loyalty and good feeling of the French Canadian population of the Eastern Province. They have the satisfaction of believing that friendly feeling between the French and British population is steadily and constantly increasing; and they would deprecate, in the most earnest manner, any course of action on the part of the Provincial Parliament, which might have the least tendency to interrupt those amicable relations which now so happily subsist between the two races.

15. The French population of the Lower Province enjoy the blessing of an exemplary, a well educated, and a numerous priesthood, with ample endowments for the support of the priests, and for the maintenance of exclusive educational institutions.

16. From the period of the conquest of Canada till the present day, these endowments have been scrupulously respected.

17. Her Majesty's Government have no disposition to question the right or to impugn the motives of such of the representatives of the French population of the Eastern province in the Canadian Parliament, as may deem it their duty to vote, either for the repeal of the Clergy Reserve Act, or for the secularization of the Clergy Reserves. But they feel a deep interest in the peace and welfare

welfare of all classes of Her Majesty's subjects in Canada, and with past struggles and contentions fresh in their recollection, they would earnestly press on the consideration of the Canadian Parliament, in no unfriendly spirit, whether there would not be danger of reviving feelings of animosity and discontent, if the British inhabitants of the Upper Province were deprived by the Imperial Parliament of that fund for the support of Protestant worship which they have so long enjoyed, and which is now, whether for general or for missionary purposes, more than ever necessary.

18. I cannot thus communicate the views of Her Majesty's Government with respect to the Address of the House of Assembly which I have now to acknowledge, without repeating, in the most distinct terms, that nothing would be more painful to Her Majesty's advisers, or more at variance with their real feelings, than to be involved in any difference or controversy with the Parl a-ment of Canada, and that their only wish upon this difficult subject is to co-operate with the provincial authorities in promoting the permanent intere ts of all classes of Her Majesty's Canadian subjects.

I have, &c.

CLERGY RESERVES (CANADA).

COPIES of LETTER from the Lord Bishop of *Quebec* to the Duke of *Newcastle*, on the subject of the CLERGY RESERVES in *Canada*; and of the Draft DESPATCH from Sir *John Pakington* to the Earl of *Elgin*, which was prepared for Transmission by the Mail of 16th December, in Reply to his Lordship's Despatch of 22 September 1852.

(Sir John Pakington.)

Ordered, by The House of Commons, *to be Printed,*
1 *March* 1853.

175.

Under 1 *oz.*

CLERGY RESERVES (CANADA).

FURTHER RETURN to an Address of the Honourable The House of Commons, dated 23 November 1852;—*for*,

"RETURNS, for every Year since 1840, of the Amount of the CLERGY RESERVE FUND of *Canada*, formed under the Act 3 & 4 Vict. c. 78, s. 3:"

"Of the PAYMENTS made out of the said Fund to the Church of *England*, to the Church of *Scotland*, and to any other RELIGIOUS SECT, under the Act 3 & 4 Vict. c. 78, s. 4 & 7:"

"Of the PAYMENTS made out of the CONSOLIDATED FUND of the United Kingdom to the Church of *England*, and to the Church of *Scotland*, in *Upper Canada*, under the Act 3 & 4 Vict. c. 78, s. 8:"

"And of any other PAYMENTS made out of the REVENUE of the United Kingdom to RELIGIOUS SECTS in *Canada*, distinguishing each Sect."

[*In continuation of Papers presented 28th February* 1853.]

Colonial Office, 14 March 1853. } FREDERICK PEEL.

COPY of a Letter from *James Wilson*, Esq., M.P., to *H. Merivale*, Esq.

Sir, Treasury Chambers, 4 March 1853.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to transmit herewith the Returns required by the Address of the House of Commons of 23d November last, so far as regards the issue of monies out of the revenues of the United Kingdom to religious sects in Canada.

I am, &c.
(signed) *James Wilson.*

ACCOUNT of the PAYMENTS made out of the CONSOLIDATED FUND of the United Kingdom to the Church of *England* and to the Church of *Scotland* in *Upper Canada*, under the Act 3 & 4 Vict. c. 78, s. 8.

— Nil. —

Whitehall, Treasury Chambers, 2 March 1853. } *James Wilson.*

ACCOUNT of PAYMENTS out of the Revenue of the United Kingdom to RELIGIOUS SECTS in *Canada* since 1840.

		£.	s.	d.
Amount voted in Supply, Session 1841, for Clergy in Canada		4,340	18	6
Ditto - - - - 1842	„ -	4,340	18	6
Ditto - - - - 1843	„ -	4,190	18	6
Ditto - - - - 1844	„ -	4,190	18	6
Ditto - - - - 1845	„ -	4,190	18	6
Ditto - - - - 1846	„ -	4,190	18	6
Ditto - - - - 1847	„ -	4,190	18	6
Ditto - - - - 1848	„ -	4,190	18	6
Ditto - - - - 1849	„ -	4,190	18	6
Ditto - - - - 1850	„ -	4,190	18	6
Ditto - - - - 1851	„ -	2,990	18	6
Ditto - - - - 1852	„ -	2,990	18	6
TOTAL voted since 1840 - -	£.	48,191	2	–

Whitehall, Treasury Chambers, 2 March 1853. } *James Wilson.*

ACCOUNT of PAYMENTS made out of the CONSOLIDATED FUND of the United Kingdom to the Church of *England*, and to the Church of *Scotland*, in *Upper Canada*; and PAYMENTS out of the REVENUE of the United Kingdom to Religious Sects in *Canada*, since 1840—(in continuation of Papers presented 28 February 1853.)

(*Sir William Molesworth*).

Ordered, by The House of Commons, *to be Printed*,
15 *March* 1853.

462

CUSTOMS OFFICERS (CANADA).

RETURN to an Address of the Honourable The House of Commons, dated 21 June 1853;—*for*,

RETURN "of the NUMBER of OFFICERS belonging to the CUSTOMS DEPARTMENT in *Canada* that are paid by *Great Britain*, stating the Names and Offices, Station and Salary, and Allowance of each Officer, and all Contingent Expenses paid by *Great Britain* for the Customs Department, in the Year 1852; also, a Statement of what Duties these Custom-house Officers have now to perform."

RETURN of the IMPERIAL OFFICERS of the CUSTOMS in *Canada* in the Year 1852, stating the Names and Offices, Station and Salary, and Allowance of each Officer, and all Contingent Expenses paid by *Great Britain*.

STATION.	NAME.	OFFICE.	SALARY.	ALLOWANCES (being more to present Possessor.)	CONTINGENT EXPENSES.	Total Expenditure Paid out of the Revenue of the United Kingdom.
			£. s. d.	£. s. d.	£. s. d.	£. s. d.
QUEBEC - -	J. Bruce - -	Comptroller of Customs and Navigation Laws.	250 – –	50 – –		
	J. P. Meara -	1st Clerk - -	150 – –	50 – –		
	E. Bartlett -	2d ditto - - -	120 – –	—		
	J. M'Kedie -	Tide Surveyor - -	150 – –	—		
Total at Quebec - - - -		Number of Officers. 4	670 – –	100 – –	211 – 7	981 – 7
MONTREAL -	R. H. Hamilton -	Comptroller of Customs and Navigation Laws.	200 – –	100 – –		
	T. Thain - -	1st Clerk - -	150 – –	50 – –		
	H. Kavanagh -	2d ditto - - -	120 – –	30 – –		
Total at Montreal - - -		Number of Officers. 3	470 – –	180 – –	148 9 –	798 9 –
Total in CANADA - - -		7	1,140 – –	280 – –	359 9 7	1,779 9 7

A STATEMENT, showing the NATURE of the DUTIES executed by the IMPERIAL OFFICERS specified in the foregoing Return.

THE Lords of the Treasury, with the view of providing for certain duties connected with Imperial interests, upon the transfer of the Customs Establishments to the Colonial Government, deemed it expedient that certain officers should be stationed at Quebec and Montreal, as well as at other Ports in the North American Colonies, who are called Comptrollers of Customs and Navigation Laws, with Assistants acting under them, whose salaries are entirely defrayed out of the Revenue of the United Kingdom.

The duties of those officers are to enforce the provisions of the Act of 12 & 13 Vict. c. 29, intituled, "An Act to amend the Laws in force for the Encouragement of British Shipping and Navigation;" also the provisions of the Imperial Act of 8 & 9 Vict. c. 89, intituled, "An Act for the Registering of British Vessels," and to take care that the various prohibitions and restrictions prescribed by the British Possessions Act of the 8 & 9 Vict. c. 93, are duly enforced; to verify the manifests of all British Vessels clearing for the United Kingdom in the manner required by the Customs Regulation Act of 8 & 9 Vict. c. 86, ss. 3 and 4; and to grant certificates of clearance for all vessels clearing for the United Kingdom, as prescribed by the 36th section of the

 Act

Act 8 & 9 Vict. c. 86, and the 22d and 23d sections of the British Possessions Act of 8 & 9 Vict. c. 93, in order to entitle goods to be entered as being of and from any British Possession (if any benefit attach to such distinction), and to enforce the provisions of the last-recited Act, sections 24, 25, 26 and 27, which prohibit vessels laden with wood goods clearing from Ports in the North American Colonies at certain times of the year with any part of their cargo on deck. And it is also their duty to observe, so far as the same may relate to the British Possessions abroad, the Passengers' Act of the 15 & 16 Vict. c. 44, and the Merchant Seamen's Acts of 7 & 8 Vict. c. 112, and the 13 & 14 Vict. c. 93.

It forms a material part of the duty of the Comptrollers of Customs and Navigation Laws to furnish the Inspector-general of Imports and Exports, and the Registrar-general of Shipping in London, with the various Statistical Returns, which are necessary to enable those officers to prepare the various Accounts of Trade and Navigation, which are annually required to be laid before Parliament.

W. Symons,
Assist^{t} Insp^{r} & Ex^{r}.

Plantation Account Office, Custom House,
25 June 1853.

CUSTOMS OFFICERS (CANADA).

RETURN of the IMPERIAL OFFICERS of CUSTOMS in *Canada*, in the Year 1852; stating the Names and Offices, Station and Salary and Allowance of each Officer, and all Contingent Expenses paid by *Great Britain*; and, also, a Statement of the Duties they have to perform.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed,*
5 July 1853.

714.

LIBRARY OF THE LEGISLATIVE COUNCIL AND ASSEMBLY OF CANADA.

A LETTER from Mr. *Elliot* to the Clerk of the House of Commons, transmitting a Copy of a LETTER to the Duke of *Newcastle*, by the Speakers of the Legislative Council and Assembly of *Canada*, relative to the Aid afforded by Public Departments in this Country and *France*, for the Reconstruction of their LIBRARY.

Sir, Downing-street, 17 May 1853.

I AM directed by the Duke of Newcastle to transmit to you the copy of a letter addressed to His Grace by the Speakers of the Legislative Council and Assembly of Canada, transmitting a Resolution adopted by the two Houses of the Provincial Parliament, in reference to the donations which have been made by the public departments in this country, and in France, in aid of the reconstruction of their Library, and I am to request that you will submit this expression of the thanks of the Parliament of Canada to the House of Commons. 21 April 1853.

I am, &c.

To the Clerk of the House of Commons. (signed) *T. Fred. Elliot.*

Sir, Library of Parliament, Canada, 21 April 1853.

WE have much satisfaction in transmitting to you herewith a copy of Resolutions adopted by the Legislative Council and the Legislative Assembly, in reference to the donations received in aid of our Parliamentary Library, wherein they express their high sense of the kindly liberality which has been extended to us by the several parties to whom we are indebted for the valuable contributions of books referred to in the Resolutions.

We gladly avail ourselves of the present opportunity to convey to you personally the expression of our own acknowledgments for the courteous attention extended by you to the appeal of our agent on behalf of the Library, as well as for the very generous response which that appeal elicited at your hands.

With every sentiment of respect and esteem, we have the honour to subscribe ourselves,

Sir,

Your obliged, &c.

(signed) *Ed. Caron,*
Speaker Leg. Coun^{l}.

S. S. Macdonald,
Speaker Leg. Assembly.

To the
Right honourable the Duke of Newcastle,
&c. &c. &c.

RESOLUTION adopted by the Legislative Council and by the Legislative Assembly of *Canada*, in Parliament assembled. (Session 1852-3).

Resolved, That this House receives with much satisfaction the intelligence of the munificent donations which have been made in aid of the reconstruction of the Library of Parliament, by the under-mentioned heads of Departments of State in France; viz. M. le Ministre de l'Instruction Publique, M. le Ministre de l'Intérieur (Département des Beaux Arts), M. le Président et M. le Sécrétaire Perpétuel de l'Académie Française, Monseigneur le Prince Président du Sénat, M. le Président du Corps Législatif, M. le Ministre de la Guerre, M. le Ministre de la Marine et des Colonies; and by the Right honourable Sir John Pakington, Her Majesty's Secretary of State for the Colonies, by the Right honourable the Speaker, and by the Clerk of the House of Lords, by the Right honourable the Speaker of the House of Commons, by Admiral Sir Francis Beaufort, by the Royal Commissioners for superintending the Exhibition of 1851, by the New York State Agricultural Society, and by the Smithsonian Institution at Washington.

(Attest.) *J. F. Taylor,*
Clerk Leg. Coun^{l}.

B. Lindsay,
Clerk of Assembly.

LIBRARY OF THE LEGISLATIVE COUNCIL
AND ASSEMBLY OF CANADA.

A LETTER from Mr. *Elliot* to the Clerk of the House of Commons, transmitting a Copy of a LETTER to the Duke of *Newcastle*, by the Speakers of the Legislative Council and Assembly of *Canada*, relative to the Aid afforded by Public Departments in this Country and *France*, for the Reconstruction of their LIBRARY.

Ordered, by The House of Commons, *to be Printed*,
19 *May* 1853.

499.

EMIGRATION.

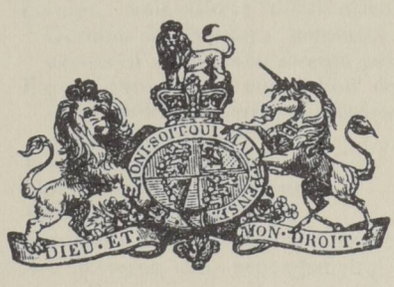
PAPERS

RELATIVE TO

EMIGRATION TO THE NORTH AMERICAN COLONIES.

(*In continuation of Papers presented* 1852.)

Presented to both Houses of Parliament by Command of Her Majesty.
June 17 1853.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1853.

SCHEDULE.

CANADA.

DESPATCHES FROM GOVERNOR-GENERAL THE RIGHT HON. THE EARL OF ELGIN AND KINCARDINE.

No. in Series.	Date and Number.	SUBJECT.	Page.
1	29 July 1852 (62)	DEMAND FOR LABOURERS; with copies of letters from the chief agents of emigration for Upper and Lower Canada, having reference to the demand for labour existing throughout the province - - - - -	1
2	24 Aug. (75) -	DETENTION OF VESSELS; with reference to Messrs. Harvey's claim for losses, occasioned by the detention of their vessels by the local authorities at Quebec and Grosse Isle - - - - - - - - -	1
3	24 Dec. (117) -	RETURN OF PRICES AND WAGES. DEMAND FOR LABOUR, &c. Forwarding the Chief Emigrant Agent's abstract quarterly return, containing information on this subject for the period ending 30th November 1852	2
4	23 Feb. 1853 (13)	ANNUAL REPORT OF THE CHIEF AGENT FOR EMIGRATION 1852 - - - - - -	6
		The Report dated 30th December 1852 refers to the following topics :—	
		Comparative statement of Emigration in 1851 and 1852.	
		Increased Emigration from the Continent of Europe	
		Particulars relative to the shipping employed; length of voyage; per-centage of deaths; shipwrecks, &c.	
		No prosecutions under the Passengers' Act during the past season.	
		Extent of assisted emigration; orderly and correct conduct of the emigrants from Irish Unions; correspondence with the Poor Law Inspectors in Ireland, &c. on female emigration.	
		Arrival of foreign paupers; party despatched by the Bavarian Government; necessity for restrictions on the introduction of foreign paupers.	
		Foreign emigration; distribution; services of German interpreter; measures for preventing excess of numbers in foreign passenger ships.	
		Expenditure of the emigration department; cost of forwarding emigrants, and amount of Emigrant Fund for 1852.	
		Distribution of the emigrants.	
		Emigration from lower ports.	
		Emigration to New York.	
		Prospects and demand for labour in 1853.	
		Tabular Returns, &c. accompanying the above Report :—	
		1. Of emigrants embarked, births and deaths on voyage, numbers landed, &c.	
		2. Abstract statement, &c. distinguishing countries and ports whence the emigrants sailed.	
		3. Of persons assisted to emigrate, and who received landing money, &c.	
		4. Return of trades and callings of emigrants arrived.	
		5. Return of hospital admissions, deaths, &c.	
		6. Comparative statement of Emigrants arrived since 1829.	

CANADA.

DESPATCHES FROM GOVERNOR-GENERAL THE EARL OF ELGIN—*continued.*

No. in Series.	Date and Number.	SUBJECT.	Page.
4	23 Feb. 1853 (13) (*continued.*)	7. Extracts from notes appended to Chief Agent's periodical report of arrivals for 1852, adverting to the following topics :— Facilities afforded by the St. Lawrence route to the United States. Inconvenience of paying to pauper emigrants at the time of their embarkation, the money intended to assist them in their progress through the country, instead of on their landing. 8. Report of Superintendent of Quarantine Station at Grosse Isle. 9. Copies and extracts of correspondence with Poor Law Inspectors in Ireland.	

DESPATCHES FROM THE RIGHT HON. SIR JOHN S. PAKINGTON, BART., SECRETARY OF STATE.

1	30 June 1852 (42)	DETENTION OF VESSELS. Enclosing a representation from Messrs. Harvey and Co. of Liverpool, relative to a detention of their vessel at Grosse Isle - -	31
2	2 Sept. (60) -	DEMAND FOR LABOUR. Acknowledging the Governor General's Despatch, No. 62, of 29th July, forwarding information relative to the demand for labour as furnished by the emigration agents - - - - -	31
3	5 Oct. (70) -	DETENTION OF VESSELS. Forwarding a further representation from the Messrs. Harvey on this subject - Arrangements suggested for despatching officers to the quarantine station at Grosse Isle at an earlier period than has hitherto been the case.	32

NEW BRUNSWICK.

NEW BRUNSWICK.

DESPATCHES FROM LIEUT.-GOVERNOR SIR E. HEAD.

1	7 May 1852 (26) -	ARRIVALS OF EMIGRANT SHIPS. Report of the Government Immigration agent of arrivals per "Mary Ann" - - - - - - The passages of a large proportion of these emigrants paid for by their friends in the province.	36
		(DESPATCHES FROM LIEUT.-COL. MURRAY.)	
2	27 May (1) -	Report of arrivals per "Industry" and "Albion;" small-pox on board these vessels - - - - Excess of passengers in the "Ellen and Margaret."	36
3	28 May (2) -	HEALTH OF PASSENGERS. Forwarding a report from the Emigration Officer at St. John's regarding the state of health of the passengers landed at the quarantine station at that port during the season - -	37
4	16 June (3)	Further report of arrivals. Number of emigrants whose passages have been paid for them by their relatives in America	38
5	19 June (4) -	Further arrivals; information relative to the demand for labour, rate of wages, &c. - - -	39
6	1 July (6) -	Further report of arrivals, the greater portion of the emigrants consisting of women and children on their way to join friends and relatives in the United States - -	40
7	10 Aug. (10)-	Continuation of report of arrivals ; beneficial effects of the existing regulations for passengers - -	40
8	28 Aug. (14) -	Further arrivals - - - - - - -	41

No. in Series.	Date and Number.	SUBJECT.	Page.
		(DESPATCHES FROM SIR E. HEAD.)	
9	1 Jan. 1853 (3) -	Report relative to the emigrants arrived per "Berlin" -	41
10	10 Jan. (5) -	ANNUAL REPORT OF GOVERNMENT EMIGRATION AGENT, St. John's, for the year 1852; containing observations on the following subjects:— - - - Number of emigrants arrived; per-centage of deaths on the voyage; prevalence of smallpox. No prosecutions under the Passengers Act during the past season. Great proportion of emigrants proceed to the United States; their passages paid by relatives. Great demand for labour for agricultural, railway, and other works; want of domestic servants, &c. IMMIGRATION OF CHILDREN from workhouses proposed; applications for their services, &c. Observations on the disposal of Crown land.	42
11	29 Jan. (10) -	IMMIGRATION OF CHILDREN. With copy of a letter from the Emigration Officer at St. John's relative to the receipt of applications for children's services -	42
		DESPATCHES FROM THE SECRETARY OF STATE.	
		(THE RIGHT HON. SIR JOHN S. PAKINGTON.)	
1	6 Aug. 1852 (22)	PASSENGERS ACT. Reply to Lieutenant Governor's Despatch, No. 1. of 27th May, reporting an excess of passengers by the ship "Ellen and Margaret" - -	47
		(THE DUKE OF NEWCASTLE.)	
2	29 Mar. 1853 (17)	EMIGRATION OF CHILDREN FROM ENGLISH WORKHOUSES. In reply to Lieutenant Governor's Despatch, No. 10, of 29th January, communicates the result of a reference of this question to the Emigration Commissioners and the Poor Law Board - - -	47
		NOVA SCOTIA. NOVA SCOTIA.	
		DESPATCHES FROM ACTING GOVERNOR BAZALGETTE.	
1	18 Mar. 1853 (4)	PASSENGERS ACT; CASE OF THE "FANNY;" Reporting the unseaworthy condition of the brig "Fanny" on her arrival at Halifax, and the destitute state of the emigrants on board of her - - -	50
		(LIEUT.-GOVERNOR SIR G. LE MARCHANT.)	
2	17 Aug. (5) -	CASE OF THE "FANNY." Encloses statement of the particulars of the case. Suggests an alteration in the Passengers Act, and proposes THE APPOINTMENT OF AN EMIGRATION AGENT AT HALIFAX - Disbursements from the provincial treasury on account of distressed emigrants per "Fanny."	51
3	9 Dec. (33) -	EMIGRATION RETURNS. Containing the following particulars: - - - - - - Amounts granted by the Provincial Legislature towards the relief of emigrants since the year 1847. Return of emigrants landed at Halifax from 1847 to 1851 Return of immigrants arrived at Halifax in 1847 and 1848.	53

NOVA SCOTIA.

DESPATCHES FROM THE SECRETARY OF STATE.

No. in Series.	Date and Number.	SUBJECT.	Page.
		(THE RIGHT HON. SIR JOHN S. PAKINGTON.)	
1	28 May 1852 (14)	CASE OF THE "FANNY;" in reply to Lieutenant-Governor's Despatch, No. 4, of 18th March, forwards Report from the Emigration Commissioners, giving the particulars of the clearance of this vessel, and stating reasons for not proceeding in the case - - -	56
2	5 Oct. (21) -	CASE OF THE "FANNY;" Reply to Lieutenant Governor's Despatch, No. 5, of 17th September, requesting REPAYMENT OF ADVANCES FROM THE PROVINCIAL TREASURY on account of the destitute emigrants by this vessel - - - - -	58
		Reasons for not appointing an emigration officer at Halifax.	
		RETURN OF EMIGRATION TO CANADA, NEW BRUNSWICK, AND NOVA SCOTIA, FROM 1844 TO 1851.	
3	15 Nov. (26) -	CASE OF THE "FANNY;" REPAYMENT OF ADVANCES made from provincial funds on account of emigrants by this ship - - - - -	59
		Correspondence with the Treasury enclosed.	
		(THE DUKE OF NEWCASTLE.)	
4	11 May 1853 (26)	EXPENSES OF EMIGRANTS PER "SERAPHINE;" The Provincial Government relieved from charge on this account - - - - - - -	60

APPENDIX.

APPENDIX.

1	Report from the Colonial Land and Emigration Commissioners, 21st Jan. 1853 -	62
	RETURN OF EMIGRATION FROM THE UNITED KINGDOM FOR 1852 AND THE PRECEDING THREE YEARS.	
	Report on the Decrease in North American Emigration from Ireland, as indicative of a decrease of destitution amongst the labouring population.	
2	NEW BRUNSWICK ACT (29th October 1852), in amendment of an Act to regulate vessels arriving from Europe with passengers - - -	64
3	STATISTICS OF UPPER CANADA, compiled from REPORTS OF CENSUS COMMISSIONERS. Population; agricultural production, &c.; extent of land in occupation; grist and saw mills - - - - - -	65
	RETURN OF THE CHIEF MANUFACTORIES, by counties, &c.	
	Towns of importance, with their distances from Toronto, and description of best means of transport thither. Also, the names of residents in such towns to whom application may be made for information, &c.	

CANADA

Despatches from Governor General the Right Honourable the Earl of Elgin and Kincardine.

No. 1.

Copy of a DESPATCH from the Earl of Elgin to the Right Hon. Sir John S. Pakington Bart.

(No. 62.) Government House, Quebec, July 29, 1852.

(Received August 17, 1852.)

Sir, (Answered, No. 60, September 8, 1852, page 31.)

I have the honour to enclose herewith, for your information, copies of letters from the chief agents of emigration for Upper and Lower Canada, having reference to the demand for labour which now exists throughout the province. 24th July. 28th July.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Sir John S. Pakington, Bart.,
&c. &c &c.

Enclosure 1. in No. 1.

Sir, Emigration Department, Quebec, July 28, 1852.

I have the honour to enclose you copy of a letter received from Mr. Hawke, dated Toronto, 24th instant, in which he reports favourably of the emigration proceeding to that quarter, and of the increased demand which exists throughout the country for labourers.

I am happy in being able to report that there are no unemployed emigrants at this or the Montreal agency. I shall cause the information contained in Mr. Hawke's letter to be extensively circulated among the emigrants on arrival.

Of the emigrant ships reported to this department, twenty vessels, 4,500 passengers, are yet to arrive.

I have, &c.

The Hon. A. N. Morin, Provincial Secretary. (Signed) A. C. Buchanan, Chief Agent.

Enclosure 2 in No. 1.

My Dear Sir, Emigrant Office, Toronto, July 24, 1852.

Although we are daily receiving considerable numbers of emigrants both from your section of the province, and Rochester, we do not get enough to supply the demand.

I have notices from the contractors on the Niagara, Hamilton, and Windsor Railroad, offering 5*s.* currency per day for labourers. The farmers anticipate difficulty in securing their crops, and the offices here and at Kingston are almost besieged by them in search of hands. I was at Kingston on the 21st instant, and sent several large families (whom the farmers would not employ, because they could not find houses for them,) to Cobourg and Port Hope, where they all got work. If there are any idlers at Quebec or Montreal, urge them to proceed upwards at once.

For many years I have never known a period when the demand for skilled and unskilled labour was so universal, and so well remunerated.

So far, too, the season has been remarkably healthy. There were only five emigrants in hospital at Kingston, and a few days since we had only seven at this place.

I am, &c.

A. C. Buchanan, Chief Emigrant Agent. (Signed) A. B. Hawke, Chief Emigration Agent, U. C.

No. 2.

Copy of a DESPATCH from the Earl of Elgin to the Right Hon. Sir John S. Pakington Bart.

(No. 75.) Government House, Quebec, August 24, 1852.

(Received September 13, 1852.)

Sir, (Answered, No. 70, October 5, 1852, page 32.)

I have the honour to enclose herewith the copy of a minute of the Executive Council of the province on the complaint of Messrs. Harvey and Co., of Liverpool, transmitted in your Despatch No. 42*, of the 30th of June. * Page 31.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

The Right Hon. Sir John S. Pakington, Bart.
&c. &c. &c.

Enclosure 1 in No. 2.

Encl. 1 in No. 2. EXTRACT from a Report of a Committee of the Executive Council, dated 29th May 1849, approved by his Excellency the Governor-General in Council, on the 31st of the same month.

On the petition of John Ferguson, master of the ship "Primrose" of Limerick, dated 17th May inst., praying to be indemnified for expenses incurred on account of the vessel having been sent back from Quebec to Grosse Isle, which expenses he states to amount to 76*l.*

It appears that the "Primrose" arrived at Gross Isle on the 6th of May, and the quarantine for the season not being established, the master proceeded with her to Quebec. The inspecting physician, on examining her, sent her back to Grosse Isle for quarantine purposes.

The committee are of opinion, thatthemaster of the vessel, on arriving at Grosse Isle, should have waited there until the Quarantine Establishment might be in operation; and consequently that the claim to compensation for expenses incurred in proceeding to Quebec, before the requisite examination at the quarantine station had been undergone, cannot be entertained.

Certified,
(Signed) J. JOSEPH, C.E.C.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

EXTRACT from a Report of a Committee of the Honourable the Executive Council on matters of State, dated 23d August 1852, approved by his Excellency the Governor-General in Council, on the 24th August 1852.

On the application of John Ferguson, master of the ship "Primrose" from Limerick, representing that his vessel was detained for the period of forty-eight hours at Grosse Isle, in consequence of the officers of the Quarantine Establishment not having yet arrived at that station, whereby he has suffered a loss of 26*l.* 3*s.* 6*d.* sterling; that in 1849 for a similar cause his vessel, having proceeded on to Quebec, was ordered to return to Grosse Isle, the expense attending which amounted to 100*l.* sterling, for both which sums he prays your Excellency to grant indemnity to the owners of the said vessel:

And on the Despatch from Sir John Pakington, No. 42, dated Downing Street, 30th June 1852, transmitting the copy of a letter from Messrs. Harvey and Co. of Limerick, representing the detention of the above-mentioned vessel at Quebec and Grosse Isle, on apparently insufficient grounds, and requesting your Excellency will cause inquiry to be made into the facts of the case:

In both the instances above referred to, the detention arose from the late period at which the navigation opened, which prevented a timely organization of the Quarantine Establishment at Grosse Isle.

The greater part of the loss complained of in 1849, was owing to the vessel having passed the station, and proceeded on to Quebec, without examination, for which reason she was ordered to return. The detention in 1852 arose from the cause above mentioned, viz. the lateness of the season; and the committee, on investigation, having ascertained that no blame can be attached to any of the officers of Government in respect to such detentions, which were not of an unreasonable duration, they do not recommend that the indemnity prayed for be awarded.

Certified,
(Signed) WM. H. LEE.
Acting C.E.C.

No. 3.

No. 3.

COPY of a DESPATCH from the Earl of ELGIN to the Right Hon. Sir JOHN S. PAKINGTON Bart.

(No. 117.)

Government House, Quebec, December 21, 1852.

SIR, (Received January 10, 1853.)

I HAVE the honour to transmit herewith the chief emigrant agent's abstract quarterly return of emigrants arrived at Quebec during the quarter ending 30th November, with a return of the prices of labour, provisions, and clothing during the same period.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

The Right Hon. Sir John S. Pakington, Bart.,
&c. &c. &c.

Enclosure in No. 3

No. 1.

ABSTRACT.

Quarterly Return.

Emigrants.

Months composing the Quarter.	Number of Vessels arrived.	Number of Deaths on board or in Quarantine.	Number of Births on board or in Quarantine.	Gross Number of Emigrants arrived.	Number of Adults.		Number of Agricultural Labourers.	Number of Domestic Servants.		Number of Mechanics and Tradespeople.	Numbers for whom Cost of Passage defrayed by		Number employed on Government Works.	Number assisted out of Public Funds.	Total Amount paid.		
					Male.	Female.		Male.	Female. (Paupers.)		Parochial Funds.	Private Funds.			£	s.	d.
August, September, and October,	180	70 at Sea ; 10 Quarantine.	34	13,380	3,891	4,669	1,408 Farmers ; 2,101 Labourers.	—	841	409	1,678	765	Nil.	5,217	2,123	18	8
	180	80	34	13,380	3,891	4,669	3,509	—	841	409	1,678	765	Nil.	5,217	2,123	18	8

	£	s.	d.
Expended in Transport - -	1,956	10	6
„ „ Provisions - -	167	8	2
£	2,123	18	8

December 1852.

A. C. BUCHANAN,
Chief Emigration Agent for Canada.

No. 2.

Quarterly Return.

Prices.

Return showing the Average Retail Prices of Provisions and Clothing in the Colony of Canada East, in the Quarter ended 30th November 1852; Close of the Navigation.

ARTICLES.	Quantity.	Average Prices (in Sterling.) £	s.	d.
Bread	per 6 lb. loaf	0	0	6½
Butter	„ lb.	0	0	10
Beef, Mutton, Veal, and Pork	„ „	0	0	3
Coals	„ chaldron	1	0	0
Candles	„ lb.	0	0	6
Cheese	„ „	0	0	4
Coffee, ground	„ „	0	0	9
Eggs	„ dozen	0	0	6
Flour, fine	„ barrel	0	18	6
Fish, dry Cod	„ cwt.	0	9	0
Do. green	„ „	0	6	9
Firewood	„ cord	0	10	0
Herrings	„ barrel	1	0	0
Milk	„ quart	0	0	3
Oatmeal	„ cwt.	0	10	0
Pepper	„ lb.	0	0	8
Potatoes	„ bushel	0	1	6
Rice	„ lb.	0	0	2½
Soap, Yellow	„ „	0	0	3
Sugar, Brown	„ „	0	0	4
Salt	„ bushel	0	0	10
Tea, Black	„ lb.	0	1	10
CLOTHING.				
Shirts, Cotton	each	0	2	0
Shirts, Flannel	„	0	4	0
Blankets, Common	per pair	0	10	0
Flannel, for Drawers or Women's Petticoats	„ yard	0	1	6
Cloth, Broad for Coat or Trousers	„ „	0	7	6
Shoes, Strong, for Men	„ pair	0	6	0
Boots, do. do.	„ „	0	10	0
Shoes, do. for Women	„ „	0	4	6
Boots, do. do.	„ „	0	7	6

P.S.—Since the above date, Flour has advanced in price to 24*s.* sterling per barrel.
„ Bread „ „ 8½*d.* per 6 lbs.

A. C. BUCHANAN,
Chief Agent.

No. 3. CANADA.

Quarterly Return.

Wages.

Return showing the Average Wages of Mechanics and others in Canada East, for the Four Months ended 30th November 1852.

Trade or Calling.	Average Wages per Diem, without Board and Lodging (in Sterling.)	Average Wages per Diem, with Board and Lodging (in Sterling.)	Average Wages per Annum, with Boad and Lodging (in Sterling.)	Highest and lowest Rates per Diem, without Board or Lodging (in Sterling.)	
				Highest.	Lowest.
	s. *d.*			£ *s.* *d.*	£ *s.* *d.*
Bread and biscuit bakers	4 6	- -	- -	0 6 0	0 3 9
Butchers	4 6	- -	- -	0 5 6	0 3 6
Bricklayers	6 0	- -	- -	0 7 6	0 5 0
Brickmakers	5 0	- -	- -	0 6 0	0 4 0
Blacksmiths	5 0	- -	- -	0 6 0	0 4 6
Curriers	4 0	- -	- -	0 5 0	0 3 9
Carpenters and joiners	6 0	- -	- -	0 7 6	0 5 0
Cabinet-makers	5 0	- -	- -	0 6 0	0 4 0
Coopers	4 0	- -	- -	0 4 6	0 3 6
Carters	3 6	- -	- -	0 4 0	0 3 0
Cooks, women	Engaged by the month		- -	1 0 0	0 15 0
Dairy women	Ditto - ditto		- -	0 15 0	0 10 3
Domestic servants, female	Ditto - ditto		- -	0 12 6	0 8 0
Dressmakers and milliners	1 3	- -	- -	0 2 0	0 1 0
Farm labourers	3 6	- -	- -	0 4 0	0 2 9
Gardeners	Engaged by the month		- -	4 0 0	3 5 0
Grooms	Ditto - ditto		- -	2 10 0	2 0 0
Millwrights	5 0	- -	- -	0 6 0	0 4 0
Millers	4 6	- -	- -	0 6 0	0 4 0
Painters	5 0	- -	- -	0 6 0	0 4 6
Plasterers	5 0	- -	- -	0 6 0	0 4 0
Plumbers and glaziers	5 0	- -	- -	0 6 0	0 4 0
Printers and bookbinders	Engaged by the month		- -	6 6 0	5 0 0
Quarrymen	4 0	- -	- -	0 5 0	0 3 9
Ropemakers	3 9	- -	- -	0 5 0	0 3 0
Sailmakers	5 0	- -	- -	0 6 0	0 3 9
Sawyers	5 0 or 4*s.* 6*d.* per 100 feet.			—	—
Shipwrights and boat-builders	5 0	- -	- -	0 6 0	0 4 6
Shoemakers	4 0	- -	- -	0 5 0	0 3 9
Slaters and shinglers	3 6 or 4*s.* 6*d.* per 100 shingles.			—	—
Stonemasons	6 0	- -	- -	0 7 6	0 5 0
Stonecutters	5 0	- -	- -	0 6 0	0 4 6
Tailors	4 0	- -	- -	0 4 6	0 3 6
Tanners	4 0	- -	- -	0 5 0	0 3 6
Tin-smiths, braziers, &c.	4 6	- -	- -	0 6 0	0 3 9
Wheelwrights	4 0 Very few employed.			—	—
Whitesmiths	5 0	- -	- -	0 6 0	0 4 6
Charge for board and lodging for mechanics and labourers, per week	10 0	- -	- -	0 12 6	0 8 0
Labourers in Public Works	4 0	—	—	—	—

A. C. BUCHANAN,
Chief Agent.

CANADA.

No. 4.

1st.—What funds have been placed at your disposal during the past quarter for the relief of emigrants?	1,391*l.* 9*s.* 7*d.*, to cover expenditure of emigration department from 30th June to 31st August.
2d.—State the description of labour which is in request in the colony?	In consequence of the construction of railways in Upper Canada, and other public works of a similar nature in this section of the province, the demand for common labourers at advanced wages has been unusually great. Mechanics of almost every description, such as masons, bricklayers, carpenters, blacksmiths, tailors, shoemakers, cabinet-makers, and wheelwrights are also sure of employment at good wages. Properly qualified female domestic servants, cooks, &c. are much wanted. The difficulty of finding efficient persons for this essential branch of domestic comfort and economy is generally felt.
3d.—Would the rate of emigration of the last quarter satisfy the existing demand for labour?	No. A much greater number would have readily obtained employment; and as additional public works are to commence in the spring, the demand for labour is certain to be greater in 1853 than it has been in 1852.
4th.—State any particulars relative to emigration, the demand for labour, and the means of remunerating it, which you think may be useful?	I can only add, in addition to what is above stated, that the past season has been uncommonly healthy, and that I know of no better market for labour, or the means for remunerating it, than that which is furnished by the present outlay on public and private undertakings, of almost every description, which have been and are now in actual operation throughout the province.

No. 4.

No. 4.

COPY of a DESPATCH from the Earl of ELGIN to the Duke of NEWCASTLE.

Government House, Quebec, February 23, 1853.

MY LORD DUKE, (Received March 15, 1853.)

I HAVE the honour to enclose herewith the Report of the Chief Agent of Emigration to Canada for the year 1852, and I venture to request your Grace's attention to the interesting information which it conveys with respect to the industrial prospects of the Province.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

His Grace the Duke of Newcastle,
&c. &c. &c.

Encl. in No. 4.

Enclosure in No. 4.

Office of Her Majesty's Chief Agent for the Superintendence of Emigration to Canada,
Quebec, 30th December 1852.

MY LORD,

I HAVE the honour to submit to your Excellency, for the information of Her Majesty's Government, my annual report of the emigration into this province during the season of 1852, accompanied by the usual statistical tables.

CANADA.

Table No. 1.

A synopsis of this year's emigration will be found in the Appendix. On reference to this table it will be seen that the total number that left Europe was 37,587 steerage and 523 cabin pasaengers. There were born on the passage 64; forming a total of 38,174. The deaths were, at sea 164, and in quarantine 18; making the mortality 182, and leaving 37,992 as the number of emigrants landed in this province from the United Kingdom and the continent of Europe. To this amount must be added 1,184 persons from the lower provinces; making the total number of persons landed in this colony 39,176. This number as compared with the emigration of 1851, shows a decrease of 1,900, equal to 4½ per cent., in this year's emigration.

The following is a comparative statement of the emigration of the last two years:—

	1851.	1852.
From England	9,677	9,276
Ireland	22,381	15,983
Scotland	7,042	5,477
Continent of Europe	870	7,256
Lower provinces	1,106	1,184
	41,076	39,176

This statement shows that from English ports there has been a decrease of 4·14 per cent., from Ireland 28·59 per cent., and from Scotland 22·78 per cent., while, on the contrary, from the continent of Europe, the emigration has increased nearly ninefold. From the lower ports there has been a small increase of 7½ per cent. The very large increase in the emigration from the continent of Europe has nearly compensated for the decrease from the United Kingdom. The emigration from Liverpool should more properly be placed under the head of Ireland, as fully seven eighths of the emigrants from that port are natives of Ireland. A reference to the passenger lists of the vessels from that port shows, that of the emigrants embarked there were, natives of

Ireland	3,551
England	514
Scotland	14
Foreigners	88
	4,167

There were also 69 natives of Ireland on board of vessels from Scotland, and 12 foreigners from other ports in England.

The emigration from Europe may therefore be classed as follows :—

Natives of England	5,611
Ireland	19,603
Scotland	5,422
Germans	5,159
Norwegians	2,197
	37,992

On further reference to this return (Table No. 1.), it will appear that the number of vessels engaged in the passenger trade from Europe generally was 345, measuring 140,317 tons, and navigated by 4,973 seamen. Of this number 33 were foreign vessels, 10,886 tons, 432 seamen, 29 of which came from continental ports, and 4 from Ireland.

Of the whole number of passenger ships, 20 brought exclusively cabin passengers. 67 had not a sufficient number on board to bring them within the the Passengers Act.

Eighty-eight had less than 100 persons on board, 113 under 200, 34 under 300, 15 under 400, 2 under 450, and 4 vessels had over 500 persons on board. The greatest number on board any one vessel was 619. 43 of these vessels made two voyages during the season, so that 302 vessels were employed in the conveyance of emigrants to this port within the year.

The adult passengers on board the whole number of vessels (345) were 31,002, while these vessels, under the Passenger Act, would have been permitted to carry 65,185, exclusive of their crews.

The 135 vessels from England might have legally carried 18,537 adult passengers more than the number embarked.

The 67 vessels from Scotland might have carried 11,485 more, and the 96 vessels from Ireland 3,720, and the 47 vessels from foreign ports had their full complement to within 469.

The average length of passage to the quarantine station was, from England 31, from Ireland 43, from Scotland 32, and from the continent of Europe 52 days; being a small decrease on that of 1851.

CANADA.

A return of the ships and passengers arrived from each port and country, with the deaths on the passage and in quarantine, will be found in the Appendix.

Table No. 2.

The whole number of deaths among 4,856 steerage emigrants from England, excluding the port of Liverpool, was but 12, or equal to 0·25 per cent.; among 20,051 from Ireland, including Liverpool, 101, equal to 0·50 per cent.; among 5,372 from Scotland 17, equal to 0·32 per cent.; and among 7,239 from the continental ports 52, equal to 0·72 per cent.

The greatest mortality from any port in the United Kingdom was from Liverpool, 48, equal to 1·15 per cent., and of the foreign emigration from the port of Christiana the deaths were 14, equal to 1·38 per cent.

The whole number of deaths in hospital at Gross Isle was but 18; a smaller number, in proportion to the amount of the year's emigration, than was ever known since the opening of that establishment.

Upon the whole the emigration of this season has been most satisfactory as to health, the whole mortality during the passage and at Grosse Isle being only 0·46 per cent. on each 100 persons embarked. In support of this favourable view I would beg to submit copy of report received from Dr. Douglas, which will be seen in the Appendix.

Shipwrecks.

I regret to have to report the loss of four emigrant vessels during the past season, attended in one case with considerable loss of life.

The barque "Olive Branch," from Stockton, was struck by an iceberg on the morning of the 27th April, about 20 miles from Cape Gaspè, from the effects of which she sunk in about 15 minutes. The passengers, 27 in number, with a crew of 11 men, took to the boats, and were fortunately picked up by Captain Harris, of the ship "Anthracite," a short time after the disaster, and brought to this port in safety. The British barque "Nerio," Day master, from Antwerp, with 69 passengers, bound to Montreal, was totally lost on the Bird Island Rocks on the 20th May. The passengers with difficulty effected a landing on the rocks, from which they were taken off by Captain Hoodless, of the brig "Retreat," and Captain Feaster, of the "Dowthorp," and brought to this port. Captain Day was bound by his charter to have forwarded his passengers on arrival at Montreal to New York. He, however, proceeded, with a part of his crew and the materials saved from the wreck, in a schooner to Miramichi, and on reporting the loss of his vessel and cargo to his consignees at Montreal he made no reference whatever to his passengers, or to the obligations contained in his charter, which, had he come on to this port, he would have been obliged to carry out. These unfortunate people landed here perfectly destitute, having lost all their baggage, and had to be sent forward to their destination by the provincial Government. The expense of doing so, together with the amount paid to the masters of the vessels that brought them from the wreck, has involved the department in an expense of 108*l.* 19*s.* 11*d.* sterling. An application for the repayment of this sum has been made on the owners of the "Nerio," but with what success it has not yet been ascertained.

The Prussian barque "Lessing," from Hamburg, with 207 passengers, was lost on the coast of Labrador on the 10th June; all saved, with the greater part of their luggage. Captain Neumann chartered two schooners, and brought all his passengers on to this port at the ship's expense, showing a marked contrast in his conduct to that of Captain Day.

The fourth and last vessel was the brig "Trusty," Captain Foster, from Scarboro', with 134 passengers, lost near Cape Gaspè on the 22d June, when 13 of the passengers with 5 of the crew were unfortunately drowned. Captain Foster engaged three schooners, and brought the remainder of his passengers, with what luggage they had succeeded in saving, to this port.

Imperial Passenger Act.

It has not been found necessary to proceed against the masters of any of the vessels for violation of the Passenger Act during the past season. The passengers by two vessels lodged complaints for detention after the day fixed for sailing, claiming subsistence money. On representations being made to the masters, the demands were promptly and amicably settled. As by the new Imperial Passenger Act of 1852 the issue of provisions daily is made obligatory, a recurrence of these complaints will be prevented in a great measure. This Act, which came into force on 1st October last, contains many improvements on the former Act, and would appear to provide for the protection of the emigrant to as great a degree as it is possible for legislation to effect.

Table No. 3.

Table 3 is a statement of the number of persons who have received assistance, either from the landlords or from the parish, in aid of their emigration, showing the sums paid on landing here, by whom remitted, and through whom paid. From this return it will be seen that 3,544 persons received landing money on their arrival at this port, amounting to the sum of 2,600*l.* 14*s.* 6*d.* sterling, 1,634*l.* 19*s.* of which was paid through this department, and 965*l.* 15*s.* 6*d.* by the masters of vessels and through agents in this city, and 1,162 persons appear, from the information obtained from them, to have been furnished with a free passage only, with the exception of 234 persons from the Carlow Union, who stated they were paid their gratuity on embarkation at Liverpool.

The number from England sent out under the superintendence of the Poor Law Commissioners was 465, to whom was paid the sum of 387*l.* 8*s.* 8*d.* on landing, being at the rate of 1*l.* sterling each adult, and 83 were aided by their landlords.

From Scotland the number assisted was 606. 75 families—453 souls—were sent out by Sir James Matheson from Lewis, who amply provided for them during their passage, and

on arrival they were forwarded to where suitable employment offered. 18 families proceeded to Sherbrooke, and 57 to Hamilton. The expense of their transport, amounting to 298*l.* 6*s.* 3*d.* currency, was defrayed by Sir James Matheson. They were also allowed on leaving the vessel a week's rations.

The remainder, 153 persons, were assisted to emigrate by their respective landlords; they were provided with a free passage to Montreal, and received 20*s.* sterling each, paid previous to embarkation.

The number aided in their emigration from Ireland was 3,350 persons, being a decrease of 2,621 of the same class in 1851. Of this number 2,403 were sent out by various unions, and 937 by their landlords. Of this number 2,454 received a gratuity on landing, 2,179 of whom were paid their money through this department, amounting to 1,704*l.* 7*s.* 6*d.* sterling, and 275 were paid through other agents 138*l.* 0*s.* 1*d.*

234 paupers from the Carlow Union were paid their money on embarkation, and 662 do not appear to have received anything beyond a free passage. The majority of those sent out by the Poor Law Unions and by their landlords were from the counties of Limerick, Tipperary, and Waterford.

The following return will show the proportion of males, females, and children sent out by each union, with the amount of assistance allowed them on landing here:—

Name of Union.	Males.	Females.	Children.	Total.	Amount Sterling. £	s.	d.
Nenagh	63	258	66	387	251	8	0
Newcastle	29	393	139	561	431	0	0
Kiladysart	9	140	—	149	112	5	0
Rathkeale	28	130	67	225	212	0	0
Croom	14	130	58	202	172	10	0
Kilrush	5	34	—	39	28	12	6
Roscommon	—	84	—	84	84	0	0
Strokestown	1	55	—	56	56	0	0
Ennistymore	—	12	—	12	7	10	0
Dunfunaghy	3	6	12	21	7	7	0
Derry	4	17	12	33	17	0	0
Killflyn	5	10	17	32	20	15	0
Rathdrum	31	94	56	181	124	0	0
Baltinglass	29	122	46	197	180	0	0
Carlow	68	108	58	234	—		
Landlords	56	124	95	275	138	0	1
Ditto	164	226	272	662	—		
Unions in England	177	143	228	548	387	8	8
Landlords, Scotland	192	177	237	606	298	6	3
Continent	45	37	90	172	72	12	0
Ditto	22	2	6	30	—		
	945	2,302	1,459	4,706	2,600	14	6

This table shows a large preponderance in the females and children over the male adults, arising from the emigrants sent from the Irish unions being principally female adults. This is a class of emigrant much needed in this colony, owing to the difficulty of obtaining female domestic servants throughout the country; a difficulty which is annually increasing.

The number sent out by the Irish unions, and consigned to the special care of this department, were as follows:—

161 male adults.
1,269 female adults.
371 children under 14 years.

It affords me much satisfaction to be able to offer my testimony as to their orderly and correct conduct, both during their passage, as testified by the several masters of the vessels in whose charge they were placed, as well as after their arrival in this country, and which I have had occasion from time to time to allude to in the notes appended to my semi-monthly reports, copies of which will be found in the Appendix.

I would also beg to refer your Excellency to the correspondence which this department has had with Mr. Duncan, Poor Law Inspector, Newcastle Union, and with Mr. O'Brien, Inspector of the Roscommon Union, which will be seen in the Appendix. As this correspondence bears exclusively on this class of our emigration, and enters fully into the details of their reception and disposal, I have considered it of sufficient importance to add it as an accompaniment to this report; and I cannot allow this opportunity to pass without expressing the satisfaction it has afforded me to find the recommendations I deemed it my duty to offer were so promptly acceded to. Paper No. 9.

A party of foreign paupers, 172 souls, chiefly females and children, were sent out by the Bavarian Government. They were from Otterstadt near Seyer. A remittance was made to a commercial firm in this city for their benefit on arrival, amounting to 8*s.* 6*d.* currency Foreign paupers.

each, but which was wholly insufficient to provide for their support, and enable them to reach such points as would afford them suitable employment.

They consequently had to be assisted by this department to reach Hamilton, and arrangements were made which secured employment on the public works in that district for all the men able to work.

It may be deemed advisable to impose some restrictions upon the future introduction of foreign paupers of this class, unless a more ample provision is made for their assistance on landing in this province, as their ignorance of our language makes it difficult for them to obtain suitable employment, and renders them liable to become a charge on the local authorities, upon whose bounty they have no legitimate claim for support.

Table No. 4. Table No. 4. of this Appendix contains a return of the male adult emigration, distinguishing trades and callings:

The total number of males embarked was 13,633, being but 87 less than in 1851. Of these there appears to have been but 531 artizans or tradesmen; the agriculturists and farm servants number 5,097, labourers, 6,930, merchants clerks, &c., 50, gardeners, 25.

Table No. 5. Table No. 5. presents the usual general hospital returns, showing the number of emigrant patients admitted for medical relief, with the results, at the Quarantine Establishment, up to its close on the 14th October, at the Marine and Emigrant Hospital, to the 30th December, and at the Montreal General Hospital to same period, from which it appears that the total number of cases under treatment during the season in Canada East was 763, and the total deaths 57. The mortality, when compared with the year 1851, shows a decrease of 82 persons, viz., 33 less at Gross Isle, 34 at Marine Hospital, Quebec, and 15 at the General Hospital, Montreal.

Table No. 6. Table No. 6. shows the amount of the emigration landed in the province from the year 1829 inclusively. The total number landed at the port of Quebec since that period has been 735,305, affording an average of 30,637 per year for twenty-four years past.

Expenditure. The expenditure of the Emigration Department, including the expenses of the Gross Isle Establishment, and other charges connected with the cure of the sick, amounts to 9,760*l.* 1*s.* 2*d.* Of this there was disbursed by the Commissariat Department for the expenses of the Quarantine Establishment, 2,406*l.* 12*s.* 10*d.* as follows:

	£	s.	d.
Pay of Quarantine Establishment	1,377	16	6
Supplies of Hospital	154	8	10
Miscellaneous implements and stores	35	19	6
Fuel and wood	132	6	0
Cartage	36	8	11
Steamboat transport	594	0	0
Travelling and contingent expenses			
Stationery and advertising	35	11	9
Labour performed in washing, &c.	40	1	4
	2,406	12	10
Amount expended under the authority of Board of Works for buildings, repairs, &c. at Gross Isle	902	5	1
Pay and allowance of party at Gross Isle from 1st to 14th October	22	8	5
Steamboat services in October	27	10	0
Sundry small accounts, stationery, advertising	18	12	6
Allowance for hire of horse and carriage for use of Roman Catholic missionary	12	16	6
Pay of Messrs. Parunt and Nault, inspecting physicians for the port of Quebec, during the season of navigation	311	4	10
Total quarantine expenses	3,701	10	2
Amount of expenditure incurred for the medical cure and treatment of the emigrants admitted to the Marine and Emigrant Hospital, from 1st January to 31st December 1852, as per account rendered	422	15	0
Paid to Grey Nuns for one year ground rent for the hospital and sheds at Montreal	158	10	0
The balance was disbursed for emigration purposes through the agents for this department as follows:			
For relief and assistance of emigrants 4,015 9 2			
For agencies 1,461 16 10			
	5,477	6	0
Currency	£ 9,760	1	2

The outlay of this department, was as follows:—

At Quebec:—

	£	s.	d.	£	s.	d.
For transport and provisions -	1,706	12	3			
Agency - - -	171	16	6			
				1,878	8	9
At Montreal:—						
For transport and provisions -	1,678	3	10			
Agency - - -	281	15	11			
				1,959	19	9
Toronto and Kingston:—						
For transport and provisions -	630	13	1			
Agency - - -	1,008	4	5			
				1,638	17	6
				5,477	6	0

The number of persons forwarded from Quebec was:— No. assisted.

To Montreal - - - -	4,705½
To Toronto and Hamilton and British ports on Lake Erie - - -	1,036
To Buffalo and Chicago - -	412½
United States viâ Lake Champlain -	89½
	6,243½

At an average cost of 5*s.* 5¼*d.* each adult.

From Montreal:—

To Western Canada viâ River St. Lawrence - -	2,700
To Bytown and settlements on Ottawa River - -	604
To Sherbrooke eastern townships - - - -	117
To United States viâ Lake Champlain - - -	179
To Buffalo - - - - - - - -	98
	3,698

At an average cost of 9*s.* 1*d.* each adult.

The number of persons assisted at the agencies in Western Canada, Kingston, and Toronto was 2,784, at an average cost, including provisions, of 4*s.* 6*d.* each adult.

The total number of cases which were examined into and relieved at the several agencies of this department was 12,725 adults, at an average cost for transport and provisions of about 6*s.* 3*d.* each.

This statement, when compared with that of 1851, shows a decrease in the number of persons assisted of 3,413, and in the amount of expenditure of 494*l.* 14*s.* 2*d.*

The total expenditure under the superintendence of this department in

	£	s.	d.
1851 was - -	5,884	3	11
1852 was - - -	5,477	6	0
Decrease	£406	17	11

The expenditure of this department during the past season was equal to 2*s.* 11*d.* on each steerage passenger above one year landed at this port.

The extent of assistance afforded at the Quebec agency on the emigrants of each country was as follows:—

English 9 per cent.
Irish 27 per cent.
Scotch 2 per cent.
Foreign 12 per cent.

The Emigrant Fund of 1852 amounts to 9,494*l.* 10*d.* currency, constituted of the emigrant tax collected at the ports of Quebec and Montreal, and the annual appropriation of 1,500*l.* sterling from the Imperial Government for the payment of agents salaries. Emigrant Fund.

The duty realized in course of the season was as follows, viz.:—

	£	s.	d.	£	s.	d.
At Quebec: 24,234 adults @ 5*s.* - - -	6,058	10	0			
8,177 children, five to fifteen years, @ 3*s.* 9*d.* - - - -	1,533	3	9			
76 uncertified, @ 47*s.* 6*d.* - -	180	10	0			
Commutations - - -	17	3	4			
				7,789	7	1
Less charge for expense of collecting, Custom House boat, &c. - - - -	250	0	0			
				7,539	7	1

			£	s.	d.	£	s.	d.
CANADA.	At Montreal:	410 adults @ 5*s.* - - -	102	10	0			
		145 children @ 3*s.* 9*d.* - - -	27	3	9			
						129	13	9
		Net tax received				7,669	0	10
		Imperial appropriation, 1,500*l.* sterling				1,825	0	0
						£ 9,494	0	10

On a comparison of this amount of resources with the amount of expenditure it leaves a deficiency of 343*l.* 4*s.* 4*d.*

A deficiency in the resources of the department I fully anticipated in my report of last year, in consequence of the reduction in the amount of tax levied under the Provincial Act 14 & 15 Vict. c. 78., which came into force 1st November 1851. The decrease in the amount received under this Act on the emigration of the past season was equal to the sum of 3,722*l.* 8*s.* 11*d.* currency.

The fund has also suffered a loss equal to 66*l.* 6*s.* 3*d.* on the shipwrecked emigrants, as no duties are collected unless the vessel arrives in port and enters at the Custom House.

Bonds. Bonds were taken in but two cases during the past season under the Provincial Act, 12 Vict. c. 6. Both were commuted under the authority allowed by the Act 14 & 15 Vict. c. 3., the parties having relations in Upper Canada who were anxious and willing to provide for them. The bonds were commuted in a sum sufficient to cover all the expenses attending their removal from this to the care of their friends.

The whole amount chargeable on the Emigrant Fund during the past season amounted to 5*s.* 4¾*d.* on each emigrant embarked from Europe, exclusive of children under 1 year; and the actual amount of emigrant tax received was but equal to 4*s.* 4*d.*

Distribution. Owing to the increased facilities and means of inland transport caused by so many lines of propellers and steamers proceeding direct from Montreal to almost every port on Lake Ontario and Erie, Mr. Hawke reports that he has found it impossible to ascertain the number of emigrants that enter Upper Canada with any degree of correctness.

It appears from the returns furnished by the agent at Montreal that there proceeded—

To Western Canada - - - - - -	31,600
To the Ottawa country - - - - - -	2,500
Settled in Montreal, and employed in the eastern townships -	1,100
Went to the United States viâ Lake Champlain - - -	2,800
Remaining in the district of Quebec - - - -	1,176
	39,176

Of those who proceeded to Western Canada it is estimated that about one third went direct to the Western States. Of this number 5,000 were foreigners; Norwegians and Germans. This would leave about 26,000 of the emigration received by the "St. Lawrence" as remaining in Canada. There has, however, been a very considerable emigration into Western Canada by the route of the United States, which, in the absence of any positive data, I should estimate at from 3,000 to 4,000; among these there was a large party of Germans; so that the province, it is estimated, has received an accession to its population from emigration of the past season of at least 30,000 souls.

The emigration of 1852 has, on the whole, been most satisfactory; healthy beyond any previous year. They have generally been well clothed, and comfortable in appearance; presenting none of that squalid misery which in previous years I have felt called upon to notice.

The decrease in the number of paupers, when compared with that of last year, and the more liberal provision which has been made for them, has also had a favourable effect; and this, coupled with the unprecedented demand which existed for labourers of all descriptions, has relieved this department of any anxiety as to their future success.

Emigration from Lower Ports. The emigration from the lower ports presents a small increase over that of last year. They were from Cape Breton, Prince Edward's Island, and New Brunswick, chiefly Scotch or their descendants, who, having disposed of their farms, are removing to Western Canada to settle. A considerable number stated their destination to be Goderich, and the settlements bordering on Lake Huron.

Foreign emigration. The foreign emigration of the past season shows a large increase over that of 1851; and the opinion expressed in my report of last year, as to the increase which would take place in this class of our emigration, when the advantages of the St. Lawrence route would become more generally known, have been fully realised; and, from the satisfaction expressed by the emigrants and the masters of foreign vessels engaged in this trade, I anticipate a further increase during the season of 1853.

Considerable exertions are also being made by private individuals interested in this section of the province to encourage the introduction of a healthy foreign emigration, with the view to their becoming permanent settlers.

The whole of the Norwegians of the past season proceeded direct to Melwaukie on Lake Michigan. They appeared generally in comfortable circumstances. Several parties, I am aware, brought out a considerable amount of money.

Of the Germans, about 2,000 are estimated as having remained in this province. They all proceeded to Hamilton, where a large number found profitable employment; and a number of families possessing capital, I am informed, had purchased farms in the German settlements in the Waterloo and Perth districts.

The appointments which your Excellency was pleased to sanction, of a German interpreter at this and the Montreal agency during the past season, has been found of essential service, and has enabled this department to communicate freely, and to afford the necessary advice and protection to this class of our emigration.

Several of the emigrant vessels from foreign ports during the past season were found, on arrival here, to have on board a much greater number of persons than they could have legally carried under the laws of England or the United States; and as no law exists regulating the carriage of emigrants from foreign ports to this province, beyond those which may exist at the ports from whence the emigrants sail, it may be considered necessary, in order to prevent over crowding, and to protect the province from the introduction of disease, that a provincial law should be passed to meet all cases not provided for under the Imperial Passenger Act of 1852.

I consider that, in order not to impose any unnecessary restriction on this growing branch of our trade, to regulate the number of passengers according to the space and tonnage check, and to require a list of the persons on board to be deposited with the chief officer of Customs in the manner and form prescribed by the Imperial Act, is all that would be necessary.

Emigration to New York.

From a return of the emigration to the port of New York, it appears that the number arrived to the close of the year was 299,504, being an excess of 9,903 over that of 1851. The numbers from the United Kingdom show a decrease of 44,587; the numbers in 1851 were 201,570, and in 1852 156,983. The falling off is altogether from Ireland, which amounts to 47,719. The numbers from England, Scotland, and Wales show a small increase on each. The great increase has been among the Germans, which, from 69,883 in 1851, reached 118,126 during the past year.

I was in hopes of being able to ascertain the extent of mortality during the passage among the emigrants arriving at New York, but am informed that no correct information can be obtained upon this important subject.

Prospects for 1853.

With reference to the prospects and demand for labour in 1853, I consider them most satisfactory.

The immense railway system now undertaken by these provinces will greatly stimulate general prosperity, involving, as it will, the introduction and expenditure of a large amount of capital, which will secure steady and profitable employment for the labouring classes for several years to come, so that Canada never presented a more favourable opening for the reception of all classes of Her Majesty's subjects, or such others as may desire to seek a comfortable home. The demand for labour is on the increase, and some apprehension exists that a scarcity will be felt during the ensuing season. The wages paid during the greater part of the year to common unskilled labourers was 4*s.* sterling per day. Should, therefore, the emigration of 1853 experience any considerable decrease, which I fully anticipate, owing to the improved and satisfactory condition of that class in the mother country, and the great impetus given to emigration since the gold discoveries in our Australian colonies. the railroads already under contract may be considerably retarded, and both public and private enterprise materially suffer.

In confirmation of this opinion, I would submit the following extract of a report recently received from Mr. Hawke:

"As to the prospects for 1853, I have conversed with many intelligent persons on the "subject, and they are of opinion that able-bodied unskilled labourers will be able to "command a dollar per day throughout the spring and summer months. Agricultural "labourers must either get equal wages, or the farmers will not be able to retain them in "their service. As these extensive works will not be completed for several years, and as "such a large outlay of money will stimulate every other branch of business, I do not think "it will be possible to overstock the labour market for many years to come. In fact the "prospects before us are of the most cheering description, and capitalists, merchants, "mechanics, farm servants, and common labourers may safely calculate on finding in "Canada an abundant demand for skill, capital, and labour, to a profitable as well as to an "almost unlimited extent."

I may also remark, that agents from the United States were in this city in the month of September, distributing printed notices requiring 10,000 men on the Illinois Central Railroad, 370 miles long, wages one dollar per day, with steady employment for three years.

The Emigration Department has experienced a loss during the past season in the death of the agent at Kingston, Mr. Anthony Hawke, who had for 12 years faithfully and zealously discharged the duties of his office; his death was hastened from the effects of a severe attack of typhus fever, which he contracted in 1847, and from which he never completely recovered.

I have endeavoured to bring before your Excellency a brief review of the transactions of this department during the past year; for further detailed information respecting which I beg to refer your Excellency to the accompanying Appendix.

All of which I respectfully submit to your Excellency's favourable consideration.

I have, &c.

A. C. BUCHANAN,
Chief Agent.

APPENDIX.

No. 1.

RETURN of the Number of Emigrants embarked, with the Number of Births and Deaths during the Voyage and in Quarantine, the total Number landed in the Colony distinguishing Males from Females and Adults from Children, with the Number of Souls from each Country, also the Number of Vessels, Tonnage, and Seamen employed, and the average Length of Passage, during the Season of 1852.

WHENCE.	Number of Vessels.	Average Days on Passage.	Tonnage.	Number of Seamen.	NUMBER EMBARKED.							Births.		Total Souls on board.	DEATHS ON THE PASSAGE.					
					Cabin Passengers.	Adults.		Children, 1 to 14 years.		Infants.	Total Steerage.				Adults.		Children, 1 to 14 Years.		Infants.	Total.
						M.	F.	M.	F.			M.	F.		M.	F.	M.	F.		
England	135	32¾	55,824	1,921	241	3,378	2,457	1,448	1,309	493	9,085	8	2	9,336	5	5	14	11	18	53
Ireland	96	44¼	36,591	1,414	126	4,811	5,864	2,408	2,312	496	15,891	10	9	16,036	11	5	11	8	8	43
Scotland	67	33¾	34,010	1,057	117	2,130	1,488	799	711	244	5,372	4	1	5,494	3	1	4	2	6	16
Continent of Europe	47	58¼	13,892	581	39	2,795	2,064	1,082	915	383	7,239	12	18	7,308	3	6	17	11	15	52
Lower Ports, &c.	74	- -	- -	- -	13	519	315	202	105	30	1,171	-	- -	1,184	- -	- -	- -	- -	- -	- -
Total	419	39	140,317	4,973	536	13,633	12,188	5,939	5,352	1,646	38,758	34	30	39,358	22	17	46	32	47	164

(*continued*)

WHENCE.	DEATHS IN QUARANTINE.						Total Deaths.	TOTAL LANDED IN THE COLONY.								Grand Total landed in the Colony.
	Adults.		Children, 1 to 14 Years.		Infants.	Total.		Adults.		Children, 1 to 14 Years.		Total.		Infants.	Total Steerage.	Cabin Passengers.	
	M.	F.	M.	F.				M.	F.	M.	F.	M.	F.				
England	- -	2	3	2	- -	7	60	3,373	2,450	1,431	1,296	4,804	3,746	485	9,035	241	9,276
Ireland	4	4	1	- -	1	10	53	4,796	5,855	2,396	2,304	7,192	8,159	506	15,857	126	15,983
Scotland	1	- -	- -	- -	- -	1	17	2,126	1,487	795	709	2,921	2,196	243	5,360	117	5,477
Continent of Europe	- -	- -	- -	- -	- -	- -	52	2,792	2,058	1,065	904	3,857	2,962	398	7,217	39	7,256
Lower Ports, &c.	- -	- -	- -	- -	- -	- -	- -	519	315	202	105	721	420	30	1,171	13	1,184
Total	5	6	4	2	1	18	182	13,606	12,165	5,889	5,318	19,495	17,483	1,662	38,640	536	39,176

DEATHS.

1852	0·46 per cent.	1850	0·87 per cent.
1851	0·64 „	1849	2·73 „

Emigration Department, Quebec, December 1852.

A. C. BUCHANAN, Chief Agent.

No. 2.

ABSTRACT STATEMENT of the total Number of Emigrants embarked, died on the Passage and in Quarantine, with the Number of Births, and Total landed in the Colony, distinguishing the Countries and Ports whence they sailed, during the Season of 1852.

Ports whence sailed.	Number of Vessels.	Passengers.		Deaths.		Births.	Landed in Colony
		Steerage.	Cabin.	At Sea.	Quarantine.		
ENGLAND:							
Bideford	3	220	- -	1	- -	- -	219
Bristol	6	111	14	- -	- -	- -	125
Cardiff	2	7	- -	- -	- -	- -	7
Carlisle	1	81	- -	- -	- -	- -	81
Cowes	1	51	1	- -	- -	- -	52
Dartmouth	1	8	- -	- -	- -	- -	8
Fowey	2	95	- -	- -	- -	- -	95
Falmouth	2	17	6	- -	- -	- -	23
Gloucester	1	136	- -	- -	- -	- -	136
Grimsby	1	31	- -	- -	- -	- -	31
Hull	9	1,016	17	3	- -	2	1,032
Liverpool	45	4,160	49	42	6	6	4,167
London	15	703	77	1	- -	- -	779
Llanelly	1	1	7	- -	- -	- -	8
Maryport	3	26	14	- -	- -	- -	40
Milford	1	50	14	- -	- -	- -	64
Newport	4	32	- -	- -	- -	- -	32
Padstow	3	308	1	3	- -	- -	306
Plymouth	17	1,511	25	3	1	2	1,534
Shields	1	- -	1	- -	- -	- -	1
Scarborough	1	121	- -	- -	- -	- -	121
Southampton	2	300	- -	- -	- -	- -	300
Stockton	2	31	- -	- -	- -	- -	31
Sunderland	3	17	1	- -	- -	- -	18
Truro	3	14	- -	- -	- -	- -	14
Torquay	2	27	11	- -	- -	- -	38
Whitehaven	2	11	- -	- -	- -	- -	11
Workington	1	- -	3	- -	- -	- -	3
	135	9,085	241	53	7	10	9,276
IRELAND:							
Belfast	6	852	- -	2	- -	1	851
Cork	15	2,386	22	1	- -	1	2,408
Dublin	7	1,287	5	6	1	2	1,287
Donegal	2	97	- -	1	2	- -	94
Galway	1	10	4	- -	- -	- -	14
Londonderry	3	454	2	6	- -	1	451
Limerick	31	5,540	25	14	3	7	5,555
New Ross	10	2,832	15	9	2	4	2,840
Sligo	6	846	13	3	1	2	857
Tralee	3	538	6	- -	- -	- -	544
Waterford	7	572	18	- -	1	- -	589
Westport	3	338	10	1	- -	1	348
Youghal	2	139	6	- -	- -	- -	145
	96	15,891	126	43	10	19	15,983

Ports whence sailed.	Number of Vessels.	Passengers.		Deaths.		Births.	Landed in Colony.
		Steerage.	Cabin.	At Sea.	Quarantine.		
SCOTLAND:							
Aberdeen	5	553	19	1	- -	- -	571
Ardrossan	2	102	- -	- -	- -	- -	102
Banff	1	5	- -	- -	- -	- -	5
Dundee	2	51	4	- -	- -	- -	55
Greenock	2	354	8	- -	- -	- -	362
Irvine	1	13	- -	- -	- -	- -	13
Montrose	3	159	3	- -	- -	1	163
Stromness	3	150	3	- -	- -	- -	153
Stornaway	1	450	3	1	- -	- -	452
Troon	1	4	- -	- -	- -	- -	4
Glasgow	41	3,487	77	13	1	4	3,554
Leith	5	44	- -	1	- -	- -	43
	67	5,372	117	16	1	5	5,477
CONTINENT OF EUROPE:							
Antwerp	1	69	- -	- -	- -	- -	69
Bremen	10	1,455	17	11	- -	7	1,468
Hamburgh	22	3,522	3	22	- -	19	3,522
Christiana	5	998	15	14	- -	2	1,001
Drummen	3	603	3	2	- -	1	605
Grimstad	1	96	- -	- -	- -	- -	96
Holmstrand	1	180	- -	- -	- -	- -	180
Ostensior	1	42	- -	- -	- -	- -	42
Porsgrund	1	250	- -	3	- -	1	248
Sandiford	1	2	1	- -	- -	- -	3
Tonsberg	1	22	- -	- -	- -	- -	22
	47	7,239	39	52	- -	30	7,256
LOWER PORTS:							
New Brunswick, Nova Scotia	—	—	—	—	—	—	—
St. John, Newfoundland	74	1,171	13	- -	- -	- -	1,184
RECAPITULATION:							
England	135	9,085	241	53	7	10	9,276
Ireland	96	15,891	126	43	10	19	15,983
Scotland	67	5,372	117	16	1	5	5,477
Continent of Europe	47	7,239	39	52	- -	30	7,256
Lower Ports	74	1,171	13	- -	- -	- -	1,184
TOTAL	419	38,758	536	164	18	64	39,176

Emigration Department, Quebec,
December 1852.

A. C. BUCHANAN,
Chief Agent.

No. 3.

RETURN of the Number of Persons who appear to have received Assistance to emigrate, also showing the Number who received Landing Money, from whom, and through whom paid, during the Season of 1851.

Date.	Vessel.	Whence.	No. received Free Passage only.	No. received Landing Money, with Free Passage.	By whom assisted.	Paid by Emigration Department. Sterling.	Paid by Agents. Sterling.
						£ s. d.	£ s. d.
May 3	Laurel	London	-	43	Poor Law Unions	44 0 0	—
„	Queen Victoria	Plymouth	-	7	Parish	- - -	4 0 0
May 5	Dahlia	Ditto	-	8	Ditto	- - -	4 10 0
„	Jane Black	Limerick	-	209	Nenagh Union	144 6 0	—
„	Ditto	Ditto	-	39	Kilrush Union	28 12 6	—
„	Primrose	Ditto	-	12	Ennistymore Union	7 10 0	—
May 6	Good Intent	Fowey	-	5	Parish	- - -	5 0 0
May 8	Isabella	Hull	5	-	Ditto	—	—
May 10	Industry	Sligo	2	-	Ditto	—	—
May 13	Jane	Bristol	69	-	Duke of Somerset	—	—
„	Ditto	Ditto	-	1	Mr. Osborne	- - -	0 12 2
May 24	Belle	Padstow	26	-	Parish	....	—
May 25	Ava	Southampton	-	54	Poor Law Union	-	54 10 0
May 28	Clara Symes	Liverpool	-	30	Vere Foster	30 0 0	—
June 3	Jessy	Limerick	-	178	Nenagh Union	107 2 0	—
June 6	Dunbrody	New Ross	43	-	Landlords	....	—
„	Kelrick Wood	Dublin	-	63	Ditto	- -	27 1 4
June 16	Confiance	New Ross	250	-	Earl Fitzwilliam	—	—
„	Sisters	London	-	55	Poor Law Union	42 10 0	—
„	Lord Ashburton	New Ross	60	-	Earl Fitzwilliam	—	—
June 17	Governor	Limerick	-	120	Newcastle Union	57 10 0	—
„	Jane	Liverpool	74	-	Carlow Union	—	—
„	Meteor	Hull	5	-	Parish	—	—
„	Lady Campbell	Waterford	25	-	Lord Ormond	—	—
„	Collina	Gloucester	-	108	Parish	- - -	85 10 0
„	Rolla	Hull	11	-	Ditto	—	—
June 20	Ellison	Cork	40	30	Landlords	- - -	7 10 0
„	Lord Brougham	Dublin	-	89	Ditto	- - -	21 5 0
June 22	Ann Rankin	Glasgow	22	-	Parish	—	—
June 24	Carshalton Park	Plymouth	7	-	Ditto	—	—
June 25	California	Glasgow	90	-	Landlords	—	—
July 10	Amanda	Hamburg	30	-	Ditto	—	—
July 5	Lord Lambton	Londonderry	-	33	Derry Union	17 0 0	—
July 13	Glenlion	New Ross	10	-	Landlords	—	—
„	Empire	Ditto	10	-	Ditto	—	—
July 17	Glide	Liverpool	19	-	Hertford Unlon	—	—
July 26	Blanche	Stornaway	-	453	Sir J. Mathison	- - -	298 6 8
Aug. 2	Roderic Dhu	Cork	-	280	Newcastle Union	247 0 0	—
"	Ditto	Ditto	-	149	Killydysart Union	112 5 0	—
Aug. 5	Augusta	Sligo	5	-	Sligo Union	—	—
Aug. 15	Ann Harley	Glasgow	41	-	Landlords	—	—
Aug. 17	Perseverance	Dublin	-	35	Ditto	—	—
Aug. 18	Vittoria	Southampton	-	51	Poor Law Union	- - -	36 10 0
„	Leonayd Dobbin	London	-	105	Ditto	85 0 0	—
„	Chatham	Liverpool	-	21	Dunfanughy Union	7 7 0	—
Aug. 26	Jane Black	Limerick	-	225	Rathkeale Union	212 0 0	—
Aug. 30	New Zealand	Dublin	-	171	Rathdrum Union	- - -	114 0 0
Aug. 31	Industry	Sligo	-	84	Roscommon Union	84 0 0	—
„	Odessa	Dublin	93	-	Landlords	—	—
Sept. 8	Affiance	London	-	20	Parish	17 0 0	—
Sept. 10	Enterprize	Dublin	-	167	Baltinglass Union	- - -	150 0 0
„	Try-again	Cork	38	-	Lord Lansdowne	—	—
Sept. 17	Alert	Dublin	-	56	Strokestown Union	56 0 0	—
„	Ditto	Ditto	-	40	Other Unions	- - -	40 0 0
Sept. 21	Annandale	Liverpool	160	-	Carlow Union	—	—
Sept. 24	Hope	Limerick	-	202	Croon Union	172 10 0	—
Sept. 28	John Bull	London	-	8	Parish	8 6 6	—
„	Prince Arthur	Bremen	-	172	Bavarian Government	- - -	72 12 0
„	Jessy	Limerick	-	32	Killflyn Union	20 15 0	—
„	Ditto	Ditto	-	28	Lord Ashton	7 15 0	—
Sept. 30	Peri	Cork	67	-	Lord Lansdowne	—	—
Oct. 2	Georgiana	Limerick	-	161	Newcastle Union	126 10 0	—
			1,162	3,544		1,634 19 0	965 15 6

RECAPITULATION.

	England.			Ireland.			Scotland.			Continent of Europe.		
		£	s. d.		£	s. d		£	s. d.		£	s. d.
Parish Funds	464	386	16 6	2,179	1,704	7 6	- -	-	- -	172	72	12 0
Private ditto	1	0	12 2	275	138	0 1	453	298	6 3	- -	—	
Free Passages only	83	-	- -	896	-	- -	153	-	- -	30	—	
Total	548	387	8 8	3,350	1,842	7 7	606	298	6 3	202	27	12 0

Emigration Department, Quebec, December 1852.

A. C. BUCHANAN, Chief Agent.

No. 4.

RETURN of Trades and Callings of the Emigrants who arrived at the Port of Quebec and Montreal during the Year 1852.

Bakers	42	Brought forward	755
Butchers	29	Rope-makers	4
Braziers, Plumbers, and Tinsmiths	19	Saddlers	10
Bookbinders and Printers	15	Sail-makers	5
Bricklayers, Stonemasons, &c.	133	Sawyers	8
Cabinet-makers and Turners	35	Shipbuilders	10
Carpenters and Joiners	222	Shoemakers	192
Cart and Wheel Wrights	14	Smiths	174
Coopers	24	Stonecutters	20
Dyers	3	Tailors	170
Engineers	17	Watch and Clock Makers	13
Gardeners	25	Weavers	91
Hatters	2	Unenumerated Callings	154
Millers and Millwrights	48	Farm Labourers	5,097
Miners	41	Common Labourers	6,930
Merchants and Clerks	50		13,633
Moulders and Foundrymen	22	Deaths of Male Adults at Sea 22	
Painters and Glaziers	11	Ditto in Quarantine 5	
Paper-makers	1		27
Plasterers	2		
Carried forward	755	Total	13,606

Emigration Department, Quebec, December 1852.

A. C. BUCHANAN, Chief Agent,

No. 5.

RETURN of the Number of Admissions into Hospital, Discharges, and Deaths of Emigrants who arrived in Canada during the Season of 1852.

	Admitted.	Discharged.	Died.	Remaining.
Grosse Isle	287	269	18	—
Marine and Emigrant Hospital, Quebec	313	263	31	19
General Hospital, Montreal	163	138	8	17
Total	763	670	57	36

Emigration Department, Quebec, December 1852.

A. C BUCHANAN, Chief Agent.

No. 6.

COMPARATIVE STATEMENT of the Number of Emigrants arrived at the Port of Quebec since the Year 1829 inclusive.

Country.	5 Years from 1829 to 1833.	5 Years from 1834 to 1838.	5 Years from 1839 to 1843.	5 Years from 1844 to 1848.	1849.	1850.	1851.	1852.
England	43,386	28,624	30,813	60,453	8,980	9,887	9,677	9,276
Ireland	102,264	54,898	74,981	112,192	23,126	17,976	22,381	15,983
Scotland	20,143	10,998	16,289	12,767	4,984	2,879	7,042	5,477
Continent	15	485	—	9,728	436	849	870	7,256
Lower Ports, &c.	1,889	1,346	1,777	1,219	968	701	1,106	1,184
Total	167,697	96,351	123,860	196,359	38,494	32,292	41,076	39,176

Grand Total, 735,305.

Emigration Department, Quebec, December 1852.

A. C. BUCHANAN, Chief Agent.

No. 7.

EXTRACTS from the Notes appended to the periodical Reports of Arrivals of Passenger Ships at the Ports of Quebec and Montreal in the Season of 1852.

From 16th of April to the 12th of May.

Note.—3,635 emigrants have landed at this port this season, since the opening of the navigation, in excellent health.

The ships have all made favourable passages, the average being thirty days.

The bark "Olive Branch" from Stockton, with twenty-seven passengers, was unfortunately lost in the ice on the 27th ultimo. Passengers and crew were all saved and brought to Quebec in the bark "Anthracite" from Grimsby, with the loss of all their luggage.

The majority of the emigrants in this return are English, chiefly farmers and agricultural labourers. The male adults are classed as follows:—

Farmers - - - - -	507
Labourers - - - -	680
Mechanics - - - - -	170

Of the whole number, 330 were sent out by the poor law unions, chiefly from Ireland; the remainder came voluntarily, or through the assistance remitted them by their friends.

From Ireland,—

209 were from the Nenagh Union, of which 156 were females.
39 were from Kilrush, of which 39 were females.
12 were from Ennistymore, of which 12 were females.

The females received 15*s.* sterling, males 12*s.*, and children 6*s.* each on landing here.

A few of the females obtained employment in Quebec, about thirty went to friends and relations in the United States, the remainder proceeded to Toronto, and, from information received, they are all likely to be speedily and satisfactorily disposed of. Labourers and mechanics are in much request on the several lines of railroads now under construction throughout the province.

From 13th to the 31st of May.

Note.—3,775 emigrants have landed at this port during the period embraced in this return; they arrived in good health. About one half are Irish, emigrating to join their relations and friends.

The English and Scotch emigrants from Aberdeen, Glasgow, Stromness, and Hull are respectable in appearance. All appeared to possess some means. Over three fourths of the number went to Western Canada; the remainder to friends in the United States.

On board the Ava from Southampton there were some farmers with property; fourteen had secured their passage in London direct through to Cleveland and Chicago, and seventeen to Toronto, Hamilton, and Port Hope. A party of fifty-four and a half adults, sent out by their respective parishes, received 20*s.* sterling each on landing here.

In the bark "Feedres Minde," from Holmestrand, there were 180 Norwegian emigrants. This party cashed bills in Quebec to the amount of 7,000 dollars. They all proceeded direct to Milwankie, having secured their passage through from this port for 32*s.* 6*d.* each adult. Captain Muller reports that 2,000 emigrants may be expected from Norway during the present season, and that his party had expressed themselves highly satisfied with the route and accommodations on board the Canada steamers.

On board the "Clara Symes," from Liverpool, there were thirty young persons, eight males and twenty-two females, the cost of whose emigration has been defrayed by private subscription. They received 1*l.* sterling each on landing here, and the greater part of them could have obtained situations in this city, but the females refused the wages offered, 10*s.* per month until they became acquainted with the duty, and, as they possessed the means, preferred proceeding up the country.

Employment continues abundant throughout the province, and all parties disposed to work can obtain it without difficulty. Wages range from 3*s.* 6*d.* to 4*s.* per day.

The number assisted from the several vessels included in this return was 156 persons, equal to 100 adults.

From the 1st to the 19th June.

Note.—8,272 emigrants have landed at this port during the period entered in this return, 1,600 of whom were foreigners. They landed in good health. Of the whole number but thirty-seven deaths, chiefly young children, occurred on the passage, and twenty-seven persons were landed at Grosse Isle, nearly all of whom have since been discharged.

7,280 appear to have emigrated voluntarily, and 992 were assisted by the landlords or sent out by their parish. Of the latter, 178 were from the Nenagh Union; viz., 102 females, twenty-six males, and fifty children. They received a gratuity on landing of 15*s.*, 12*s.*, and 6*s.* sterling each.

On board the "Governor" there were 120 from the Newcastle Union, County Limerick; viz., 106 females, one male, and thirteen children. They received a gratuity of 10*s.* sterling each adult.

CANADA.

Of these two parties, 110 females were sent to Bytown, with recommendations to some influential parties, and the whole were employed within twenty-four hours of their landing there. Applications have been received for a number more of the same class, and also stating that several thousand able-bodied men would at once find employment in that quarter at wages from ten to twelve dollars per month, as, owing to the high wages paid by parties engaged in the lumber trade, the tillage of the soil has been very much neglected, and agricultural labourers are much sought after.

On board the "Collina," from Gloucester, there were 108 persons sent out by their parish, ninety-eight of whom were from the Cheltenham Union. They received 20*s.* sterling each adult on arrival. The remainder of those assisted are from Ireland, chiefly from the estates of Earl Fitzwilliam and Lord Ormond. These parties received a small sum on embarkation.

A few families, sent out by the landlords in the "Kelsick Wood," from Dublin, received 10*s.* each on landing here, through Mr. Mileys, agent.

Of the foreign emigrants, 227 were Norwegians and 1,424 were from various parts of Germany. The former proceeded direct to Milwankie and Chicago. Of the latter, about 350 proceeded to Hamilton, and the remainder to Buffalo and the western states. The great majority of these people brought out considerable money with them; a few families were, however, without means, and required assistance.

The total number of persons assisted by this department, out of the several ships included in this return, was 871 souls, equal to 685 adults. They are chiefly women and children coming out to join relations and friends.

From the 19*th to the* 30*th June.*

The emigrants arrived from 19th to 30th June have all landed in good health. Of 643 foreign, landed during this period, 211 were Norwegians, and the remainder were Germans. The former all proceeded direct to Milwankie. Of the latter, about one third proceeded to Hamilton; the remainder to Buffalo and western states.

On board the "Ann," from Donegal, "Wanderer," from Westport, and "Jennie Johnston," from Tralee, there were a large number of very destitute persons, consisting chiefly of females and children, who were coming out to relations in Western Canada and the United States. These people had all to be sent forward at the expense of the Emigrant Fund, as no suitable employment could be obtained for them in this section of the country.

The demand for labour, which has been unusually great in the district this season, is now fully supplied, and until the operations of the Quebec and Richmond Railroad Company become more extended, which it is expected will be in course of a few weeks, labourers experience difficulty in securing permanent employment. The demand, however, continues in Western Canada, and, if parties possess sufficient means to reach that quarter, steady employment and a full rate of wages awaits them.

The number of persons forwarded from this agency from the several vessels included in this return were 502 adults, at an expense of 94*l.* 14*s.* 8*d.*, at an average of 3*s.* 10*d.* each.

From the 1*st to the* 17*th of July.*

Note.—5,576 emigrants landed at this port between the 1st and 17th July, in good health, with the exception of a few cases of measles and smallpox which appeared on board the ship "Intrepid" from Liverpool; 12 children died on the passage, and 17 were found more or less affected on arrival at Grosse Isle. On board the remaining vessels, 14 deaths occurred, and 16 cases were admitted to hospital, the greater part of whom have since been discharged. By the return from Grosse Isle dated 27th instant but 18 cases were reported in hospital at that station, 17 of whom were convalescent.

Of the arrivals during the period of this return, 5,474 emigrated voluntarily, and 102 persons appear to have received partial assistance, of which number 33 were paupers from Londonderry Union, who received 10*s.* sterling each on landing.

The proportion of foreign emigrants is larger than ever known before at this port during the same period; they number 2,335. Of these, 708 are Norwegians and 1,627 Germans. Of the former, all proceeded direct to the states of Illinois and Wisconsin.

Of the Germans, above 500 proceeded to Hamilton, on their route to the German settlements in that section of the province, several of whom brought out considerable capital, with the intention of purchasing land.

Two vessels in this return have suffered shipwreck, viz., the "Lessing," with 207 passengers from Hamburg, on the coast of Labrador; passengers and luggage all saved; and the ship "Trusty" from Scarborough, with 134 passengers, off Gaspé; 13 of her passengers and 5 of her crew were drowned; the remainder, 121, reached this port in three schooners, with the loss of the greater part of their luggage.

The number assisted from the several vessels included in this return was 563. 421, equal to 328 adults, were from the United Kingdom, and 142, equal to 116 adults, were Germans. The latter were forwarded through to Hamilton at 12*s.* 6*d.* each adult.

The demand for labour throughout the province continues on the increase. The following extract from a letter received from Mr. Hawke, dated Toronto, 24th instant, speaks favourably of the emigration in that quarter. The condition of the emigration is equally

favourable in this section of the province, and I am not aware of any, either at this or the Montreal agency, being out of employ.

Extract.—"Although we are daily receiving considerable numbers of emigrants, both "from your section of the province and Rochester, we do not get enough to supply the "demand. I have notices from the contractors on the Niagara, Hamilton, and Windsor "railroad, offering 5*s.* currency per day for labourers. The farmers anticipate diffi- "culty in securing their crops, and the offices here and at Kingston are almost besieged by "them in search of hands. I was at Kingston on the 21st instant, and sent several large "families, whom the farmers would not employ because they could not find houses for "them, to Cobourg and Port Hope, where they all got work. If there are any idlers at "Quebec or Montreal, urge them to proceed upwards at once.

"For many years I have never known a period when demand for skilled and unskilled "labour was so universal and so well remunerated. So far too the season has been "remarkably healthy.

"There were only 5 emigrants in hospital at Kingston, and a few days since we had "only seven at this place."

From the 17*th to the* 31*st July,*

The emigrants in this return have all landed in good health, and, with a few exceptions, all proceeded to Western Canada.

The emigrants per "Blanche," from Stornaway, were all forwarded to their destination at the expense of their landlord. Of the 18 families forwarded to Hamilton, the able-bodied men were offered employment on the Western railroad on their landing, wages one dollar per day; those to the eastern townships were equally successful.

There are no emigrants unemployed at any of the agencies throughout the province, and applications are more numerous than can be supplied.

The Norwegian emigrants from Christiana all proceeded direct to Milwankie.

From the 1*st to the* 31*st of August.*

6,639 persons landed at this port during the month of August, all in good health.

5,347 appears to have emigrated voluntarily, and 1,292 were sent out chiefly from the Irish poor law unions. The following will show the number, with the amount paid them through this office on landing; viz.—

		Amount of Landing Money.		
		£	s.	
280	From Newcastle union, per ship "Roderick Dhu," from Limerick	247	0	sterling.
149	„ Kildysart union, per ship "Roderick Dhu," from Limerick	112	5	„
225	„ Rathkeale union, per "Jane Black," from Limerick -	212	0	„
84	„ Roscommon union, per "Industry," from Sligo - -	84	0	„
21	„ Dunfanaghan union, per "Chatham," from Liverpool -	7	7	„
105	„ Poor Law Commissioners, per "Leonard Dobbin," from London - - - - - -	85	0	„
864		£747	12	„

171 persons from the Rathdrum union were paid their landing money, amounting to 114*l.*, through Messrs. Ryan, Brothers, and Co. of this city. A party of 93, per "Odessa," from Dublin, were sent out by their landlord. They were from the county Monaghan, and appear to have only received a free passage to this port. A few other families, equal to 31 souls had orders on Messrs. Ryan for various sums equal to 60*l.* 10*s.*

The great majority of the parties paid through this office were females. They have been forwarded to different sections of the province, where they have found no difficulty in obtaining employment. The party from the Roscommon union were all respectable well-conducted young women. 40 of them went to the eastern townships; they were accompanied by a party from Montreal, who undertook to provide them all with situations. The remainder of the party (with the exception of eight, who had relations in the United States,) went to Upper Canada.

225 paupers from the Rathkeale union, per "Jane Black," arrived 26th August. The remittance on their account did not come to hand until the 4th September, after the parties had been nearly all dispersed through the country. About 30, who remained in the cities of Quebec and Montreal, have been paid their amounts, and arrangements have been made to trace out and pay the remainder.

Among the emigrants who came out at their own expense there were some highly respectable Scotch and English families, who possessed capital. They all proceeded direct to Toronto and Hamilton; chiefly to friends.

Of the foreign emigrants landed during this month, 1,104 were Germans from the port of Hamburg, and 458 Norwegians. Of the former, about one half went to Hamilton; some for employment, and others to friends in the German settlements in Waterloo. The Norwegians proceeded to Wisconsin. A portion of the passengers by the "Argo" from Christiana, were unfortunately on board the ill-fated steamer "Atlantic," which was run into by the propeller "Ogdensburg" in the morning of the 20th August on Lake Erie during

CANADA.

a fog, where it is stated that upwards of 200 lives were lost. It has been ascertained that of 103 of the Norwegians who were on board 68 were missing. The remainder of the party, from want of money to pay their passage across the lake, were left at Buffalo, by which means their lives were saved.

The "Atlantic" was one of the finest of the American line of steamers on Lake Erie.

Employment continues abundant throughout the province, and labourers still much sought after. Wages range from 4*s.* to 1 dollar per day.

From the 1st to the 30th September.

Note.—5,507 emigrants landed at this port during the month of September, all in good health. 4,496 appear to have emigrated voluntary; 1,011 at the expense of their parish; viz.:—

28	were	from	England.
811	„	„	Ireland.
172	„	„	Continent.
1,011			

They were paid landing money, varying from 10*s.* to 20*s.* each, either on embarkation or on landing here, with the exception of 105 persons from Cork, sent out by their landlord.

160 paupers from Carlow Union, by the ship "Annandale," from Liverpool, appear to have received their money on embarkation. The consequence was, that a large portion of them on landing here found themselves reduced to a few shillings, having expended it during the passage. This is invariably the case when this system is adopted, and a number of the young people become chargeable on the Emigrant Fund for the means of proceeding up the country to where a demand for their services existed. This is a result which cannot but prove unsatisfactory to those parties who may have interested themselves in their removal to this country, and who will doubtless feel interested in their future progress.

The landing money for the benefit of persons of this class should in all cases be paid to them in this country.

172 persons by the "Prince Arthur," from Bremen, appear to have been sent out under the sanction of the Bavarian Government. They were from the parish of Ollerstadt, near Speyer, Bavaria. They had orders on a commercial firm in this city for a small sum of money, equal to about 8*s.* currency each. Their destination was stated to be Rochester, but as their money was insufficient to carry them to that quarter, and being aware that a demand for their services existed at Hamilton, they all decided to proceed there, this department contributiug a portion of the expense.

The remainder, who emigrated voluntarily, have generally come out to join friends.

On board some vessels there were a large proportion of women and children, families coming out to join their husbands and fathers. These parties invariably required assistance to enable them to proceed from this.

The total persons assisted from the several ships in this return was 968 souls, equal to 626 adults.

This return will nearly close the emigration for this season; there are but three more ships to arrive.

The emigration of the season has been very satisfactory; it has been remarkably healthy.

The agencies in Western Canada report that there is not a single person unemployed, and several hundred more hands would be engaged, but they are not to be had.

From the 1st to the 13st October.

Note.—This return will close the emigration for this season. The arrivals during the month of October show a decrease, when compared with the same period in 1851, of 3,000 souls.

They have all landed in excellent health, and, with the exception of a party of 161 persons from the Newcastle Union, by the "Georgiana," have emigrated to join friends and relations.

Employment continues abundant, and I am not aware of any emigrants of the past season being at present unemployed.

No. 8.

RETURN of Emigrants received and inspected at the Quarantine Hospital, with the Numbers of Admissions, Discharges, and Deaths, during the Season of 1852.

Number of Vessels.	Number of Passengers.	Deaths on Passage.	Births on Passage.	Sick on Arrival.	Number landed at Healthy Division.	Number admitted.	Number discharged.	Number died.
255	37,456	164	64	135	2,893	287	269	18

CANADA.

DEAR SIR, Quebec, December 29, 1852.

See previous page.

THE accompanying table will show the number of sick emigrants admitted, discharged, and died at the Quarantine Hospital, Grosse Isle, the past season; the number of vessels on board of which disease prevailed, and whose passengers it was found necessary to land at the island to wash and purify; the number of deaths on the voyage (the names, ages, and other particulars having been transmitted to you from time to time during the season).

Upon a comparison of this return with similar tables in past years, a most marked improvement in the health and condition of emigrants will be noted.

This improved sanitary state may be attributed in a measure to the greater care and vigilance of shipmasters, and to the excellent regulations now enforced by the Imperial Passenger Act, not the least important of which regulations is that obliging emigrants to undergo a medical inspection before leaving Europe.

The past season's emigration is peculiarly noted for the almost total absence of ship fever, which has in former years proved so severe a scourge.

It was only found to have existed in two vessels; a small brig, the "Ann," from Donegal, with 90 passengers, and the brig "Devonport," with 12 passengers, from Glasgow. It was most fortunate that the number of emigrants in this latter vessel was so small, as the disease prevailed with great virulence. On arriving at Grosse Isle, I found the captain, mate, and cabin-boy lying ill in the cabin, and the cook, one of the seamen, and eight of the passengers in the steerage. The others took the disease after landing. The disease I ascertained to have been communicated by a steerage passenger who had embarked convalescent from typhus.

This almost total exemption from fever in passenger vessels arriving by the St. Lawrence contrasts favourably with those that arrived in New York last spring, on board of which there was much suffering from this cause, and the disease extended to parts of the city of New York, and excited much alarm.

The chief health officer of Staten Island, my friend, Dr. Doane, fell a victim to the disease, which he contracted in the discharge of his duty.

Of the 13 vessels whose passengers it was found necessary to land and place in quarantine, 5 had smallpox, 4 measles, 2 both smallpox and measles, and 2 fever. The total number of passengers landed at the healthy division of the island during the entire season was 2,893; a number insignificant as compared with former years, when a larger number was often landed in one day. I think we have every reason to hope that this gratifying state of health of emigrants will continue. The source and cause of fever no longer exists in Ireland as formerly, the sickly and starving are no longer to be met in multitudes, and the paupers sent out from the Unions have, during their residence in these institutions, acquired those habits of order, cleanliness, and obedience which prepare them for the sea voyage in a crowded emigrant ship, hence, with few exceptions, such passengers arrive in good health.

As an instance of the truth of this observation, I would cite the cases of the passenger ships "Canada" and "Roderick Dhu," both from Cork, the former having on board 404, and the latter 615 pauper passengers, all of whom arrived in excellent health, without a sick person or death on the passage. The shipmasters of passenger vessels prefer paupers to all others, finding them more obedient and orderly.

The expenditure of the Quarantine Hospital for the supply of medical comforts, food, and additional hospital utensils for the sick, amounted to 76*l.* 8*s.*, exclusive of wages of nurses and orderlies.

I have, &c.,
(Signed) G. M. DOUGLAS,
Medical Superintendent.

No. 9.

COPIES and EXTRACTS of Correspondence with Poor Law Inspectors in Ireland.

SIR, New Castle, County Limerick, April 28, 1852.

I HAVE the honour to apprize you that the Guardians of the New Castle poor law Union have sent by the ship "Governor," which sailed yesterday from the port of Limerick for Quebec, 120 of the inmates of the workhouse, chiefly females, there being only 11 children and no adult males, and the females being, with few exceptions, single, and all able-bodied, and apparently well fitted for farm or household service where that can be procured.

My intention when advising you of the transmission of these parties was to enclose the allowance of money to be given them on landing, 10*s.* for adult and 5*s.* children, but Mr Spaight, the shipowner to whom the guardians draft for the amount was given, that he might procure a bank order in favour of you, has disappointed me in providing the order. I doubt not he will send it by an early post, but as I am unwilling to lose the mail of to-morrow to write you, I cannot await its receipt. However, the money forwarded by succeeding mail will probably reach you some time before the arrival of emigrants.

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I know it is needless to ask your attention to these emigrants, for I already have had evidence of the care and trouble you take with such persons in the case of another of my Unions, that of Listowel, from which a number of emigrants were sent out last year.

You will be good enough to expend so much of the money as you think right in forwarding the parties to the most suitable localities for employment; the remainder I presume then to be given them.

There is another point which also particularly induces me to write you at present.

Several of the boards of guardians in my district propose to send out emigrants this spring of the same class as the 120 referred to, and probably up to the number of 1,000. Now I am anxious to be informed by you if there is likely to be sufficient employment to absorb this number, or if any suffering or inconvenience is likely to be entailed upon them from the state of the labour market on their arrival. Your opinion as to the advisability or prudence of the step contemplated by the guardians would be received by me as a great favour, and I will endeavour to deter the guardians from sending out any great portion of the 1,000 until I may have a reply to this letter.

Have you any objection to a widow with, say, four or five or larger number of children being sent out, where they are all over seven years of age, and able to be useful to some extent? Any suggestion you may think right to give me regarding the classes which ought to be sent will also be received by me as a great favour.

May I beg you will excuse the liberty I have taken in addressing you, and all the trouble I have given you.

I have, &c.

A. C. Buchanan, Esq.
Chief Agent at Quebec.

(Signed) R. A. Duncan,
Poor Law Inspector.

Government Emigration Office, Quebec,
May 15, 1852.

Sir,

I have to acknowledge the receipt of your letter of 28th ultimo, which reached me this morning, informing me of the shipment by the guardians of the New Castle poor law Union of 120 females by the ship "Governor." On the arrival of this vessel it shall be my endeavour to have your wishes carried out to the fullest extent of my power.

The sum to be paid each on landing, to be remitted by Mr. Spaight, has not reached me, but no doubt will be forthcoming before the "Governor" makes his appearance.

We have already had an arrival from your section of 248 paupers, chiefly females, from the Nenagh and Killrush Unions. They received 15*s.* sterling each on landing here 200 of the party proceeded direct to Toronto, at an expenditure of 12*s.* sterling each; and from a letter received from Mr. Hawke, the chief emigrant agent for Western Canada, two days since, he reports that there was but little demand for their services in and about that city, but that, with the assistance of the Roman Catholic clergy, he forwarded a detachment of them to Hamilton, St. Catherine's, and to Cobourg, and had no doubt but they would all be speedily disposed of.

The agent at Kingston writes me that he can dispose of 3 to 400 in the New Castle district, and in the settlements bordering on the Bay of Quinte, as I am in daily expectation of the arrival of a further party of 180 from the Nenagh Union, reported to have sailed in the ship "Jessy," these with the party of the "Governor" will, I anticipate, fully supply that section of the country for the present. Further west, in the London and western districts, there is, however, a very great demand for female domestic servants; and I have no doubt, if 5 or 600 were sent to that quarter, they would be at once absorbed; the expense attending their reaching this section of the province has prevented my forwarding them heretofore. I enclose you a printed paper which will show you the cost of our inland transport, from which you will see that the allowance of 10*s.* sterling on landing here is wholly insufficient to defray the cost of their transport to the districts which offer the best opening for their reception. I state this with reference to your desire to obtain information as to the expediency of the other unions in your district deciding on sending out a number of their people this spring. I can on this point only state that I do not anticipate any difficulty in being able to dispose of the number you state, if the guardians will only allow a sufficient sum to each on landing to enable the agents of this department to forward them to where they will be required. This sum should not be less than 20*s.* sterling each.

Owing to the great reduction which has taken place in the emigrant tax this season, equal to 30 per cent., this department does not possess the necessary funds, as in former years, to permit so general or so extensive a distribution as would be necessary; and to allow poor helpless females to accumulate on any of our cities would cause a vast amount of distress among these poor people, and dissatisfaction to the inhabitants.

It is to guard against a result so disastrous, and so contrary, I am sure, to the feelings and wishes of the guardians themselves, that I would desire to impress upon them the necessity of appropriating not less than the sum above stated to such as they may send out.

With reference to widows with families, if the youngest children are not under what you state (7 years), and the women healthy, and disposed to exert themselves, there is no question but a few of them would do well.

The foregoing remarks I have just thrown together, as you appear anxious for a reply to your letter; and if I did not write to-day I would lose this post, so I hope you will overlook any omission.

I expect Mr. Hawke here in a few days, and will submit your letter to him, and should anything further suggest itself I will again write you.

I am, &c.

To R. A. Duncan, Esq., (Signed) A. C. Buchanan,
Poor Law Inspector, Chief Agent.
Newcastle Union, County Limerick.

Sir, New Castle, June 10, 1852.

I beg to acknowledge the receipt of your letter of 15th ultimo, and to express my best thanks for the information it contained.

I took the liberty of laying it before the boards of guardians who contemplate emigration from their workhouses.

The New Castle guardians at once agreed to be guided by your suggestion as regards the sum to be paid the emigrants on landing, and they desire me to say that they fully appreciate your attention as regards the persons sent out.

A further party of 280, of nearly the same class as the 120 despatched on the 26th April, proceeded yesterday by the Ship "Roderick Dhu." They were inmates of the New Castle workhouse, and I can speak in the highest terms of their moral, orderly, and industrious conduct during the considerable period they came under my observation.

I transmit herewith a bank order, amount 247*l.*, being an allowance of 1*l.* for each adult, of whom there are 214, and 10*s.* for those under 14, numbering 66. You will be good enough to dispose of this sum as may be best for the advantage of the poor persons, and I trust it may enable you to send them into fields which offer good prospects of their speedy employment.

A further party will sail from New Castle Union on the 26th instant, consisting of, probably, 160. A number, about 200, will also proceed at the same time from Rathkeale Union, all of whom, I think, will be found well fitted for employment where they can obtain it.

I enclose a list of the parties on board the "Roderick Dhu." Yesterday was her day of sailing, and I think it likely she was able to do so. She sails from Cork.

I shall be happy to receive any suggestions from you which might be useful to me, as regards the future emigrants that may be sent from my district.

Again thanking you for your valuable assistance,

I remain, &c.

To A. C. Buchanan, Esq., (Signed) R. A. Duncan,
Emigration Department, Quebec. Poor Law Inspector.

Dear Sir, Emigration Department, Quebec, July 2, 1852.

I am in receipt of your letter of 10th ultimo, with list of persons sent out from the New Castle Union in the "Roderick Dhu," I find by the list there are but 278 persons, viz., 217 over 14 years, and 61 under, which, to pay them the sums stated, viz., 20*s.* and 10*s.*, will amount to 247*l.* 10*s.* I have received from the manager of the bank at Rathkeale a bank note for 247*l.*; I shall therefore have to pay one adult 10*s.* in place of 20*s.*, the draft being that sum short.

Since I wrote you last, I have received several communications from a gentleman residing at Bytown on the Ottawa River. Of 110 females, part of your last shipment, and of these from the Nenagh Union which I sent up there, they all obtained situations within two days of their landing there, and the demand exists for a considerable number more. I shall accordingly ship from 75 to 100 of those disposed to proceed to that quarter from among the "Roderick Dhu" passengers, and have advised the parties to this effect.

I enclose you a Quebec paper, in which I have had copied a notice from a Limerick paper of the embarkation of your people, at the same time drawing the attention of parties through the country who may be desirous of securing their services, to communicate at once with this department.

I have a letter from the clerk of the Killadysart Union, informing me that they had sent by the same vessel 150 inmates of their workhouse to whom they would allow a gratuity of 10*s.* each.

I shall write to you on the arrival of the "Roderick Dhu."

I have, &c.

To R. A. Duncan, Esq., (Signed) A. C. Buchanan,
Poor Law Inspector, New Castle. Chief Agent.

CANADA.

DEAR SIR, Emigration Department, Quebec, August 10, 1852.

ON the 31st ultimo I wrote you a few lines reporting the arrival of the "Roderick Dhu." She reached port on the 1st instant; passengers all in good health. I boarded the vessel on the 2d, and arranged that the party from your union, as also from the Killadysart, should leave the next day, when I should accompany them as far as Montreal.

I found, on comparing your list with the persons on board, that the following parties had been landed at Cork, viz.:—

			£	s.	d.
No. 107. Mary Corbett - - 56					
No. 108. Ellen Corbett - - 16	Landing money - -		3	0	0
No. 109. John Corbett - - 14					
No. 249. Ellen Power - - 46					
No. 250. Robert Power - - 14	Landing money - -		2	10	0
No. 251. James Power - - 12					

No. 218. Mary Kallaha, 9, died at sea; money paid to her mother.

I paid each of the adults 10*s.* sterling on landing, and to each child 5*s.*, and they were distributed as follows:—

Obtained situations in this city and Montreal - - - -	13
Forwarded by steam to Port Dover, Lake Erie - - - -	60
To Kingston, Toronto, and Hamilton, and distributed at the ports on Lake Ontario - - - - - - - -	168
To the United States - - - - - - -	30
Relanded at Cork - - - - - - -	6
Died at sea - - - - - - - -	1
	378

The parties who obtained situations in this city and in Montreal, as also those who went to the United States, I paid them their money in full. Those forwarded to Western Canada received 10*s.* sterling, and the balance was applied towards their transport. They were forwarded in three separate divisions, in order to prevent too great a number being landed at the same time at any one port. I had written Mr. Hawke, the chief agent for Western Canada, so soon as I heard of the vessel being at hand, in order that he might meet them at Kingston, and arrange for their distribution.

The party forwarded to Port Dover on Lake Erie was preceded by Mr. Fuller, district clerk of the county of Norfolk, who happened to be in this city on their arrival, and applied to have 100 females sent to his district, and he could procure them situations immediately on arrival.

I was too happy to avail myself of such an offer, and finding a steamer in Montreal bound for Port Dover, I at once shipped 60 of your party and 54 of those from the Kiladysart Union, and am satisfied they will do well.

Mr. Hawke writes me from Toronto, dated the 6th instant, that the party of 150 had just arrived, and that he should find no difficulty in procuring them situations.

The demand for all kinds of labour has much increased during the past two months, and a dollar per day for from 3 to 5,000 men is now offered at Hamilton.

The farmers also have difficulty in finding hands to secure their crops.

The sum of 5*l.* 10*s.* sterling remains in my hands subject to your order.

I have, &c.

R. A. Duncan, Esq., (Signed) A. C. BUCHANAN,
Poor Law Inspector, New Castle. Chief Agent.

DEAR SIR, Emigration Department, Quebec, August 21, 1852.

I WROTE you on the 10th instant respecting the arrival and disposal of the emigrants sent out by the "Roderick Dhu." I now enclose you copy of a letter received from Mr. Fuller, to whose care I forwarded the party sent to Port Dover per steamer "Reindeer," as you will doubtless desire and learn how they were received and disposed of.

* * * * * *

I have, &c.

R. A. Duncan, Esq., (Signed) A. C. BUCHANAN,
Poor Law Inspector, New Castle. Chief Agent.

SIR, County Clerk's office, Simcoe, Norfolk, August 12, 1852.

THE young women you forwarded per "Reindeer," Purdy master, reached Port Dover on Monday evening the 9th instant at dusk, and only a few hours after my own arrival at home.

My time to make arrangements for them was so short, and the hour at which they arrived so late, that I only kept fifty-six, and directed Captain Purdy to land twenty at Port Burwell, and the balance at Port Stanley.

On Tuesday I placed every one of the number, many in excellent, all in good places, at two dollars per month for six months certain.

One only, Mary Winn, (Kiladysart,) arrived in ill health, the effects of severe cold and fatigue. She is placed in the family of Dr. Seagon of Port Dover, who has engaged to keep her on the same conditions as the others if she recovers within a week, of which I have little doubt.

The boy, Patrick Noone, (Newcastle,) is in my service.

From the shortness of notice and late arrival I had to incur an expense of 1*l.* 6*s.* 10½*d.* in providing for them until placed out. They are now all safely and well placed.

If you have an opportunity of another propeller for Port Dover, I will undertake to place sixty more out on similar terms, conditioned only that they are young, cleanly, and healthy; and if a week's notice is sent they will cost little or nothing after they are landed at Dover.

I will also place out thirty lads or smart boys to equal advantage; and if it is an object to you to get them off your hands, and distributed where they will become useful members of the community, and well provided for, I will, at a very small charge, take off from eighty to 100 per month through the season.

A reply will oblige me much.

I have, &c.
(Signed) Stephen J. Fuller,
County Clerk, County Norfolk.

To A. C. Buchanan, Esq.,
Chief Agent at Quebec.

My dear Sir, New Castle, County Limerick, August 25, 1852.

I delayed thanking you for your gratifying letter of the 2d ultimo till I should have occasion to write you regarding other matters.

The prospects of employment for the poor people which you mentioned relieve us of a great deal of anxiety, and the board of guardians expressed itself very grateful for the active attention you are giving to the emigrants, in which feeling I need not say I participate.

A further party, 161 emigrants, from the New Castle Union, sailed by the "Georgiana" from Limerick for Quebec, on the 7th instant, and 202 persons from the Croom Union by the "Hope," from same port, on the 10th instant. A list of these parties, with the necessary particulars, and remittances at the rate of 1*l.* for each adult, and 10*s.* for those under 14 years, have been transmitted by last mail by the clerks of the unions.

This completes the emigration from my district for the present season; and although the arrival of the number last sent may be at a late period of the year, I trust your efforts to obtain employment for them may be successful.

* * * * * *

I shall be happy to hear from you as to the disposal of the emigrants; and thanking you for your valuable assistance,

I have, &c.
(Signed) R. A. Duncan,
Poor Law Inspector.

To A. C. Buchanan, Esq.
Chief Agent, Quebec.

P.S.—I have just received your letter of 31st ultimo, announcing the safe arrival of the "Rhoderick Dhu," which will be welcome news to a great many.

(Signed) R. A. D.

My Dear Sir, New Castle, September 9, 1852.

In acknowledging your very satisfactory letters of the dates 10th and 21st August respectively, I cannot express too strongly the sense entertained by the guardians of your exertions, and the feeling of gratitude and thankfulness they bear to you, in which I need not say I fully participate.

The emigrants by the "Roderick Dhu" appear to have been successful by your aid in obtaining employment even beyond what could have been expected, and the rapid transition of these poor people from their burthensome and useless condition in the workhouse, to a state of independence and industry, relieving this country of a heavy drag upon its progress, and benefiting that to which they are sent, is in my mind the most hopeful feature of the present times.

Nothing could be more satisfactory than Mr. Fuller's letter, which you enclosed in your communication of the 21st ult.

As regards the balance of 5*l.* 10*s.* remaining in your hands, the guardians propose yet sending out the parties for whom it was intended, so that you can just hold it over till I write you again.

I should say that since the Poor Law Commissioners issued their several circulars to all unions, founded on your letter to me (of which they published a copy) regarding the amount to be given the emigrants on landing, you find the remittance from the guardians who send out their paupers more liberal.

Both the Commissioners and guardians of my district take a deep interest in the emigration experiment, and your letter, which I take the liberty of laying before them,

relieve all apprehensions, and are looked upon with much satisfaction by the local newspapers; they completely disarm the opposition which was likely to arise to emigration from workhouses by the Roman Catholic clergy, as statements of ill treatment when landed would not now be believed in this locality.

Again thanking you, and awaiting your kind communications regarding the further parties sent out from the workhouses with which I am connected,

I have, &c.

A. C. Buchanan, Esq., Chief Agent, Quebec.

(Signed) R. A. Duncan, Poor Law Inspector.

My Dear Sir, Emigration Department, Quebec, November, 11, 1852.

I last had the pleasure of addressing you on the 21st August, since when I am in receipt of your letters of 25th August and of September, all of which duly reached me, the last during my absence on leave, which is my apology for not having answered it sooner.

My letters of 30th September and 4th October to the respective clerks of the Croom and New Castle Unions, which you doubtless may have seen, would have informed you of the arrival and disposal of their respective parties of emigrants.

Since the date of these letters I have received very satisfactory accounts of the disposal of those who followed my advice and went to Upper Canada.

The 96 girls from the Croom Union, forwarded to Kingston, were all sent to Belleville, on the Bay of Quinte, where they found immediate employment.

92 of the "Georgiana" party proceeded to Toronto, and Mr. Hawke informs me that they have all been employed.

* * * * * *

The non-receipt of the money for the Rathkeale paupers caused me a great deal of addititional trouble, that is, however, not of any serious importance. I am glad I have succeeded in tracing the greater part of them, and have paid them their money.

The absence of a correct list of these people, as also those by the "Georgiana," caused some difficulty, which I hope will be prevented in future.

* * * * * *

Some days after the "Georgiana's" passengers had left this, I received a letter from Mr. Fuller, requesting that I should forward a further party of young females to his section of the country; it came, however, too late for this season; but I have promised to supply him from among the first party which may arrive next year.

Having forwarded you a copy from a former letter of this gentleman, and as he refers favourably to the conduct and satisfaction given by that party, I send you a copy of his letter, which you will please communicate to the guardians of the Kiladysart and New Castle Unions.

The season is now drawing to a close. Our emigration numbers 32,292. It has on the whole been most satisfactory, remarkably healthy, and but few or any complaints have come under my notice.

Employment has been most abundant at much beyond the average wages of former years, and I am not aware of any emigrants at present unemployed.

The demand for labourers during the season of 1853 is likely to increase very considerably, all disposed to emigrate next spring, will be certain of finding steady and profitable employment.

As soon as the season arrives I shall be glad to hear from you as to the probable number and class of emigrants we may expect from your district.

I have, &c.

To R. A. Duncan, Esq., Poor Law Inspector, Newcastle.

(Signed) A. C. Buchanan, Chief Agent.

County Clerk's Office, Simcoe, County Norfolk,

Dear Sir, October 13, 1852.

Severe and protracted illness has prevented my writing at an earlier date.

As the emigrant girls which I got up in August are doing well, and giving very general satisfaction, and as I see that numbers are reported as leaving Ireland, and arriving below, I should be glad to know if you could send me up 100 or 120 more girls, and 40 boys, this fall, for whom I will at once get good places. The propeller could, as before, land them at Port Dover, and by sending me a couple of days notice I would be perfectly prepared to receive them.

The county Clare (Kiladysart) girls are universally liked; and although the New Castle girls have all turned out well, and given satisfaction, still there is a decided preference given to the others. Not one of either party has changed places, nor is there any desire to change them at present.

An early reply would oblige me, as applications are daily made to know if any more are coming.

I have, &c.

To A. C. Buchanan, Esquire, Chief Agent, Quebec.

Stephen J. Fuller, County Clerk, County Norfolk.

Roscommon and Strokestown Unions.

Queenstown, July 30, 1852.

SIR,

ON the 19th instant there were embarked on board the "Industry" of Sligo, owner Mr. O'Connor, 85 single women, heretofore pauper inmates of the Roscommon union workhouse, and whose destination is Quebec. A list of their names and ages was at the same time placed in the hands of Mr. O'Connor, for transmission to you, and a sum of 85*l.*, or 1*l.* for each emigrant, which it has been the desire of the board of guardians that you should be at liberty to apply in any way you conceived most likely to prove of advantage to those for whose benefit it is intended.

I may add that this sum has been fixed upon in pursuance of a recommendation of yours, contained in a letter addressed by you in May last to Mr. Duncan, poor law inspector, and since printed by the Poor Law Commissioners, for the information of the several boards of guardians.

The "Industry" will in all likelihood reach Quebec about the 25th proximo; and as the parties are all in good physical condition, and eagerly desirous of the opportunity now offered of earning a respectable livelihood, I sincerely trust the guardians will ere long be enabled to congratulate themselves on the result of the experiment.

A further party from the union of Strokestown embarked at the port of Dublin on the 28th instant on board the barque "Alert," chartered by Mr. Miley of Eden Quay. This party consist of 54 single women, and a family comprising the mother and 2 children.

A list of the names and ages of the emigrants has in this case likewise been placed in Mr. Miley's hands, for your information, and has been or will be immediately forwarded to you by that gentleman, together with a sum of 56*l.*, viz., 1*l.* for each of the 54 single women, and 2*l.* for the family above referred to. In this, as in the case of Roscommon, it is the desire of the guardians to have the application of the money remitted entirely to your own discretion.

I could have wished that the arrival of these parties at their places of destination could have been provided for at an earlier period of the season than it is now likely to take place at. However, though this circumstance will, I fear, prove of some, I hope it will not be of any serious disadvantage to the emigrants, in whose success it is impossible not to feel the very liveliest interest.

I shall feel much indebted by you doing me the favour to communicate with me on the arrival of the parties at Quebec, and if there is any practical information which your experience may enable you to afford, and likely to be made useful in cases of future emigration under similar circumstances, I shall feel grateful for it.

I have, &c.

To A. C. Buchanan, Esquire,
Chief Agent, Quebec.

(Signed) WM. P. O'BRIEN,
Poor Law Inspector.

SIR,

Emigration Department, Quebec, September 25, 1853.

I HAVE to acknowledge the receipt of your letter of 30th July and 12th ultimo.

The emigrants referred to have all arrived safe and in good health; the party from the Roscommon Union on the 30th ultimo, and from the Strokestown Union on the 17th instant. The former fully sustained the character I received of them. Their appearance was much in their favour; they were clean, tidy looking girls, and will all, I am satisfied do well. I directed 40 to the eastern townships, and placed them in charge of a confidential agent, who accompanied them as far as Sherbrooke; and I have the satisfaction to report to you that they all were employed by the farmers at from two to three dollars per month within 48 hours of their leaving Montreal. Of the remainder of this party, two proceeded to friends in the United States, and the remainder I sent forward to Toronto and Hamilton.

Those from Strokestown Union, with the exception of three who went to the United States, and two who obtained situations in Montreal, I sent up to Bytown on the Ottawa River. They were furnished with recommendations to the clergy and other influential gentlemen in that section of the province, and will also do well. Several other parties which I sent to that quarter this season were all hired at from 10*s.* to 15*s.* per month within 24 hours of their arrival.

Two other parties of paupers have arrived here during the past week; 167 in the ship "Enterprise," from the Baltinglass Union, and 160 by the "Annandale," from Liverpool from the Carlow Union.

The former party received the landing money through a commercial firm of this city, less the usual commission, which caused some dissatisfaction among the parties, as they considered they were entitled to the full sum of 20*s.* sterling, 24*s.* 4*d.* currency.

Those from the Carlow Union were all, it appears, paid previous to embarkation. The consequence was, that a large portion of them on landing here had but a few shillings left, having purchased extra provisions from the ship and other passengers during the passage. This is invariably the result when this system is adopted. Many of these poor people on arrival stated they had not sufficient means left to pay their passage to Montreal, and from their destitute state I had to forward them at Government expense.

I feel satisfied this a result wholly contrary to the wish of the guardians, and think it is only necessary to point out the evils attending it to have them remedied.

CANADA.

I can only say that I shall at all times be most willing to superintend the distribution of any funds which may be forwarded either direct or through the Emigration Commissioners; and it is of advantage to the parties and extremely desirable that I should have early information of the sailing of all emigrants of this class, in order that arrangements may be made for their reception and distribution.

I should have much preferred, had it been practicable, that these parties should have arrived earlier in the season, and I trust you will use your influence to obtain those desirable objects in the event of any further shipments.

Labourers and mechanics are much wanted in Upper Canada, and all persons desirous of employment obtain it at once. Labourers on the railroads receive 4*s.* sterling per day, and masons and stonecutters 8*s.*

I have, &c.

W. P. O'Brien, Esq.,
Poor Law Inspector, Dublin.

(Signed) A. C. Buchanan,
Chief Agent.

Sir, Roscommon, October 26, 1852.

I have the honour to acknowledge, with many thanks, the receipt of your very obliging communication announcing the safe arrival and disposal of the emigrant parties despatched from this and the Strokestown Union in July last.

The unions of Carlow and Baltinglass not being under my charge, I have transmitted your letter, for the information of the Poor Law Commissioners, and I have no doubt your very proper observations will receive at their hands all the attention they deserve.

I have, &c.

To A. C. Buchanan, Esq.,
Chief Agent, Quebec.

(Signed) William P. O'Brien,
Poor Law Inspector.

Despatches from the Secretary of State.

No. 1.

No 1.

COPY of a DESPATCH from Sir JOHN S. PAKINGTON Bart. to the
(No. 42.) Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, June 30, 1852.

I TRANSMIT for your Lordship's information the copy of letter from Messrs. Harvey and Co., of Liverpool, representing the detention of their vessel at Quebec and Grosse Isle, on apparently insufficient grounds; and I have to request that your Lordship will cause inquiry to be made into the facts of this case, and report to me the result. June 24.

I have, &c.

The Earl of Elgin and Kincardine, (Signed) JOHN S. PAKINGTON.
&c. &c. &c.

Enclosure in No. 1. Encl. in No. 1.

SIR, Limerick, June 24, 1852.

IN the belief that we, in common with other ship-owners, will be best protected from a recurrence of the grievance of which we now complain, caused, as we believe, by the unjustifiable delay or neglect of the quarantine officers at Quebec, we take the liberty of laying the following statement before you.

Our ship, the "Primrose," sailed hence for Quebec, with passengers, on the 7th April last, and arrived at Grosse Isle on the 3d May about 4 o'clock A.M. Although there had been arrivals at Quebec from the United Kingdom so early as 14th April, and a great number of ships up to 1st May, no quarantine establishmant had reached the island at the time of the Primrose's arrival there, and it was the following afternoon before she was cleared and permitted to proceed to Quebec, although she ought to have had scarcely an hour's detention.

It is probable that we should not have thus troubled you, had this been the first occurrence of the kind, but having, in the year 1849, suffered in a similar way, but to a more serious extent, we are induced to address you.

Early in April of that year the same ship sailed from the river Shannon, and arrived at Grosse Isle on the 6th May, where the master found only one man, a caretaker, at whose instance he proceeded to Quebec with the ship, where he arrived in the evening of the same day. There she was detained two days without either clearance or orders,—was then ordered back to Grosse Isle, where she was detained until the 12th, there having been, as we believe, no sickness on board her. Consequent on this proceeding a heavy expense for steam-towage, pilotage, &c., was incurred, independent of loss of time, wages of crew, provisions, &c. We may add that there had been arrivals at Quebec so early as 18th April of that year.

In the hope that, in the foregoing, we have been successful in drawing your attention to this matter, as one which you deem calls for your interference,

We have, &c.

To the Right Hon. Sir John Pakington, (Signed) JAMES HARVEY & Co.
Whitehall, London.

No. 2.

No. 2.

COPY of a DESPATCH from Sir JOHN S. PAKINGTON Bart. to the
(No. 60.) Earl of ELGIN AND KINCARDINE.

MY LORD, Downing Street, September 8, 1852.

WITH reference to your Despatch, No. 62,* of the 29th of July last, notifying the great demand for labour existing throughout the province of Canada, I transmit for your Lordship's information the copy of a report made by the Colonial Land and Emigration Commissioners on the receipt of this intelligence. * Page 1. August 31, 1852.

I have, &c.

The Earl of Elgin and Kincardine, (Signed)
&c. &c. &c.

Encl. in No. 2.

Enclosure in No. 2.

Colonial Land and Emigration Office,
31st August 1852.

SIR,

No. 62. July 29, 1852.

1. We have to acknowledge the receipt of your letter of the 24th instant, accompanied by the copy of a despatch from the Earl of Elgin, and by reports from the Emigration Agents at Quebec and Toronto, relative to the great demand for labour existing at the date of those reports in Canada.

2. If this information had been received earlier in the year, we should have thought it desirable to give publicity to it to the greatest possible extent. But it appears to us that it would not be desirable to do so now. It may be assumed that if we now published the information, none of those who had not before made up their minds to emigrate would be able to get away from this country before the middle of September. They would consequently not reach Quebec before the end of October, nor the neighbourhood of Toronto before the beginning of November. It would be impossible, therefore, that they should get settled before the arrival of winter, which will diminish very considerably the employment for labourers.

3. Under these circumstances we have thought it unadvisable to take any steps with reference to Lord Elgin's despatch of the 29th of July. Possibly Sir John Pakington may think it right to explain the reasons for our abstaining from doing so, and in that case it might be desirable to point out to the colonial authorities that information of this kind, unless obtained very early in the season, is, however satisfactory, unavailable for practical purposes.

We have, &c.

T. F. Elliot, Esq.,
&c. &c.

(Signed) T. W. C. MURDOCH.
FREDERIC ROGERS.

No. 3.

No. 3.

COPY of a DESPATCH from Sir JOHN S. PAKINGTON Bart. to the Earl of ELGIN AND KINCARDINE.

(No. 70.)

MY LORD,

Downing Street, October 5, 1852.

* Page 1.

WITH reference to your Lordship's Despatch, No. 75,* of the 24th ultimo, relative to the claim of the Messrs. Harvey against the Provincial Government, for losses occasioned by the detention of their vessels by the local authorities at Quebec and Grosse Isle, I transmit the copy of a further letter which I have received from those gentlemen on the subject, and I have to direct your Lordship to bring their representation under the consideration of your council, and suggest to your advisers whether the hardship and loss which the Messrs. Harvey have sustained would not justify arrangements being made in future, which shall ensure the despatch of the quarantine establishment to Grosse Isle at an earlier period of the season; so that the officers being at their post before the opening of the navigation, vessels might, on their arrival at the quarantine station, neither be unnecessarily detained there, nor have any excuse for passing that place, and running the chance of being sent back for examination.

Sept. 15, 1852.

I have, &c.

The Earl of Elgin and Kincardine, &c. &c. &c.

(Signed) JOHN S. PAKINGTON.

Encl. in No. 3.

Enclosure in No. 3.

SIR,

Limerick, September 15, 1852.

WE had the honour to receive, on 2d July last, the reply which you directed to be sent to our letter of 26th June, relative to the detention of the ship "Primrose," at the quarantine station at Quebec last spring, stating, that the Governor of Canada had been written to, with instructions to inquire into the facts of the case, and that the result, when received at your department, would be communicated to us.

Not having since had any communication from you upon the subject, we again take the liberty of addressing you, having received by last mail a letter from the master of the "Primrose," with which he sent us a copy of his petition to his Excellency the Governor-General to be reimbursed the loss to the ship by the detention; also copy of his Excellency's reply thereto, which documents we now beg to forward herewith.

We regret to perceive that, not only has his Excellency refused the prayer of the petition, but he justifies the delay which was the subject of our complaint, from which we naturally take for granted that no steps are intended to be taken by the local Government to prevent a recurrence of it; and the reason assigned for this justification seems to us to be so very much at variance with the well-known fact, (we allude to the statement "that the detention arose from the late period at which the navigation opened,") that we cannot avoid giving the following maritime extract under date Quebec, "April 16th.—The 'To-

"ronto,' Ballantyne, anchored off this port on the night of the 14th, after a fine run "of 23 days from Liverpool, and came up to port at high-water this morning. The ship "'Albion,' Barclay, also arrived in port yesterday morning from Glasgow. They are both "for Montreal. Captain Ballantyne reports having seen the ship 'Cambria,' off Metis, on "Wednesday last; also in the gulf on the 9th instant, two vessels in the ice, which he took "for the 'Ottawa,' 'Montreal,' or 'Shandon.' Reports very little ice in the gulf.

"*These two arrivals are the earliest ever made to this port.* No vessel ever before ar- "rived at Quebec earlier than 16th April, which vessel was the 'Nemesis,' from Poole, "in 1831."

This report conveys a very different impression to us than that of the navigation opening late, especially as ships continued to arrive on the 16th, 19th, 20th, 21st, and 22d April.

The tenor of the Secretary's letter of 25th ult., in allusion to the transaction of 1849, is different from the letter of 5th June of that year, inasmuch as it states that the loss was owing to the vessel having *passed* the quarantine station without examination, which conveys an implication that she did not stop there at all, which, if the fact, would alter the case very much; whereas the latter states that the petitioner, *on arriving at Gross Isle, should have waited there* until the quarantine establishment was in operation; and in reference to this subject we beg to insert the following extract from the master's letter to us, dated 28th ult., viz., "I enclose the documents on the subject of our detention at "Gross Isle on the two voyages. The sentence is not what I expected. Where I was badly "treated in that in the year 1849, on reaching Quebec, they acted towards me as if I had "passed the quarantine station without waiting to be inspected, whereas I did wait; and "when I saw no flag hoisted, and no officers came off to board me, I went ashore in my "boat, and had my crew to witness that it was at the advice of the man in charge of the "quarantine station that I proceeded to Quebec, and *there* I was detained two days, and "then ordered back to Gross Isle; and this year I was detained for nearly two days, waiting "for the medical staff to arrive."

We very much regret that we should have occasion thus to trouble you, but we feel that we have been aggrieved by dilatoriness of the quarantine officers, whose duty we believe it was to be in attendance at such time as there was a possibility of passenger ships arriving; and we are confident, that if you view the matter in a similar light, we may hope for your interposition to procure us compensation; at all events that you will take measures to protect us and other shipowners from such loss and detention in future.

We have, &c.

The Right Hon. Sir J. Pakington, &c. &c. &c.

(Signed) James Harvey & Co.

Sub-Enclosure 1 in No. 3.

Sir, Quebec, May 17, 1849.

I beg leave to enclose a petition to his Excellency the Governor-General from the Master of the "Primrose," praying to be indemnified for expenses, charges, and loss incurred by the owners of the vessel, owing to the Quarantine at Grosse Isle not being in operation at the time of the "Primrose's" arrival there.

I have, &c.,

The Hon. Jas. Leslie, Provincial Secretary.

(Signed) Archd. Campbell. Agent of the "Primrose."

To his Excellency the Right Hon. James Bruce, Earl of Elgin and Kincardine, Captain-General and Governor-in-Chief of Her Majesty's Province of Canada, &c. &c. &c.

The Petition of John Ferguson, Master of the Ship "Primrose," of Limerick,

Humbly represents,

That on Sunday morning the 6th of the present month of May your petitioner came to anchor in the said ship "Primrose" at Grosse Isle, and there being no quarantine establishment on the island, he was directed by the person in charge to proceed on to Quebec, where he arrived the same evening.

That your petitioner was detained by the Inspecting Physician at Quebec, with his crew and passengers on board the said vessel, until Tuesday afternoon, when he was ordered to proceed back to Grosse Isle

That the wind being contrary, your petitioner was compelled to engage a steamer to tow the vessel down; that after undergoing the usual quarantine, your petitioner was released on Saturday, and returned to Quebec in tow of another steamboat.

That owing to the establishment not having been prepared and ready at Grosse Isle, the ship "Primrose," under the command of your petitioner, suffered a detention of three days, and your petitioner hath incurred an expense of 40*l.* for towages down to Grosse Isle and back, and a further expense of 6*l.* extra pilotage down and back.

That the seamen's wages and provisions during the detention aforesaid amounts to 10*l.* per diem, or 30*l.*, which with the towages 20*l.* down and 20*l.* back, and extra pilotage 6*l.*, make, in all, a loss of 76*l.* suffered by the owners of the "Primrose."

Your petitioner, therefore, humbly prays that your Excellency may be pleased to take the foregoing into consideration, and to direct that the sum of 76*l.* may be granted to him, being the actual loss sustained in consequence of the premises aforesaid.

And, as in duty bound, your petitioner will ever pray.

Quebec, May 17, 1849. (Signed) JOHN FERGUSON.

Sub-Enclosure 2 in No. 3.

SIR, Secretary's Office, Montreal, June 5, 1849.

THE Governor-General having had under his consideration in council the memorial transmitted by you on behalf of the Master of the ship "Primrose," dated the 17th ult., I am commanded by his Excellency to inform you, in reply, that he is advised that the petitioner on arriving at Grosse Isle should have waited there until the quarantine esta blishment was in operatin, and that consequently the claim for compensation for expenses incurred on account of the vessel having been sent back to Grosse Isle for the requisite examination at the station cannot be entertained.

I have, &c.

A. Campbell, Esq., N.P. (Signed) J. LESLIE, Secretary.

Sub-Enclosure 3 in No. 3.

To his Excellency JAMES, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

The Petition of John Ferguson, the Master and Commander of the Ship or Vessel called the "Primrose," of Limerick,

HUMBLY SHOWETH,

THAT your petitioner arrived at Grosse Isle on the inst., in the said vessel, with 179 passengers and a crew of 19 on board, all in a healthy state.

That your petitioner was detained at the island 48 hours, until the arrival of the officers of the quarantine establishment, before the vessel could be cleared, at an expense and cost of 26*l.* 3*s.* 6*d.* sterling to the owners.

Your petitioner would further humbly state, that three years ago he arrived at Grosse Isle with passengers before the arrival of the officers of the quarantine establishment, and after landing there, and finding no officers to board his vessel, he proceeded on to Quebec, where, after remaining two days, he was sent back, at a cost to the owners of the vessel of about 100*l.* sterling.

Wherefore your petitioner humbly prays that your Excellency in your wisdom will be pleased to cause the owners of the said vessel to be indemnified for the loss sustained by them, the same having arisen as aforesaid, and not by or through the fault or negligence of your petitioner; and as in duty bound will ever pray.

Quebec, May 20, 1852. (Signed) JOHN FERGUSON.

COPY of a Letter accompanying the above petition.

SIR, Quebec, May 20, 1852.

I HAVE been instructed by Captain Ferguson, master of the ship "Primrose," to forward the enclosed petition praying for redress, with the request that you will be pleased to lay the same before his Excellency the Governor-General.

I have, &c.

The Hon. A. N. Morin, Prov. Sec. (Signed) J. GREAVES CLAPHAM.

Sub-Enclosure 4 in No. 3.

Secretary's Office, Quebec,

SIR, August 25, 1852.

IN reply to the memorial preferred by you on behalf of Captain Ferguson, master of the ship "Primrose," dated 20th May last, I am commanded by the Governor-General to inform you that the greater part of the loss complained of in 1849 was owing to the vessel having passed the quarantine station, and proceeded on to Quebec without examination, for which reason she was ordered to return. The detention this year arose from the late period at which the navigation opened; and his Excellency, on investigation, having ascertained that no blame can be attached to any of the officers of government in respect to such detentions, which were not of an unreasonable duration, is not advised to award the indemnity prayed for by the petitioner on behalf of the owners of the vessel.

I have, &c.

J. Greaves Clapham, Esq., (Signed) E. PARMY,
Assistant Secretary.

NEW BRUNSWICK.

NEW BRUNSWICK.

Despatches from the Lieutenant-Governor.

No. 1.

No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Right Hon. Sir JOHN S. PAKINGTON.

(No. 26.) Government House, Fredericton, N. B., May 7, 1852.

(Received May 25, 1852.)

SIR,

I HAVE the honour to enclose a copy of a letter from the Emigration Officer at St. John, reporting the arrival at that port of the barque "Mary Ann," with emigrants, from Londonderry.

April 27, 1852.

I also transmit the usual return for the same vessel.

I have, &c.

(Signed) EDMUND HEAD.

The Right Hon. Sir J. S. Pakington, Bart.,
&c. &c. &c.

Encl. in No. 1.

Enclosure in No. 1.

Government Emigration Office, St. John, N.B., April 27, 1852.

SIR,

I HAVE to report the arrival of the barque "Mary Ann," with 194 passengers, from Londonderry, in the unusually short passage of 23 days. A ship return of this vessel is enclosed.

A large proportion of the passengers of this vessel have come out to join friends in this province, their passage money having been chiefly paid here.

I have been officially informed that there will probably be a large number of emigrants from Cork at this port the present season on their way to the United States, the regulations at the American ports being so strict that owners of vessels are unwilling to carry them direct.

I have, &c.

The Hon. John R. Partelow, Provincial Secretary.

(Signed) M. H. PERLEY.

No. 2.

No. 2.

COPY of a DESPATCH from Lieut.-Colonel F. MURRAY to the Right Hon. Sir JOHN S. PAKINGTON.

(No. 1.) Government House, Fredericton, N. B., May 27, 1852.

(Received June 2, 1852.)

SIR,

(Answered No. 22, 6 August 1852, Page 47.)

I HAVE the honour to enclose a copy of a letter from the Emigration Officer at St. John, reporting the arrival at that port of the ships "Industry" and "Albion," with passengers.

May 18, 1852.

I also transmit the usual returns for these vessels.

As these ships had smallpox on board at the time of their arrival, I have called on Mr. Perley for a special report on the health of the passengers, which I have the honour to forward by this mail.*

* Lieut.-Colonel Murray to Sir J. S. Pakington, No. 2. May 28, 1852.

Annexed to this Despatch also will be found a copy of a letter from Mr. Perley, and a ship return for the emigrant barque "Ellen and Margaret," arrived at St. John. This vessel, seemingly by the inadvertance of the clearing officer at Cork, carried an excess of two passengers.

I have, &c.

(Signed) FREEMAN MURRAY,
Lieut.-Colonel 72d Highlanders,
Administering the Government.

The Right Hon. Sir J. S. Pakington, Bart.,
&c. &c. &c.

NEW BRUNSWICK.

Enclosure 1 in No. 2. Encl. 1 in No. 2.

Government Emigration Office, St. John,
May 18, 1852.

SIR,

I HAVE to report the arrival of the barques "Industry" from Dublin, and "Albion" from Cork, for which vessels ship returns are enclosed, and to which I beg to refer.

At the time the passengers by these vessels were landed at Partridge Island there were three cases of smallpox on board the "Industry," and four cases in the "Albion," all children.

I regret to say that up to last evening fifteen additional cases of smallpox have appeared among the passengers on the island, all the cases arising among children that have not been vaccinated.

There have been no deaths as yet, and all the cases are going on favourably. Every precaution has been taken by the Board of Health to prevent the disease reaching this city, and every arrangement has been made for the comfort of the emigrants while they remain at the island.

I have, &c.
(Signed) M. H. PERLEY,
H. M. Emigration Officer.

Enclosure 2 in No. 2. Encl. 2 in No. 2

Government Emigration Office, St. John,
May 20, 1852.

SIR,

I HAVE to report the arrival of the barque "Ellen and Margaret," from Cork, with 102 passengers, all in good health. A ship return for this vessel is enclosed. Return No. 4.

There were two statute adults on board this vessel more than her tonnage would allow, apparently the fault of the Custom-house officer at Cork, who mustered the crew, and cleared the vessel, he having overlooked the tonnage check; for this he should be admonished. Clearance list signed "F. Russell, Officer of Customs."

The master of this vessel since his arrival has been continually in a beastly state of intoxication, and no explanation can be had from him, but as the error is evident in the Custom-house papers it is clear that the fault lies with that department.

I shall not institute a prosecution for the penalty in this case unless instructed.

I have, &c.
(Signed) M. H. PERLEY,
H. M. Emigration Officer.

The Hon. John R. Partelow,
Provincial Secretary.

No. 3. No. 3.

COPY of a DESPATCH from Lieut.-Colonel F. MURRAY to the Right Hon. Sir JOHN S. PAKINGTON.

(No. 2.)

Government House, Fredericton, N. B.,
May 28, 1852.

SIR,

(Received June 21, 1852.)

I HAVE the honour to enclose for your information a copy of a report from the Emigration Officer at St. John, regarding the state of health of the passengers landed at the quarantine station at that port during this season. May 21, 1852.

I have, &c.
(Signed) FREEMAN MURRAY,
Lieut.-Colonel 72d Highlanders,
Administering the Government.

The Right Hon. Sir John S. Pakington, Bart.,
&c. &c. &c.

Enclosure in No. 3. Encl. in No. 3

Government Emigration Office, St. John,
May 21, 1852.

SIR,

I HAVE the honour to report that up to this date 622 emigrants have arrived here the present season from the United Kingdom in twelve vessels, four of which were under the Passengers Act, and eight not under that Act.

NEW BRUNSWICK.

In consequence of smallpox existing on board the "Industry" from Dublin and "Albion" from Cork, the passengers by those vessels, in all 294 souls, were landed at Partridge Island. When first landed there were only four cases of the disease, all children; but as there was a number of other children not vaccinated in the same families the disease has spread among them, as a matter of course, and there are now 24 cases in all.

One child aged eighteen months has died of the disease; two more are considered dangerous, but the others are going on favourably.

There are now only 74 persons in all detained at the island, many of them children undergoing vaccination; the rest have been discharged. The smallpox has not attacked any of the emigrants above 14 years of age, nor would it have spread among the young children had they been vaccinated before leaving Ireland.

There are 2 female adults from Londonderry in hospital at the island, suffering from pulmonary disease after recovery from ship fever. The weather being very fine, dry, and warm for the season, all the sick are recovering rapidly, and the hospital may soon be cleared.

There is a very considerable demand for labour in this city, and still greater demand in the rural districts, where unskilled labour is really scarce. None of the emigrants have gone to the country except such as had relations there, as they could obtain immediate employment in the city at 3*s.* 4*d.* to 4*s.* sterling per day without board and lodging.

Farm labourers are now offered 30*s.* to 35*s.* sterling per month for the season with board and lodging, but none can be had on those terms.

I have, &c.
(Signed) M. H. PERLEY,
H.M. Emigration Officer.

R. T. Pennefather, Esq.,
Private Secretary &c.

No. 4.

No. 4.

COPY of a DESPATCH from Lieut.-Colonel F. MURRAY to the Right Hon. Sir JOHN S. PAKINGTON.

(No. Government House, Fredericton, N. B., June 16, 1852.

SIR, (Received July 5, 1852.)

I HAVE the honour to enclose a copy of a letter from the Government Emigration Officer at St. John, reporting the arrival at that port of the brig "Garland," from Berehaven, with passengers.

May 24, 1852.

I also transmit the usual ship return for the same vessel.

I have, &c.
(Signed) FREEMAN MURRAY,
Lieut.-Colonel 72d Highlanders,
Administering the Government.

The Right Hon. Sir John S. Pakington, Bart.,
&c. &c. &c.

Encl. in No. 4.

Enclosure in No. 4.

Government Emigration Office,
SIR, St. John, May 24, 1852.

I HAVE to report the arrival of the brig "Garland," from Berehaven, and enclose a ship return.

Return No. 5.

The passengers by this vessel are chiefly miners and their families on their way to the United States. They are all in good health and tolerably clean.

The emigration from Ireland seems to be now confined to those persons who come out to join friends or members of families whose passages have been paid by relatives in America. The numbers of the latter class will account for the large proportion of women and children who come out this year.

I have, &c.
(Signed) M. H. PERLEY,
H.M. Emigration Officer.

The Hon. John R. Partelow,
Provincial Secretary.

No. 5.

No. 5.

COPY of a DESPATCH from Lieut.-Colonel F. MURRAY to the Right Hon. Sir JOHN S. PAKINGTON.

(No. 4.) Government House, Fredericton, N. B., June 19, 1852.

(Received July 5, 1852.)

SIR,

I HAVE the honour to enclose copies of two reports from Mr. Perley, dated respectively June 4 and June 18, relative to the state of health of the emigrants at the quarantine station at St. John. June 4, 1852. June 18, 1852.

I have, &c.

(Signed) FREEMAN MURRAY,
Lieut.-Colonel 72nd Highlanders,
Administering the Government.

The Right Hon. Sir J. S. Pakington, Bart.,
&c. &c. &c.

Enclosure 1 in No. 5.

Encl. 1 in No. 5.

Government Emigration Office,
St. John, June 4, 1852.

SIR,

REFERRING to my report to you of May 21, I have now the honour to state that only one passenger-vessel has arrived since that date, the "Garland," from Berehaven, with 123 emigrants, all in good health, making a total of 795 emigrants only the present season.

Before reported	672
Since arrived	123
Total	795

There are now in hospital on Partridge Island 33 emigrants, of whom 16 children are convalescing from smallpox, and one adult from inflammation of the lungs. The other 16 are friends of the sick children detained with them.

Sick in Hospital	17
In attendance	16
Total at Island	33

Of the 74 emigrants on the island at the date of my former report 39 have been discharged, 33 remain as above, and two have died, one a female, seventeen years of age, of consumption, the other a child, three years old, of smallpox.

Discharged	39
Dead	2
Remaining in Hospital	33
Total before reported	74

Many millmen and other operatives having recently left the state of Maine for California, the demand for labour there and the high wages offered have drawn a number of persons from this province, thereby rendering labour still more scarce here. The rates of wages in New Brunswick are advancing; and as the season is remarkably favourable, with the prospect of an abundant harvest, and shipbuilding has received a fresh impulse, agricultural as well as other labourers will be in great request all this year.

The contractors for that portion of the St. Andrew's Railway between Waweig and Woodstock break ground formally this day at Frye's Lake, 10 miles from St. Andrew's, intending to proceed with the 80 miles thence to Woodstock, without delay. Their operations will of course add to the existing demand for labour.

No emigrants have arrived at any port in the province but St. John.

I have, &c.

R. T. Pennefather, Esq., &c. &c.

(Signed) M. H. PERLEY,
H.M. Emigration Officer.

Enclosure 2 in No. 5.

Encl. 2 in No. 5.

Government Emigration Office,
St. John, June 18, 1852.

SIR,

SINCE my report to you of the 4th inst. three vessels have arrived at this port with 163 passengers, making the whole number landed to this date, 958 souls.

	Souls
Arrived prior to June 4	795
Landed since	163
Total	958

At my last report there were 33 emigrants remaining at Partridge Island. Since then 19 have been discharged; the remaining 14 consist of a few children convalescing from smallpox and relations in attendance on them, all of whom will be shortly discharged.

No deaths have occurred at Partridge Island except those previously reported.

On Partridge Island at last report	33
Since discharged	19
Now remaining	14

On the 14th inst. 73 emigrants by the brigantine "Ocean," from Cork, were landed at the island, in consequence of two of their number and a seaman being ill with typhus fever. Those in health will come up to the city after purification.

The demand for labour is still on the increase, from the impulse to shipbuilding and the proposed departure of a number of young and active operatives for Australia.

The applications to me from the rural districts for agricultural labourers are incessant, and the call for labour I am wholly unable to meet, from the high wages given to the men in deal-yards, saw-mills, timber ponds, and ship-yards.

I have, &c.

R. T. Pennefather, Esq., &c. &c.

(Signed) M. H. PERLEY,
H.M. Emigration Officer for New Brunswick.

No. 6.

No. 6.

Copy of a DESPATCH from Lieut.-Colonel F. Murray to the Right Hon. Sir John S. Pakington.

(No. 6.) Government House, Fredericton, N. B., July 1, 1852.

Sir, (Received July 19, 1852.)

I have the honour to enclose a copy of a letter from the Government Emigration Officer at St. John, reporting the arrival at that port of four vessels, the "Ocean," "Æneas," "Susan," and "Mary," from Ireland, with emigrants.

I also transmit the usual returns for these ships.

I have, &c.

(Signed) FREEMAN MURRAY,
Lieut.-Colonel 72nd Highlanders,
Administering the Government.

The Right Hon. Sir J. S. Pakington, Bart.,
&c. &c. &c.

Encl. in No. 6.

Enclosure in No. 6.

Government Emigration Office,
St. John, June 24, 1852.

Sir,

"Ocean," No. 6.
"Æneas," No. 7.
"Susan," No. 8.
"Mary," No. 9.

I have the honour to report the arrival of four vessels with passengers from Ireland, for each of which a ship return is enclosed.

The passengers by the "Ocean" landed at Partridge Island on the 14th, in consequence of two cases of typhus fever among them, have since been discharged, except the two sick persons who are recovering.

Total passengers	309
Males above 13	91
Women and children	211

In the four vessels now reported there were in all 309 passengers, of whom only 91 were males above the age of fourteen years; all the rest were women and children.

The greater portion of these passengers were on their way to the United States to join friends and relatives who had paid their passage money across the Atlantic.

I have, &c.

The Hon. J. H. Partelow,
Provincial Secretary.

(Signed) M. H. Perley,
H.M. Emigration Officer.

No. 7.

No. 7.

Copy of a DESPATCH from Lieut.-Colonel F. Murray to the Right Hon. Sir John S. Pakington.

(No. 10.) Government House, Fredericton, N. B., August 10, 1852.

Sir, (Received August 30, 1852.)

July 21, 1852.

I have the honour to enclose for your information a copy of a letter from the Emigration Officer at St. John, reporting the arrival at that port of the vessels "Soflide," "Nicholson," and "Economy," with passengers.

I also transmit the usual returns for these ships.

I have, &c.

(Signed) FREEMAN MURRAY,
Lieut.-Colonel 72nd Highlanders,
Administering the Government.

The Right Hon. Sir J. S. Pakington, Bart.,
&c. &c. &c.

Encl. in No. 7.

Enclosure in No. 7.

Government Emigration Office,
St. John, July 21, 1852.

Sir,

I have the honour to report the arrival of the Norwegian barque "Soflide," from Londonderry, with 176 passengers; the brig "Nicholson," from Westport, with 78 passengers; and the brig "Economy," from Cork, with 78 passengers; for each of which vessels a ship return is enclosed.

Returns Nos. 10, 11, & 12.

All the passengers by these vessels were in excellent health, and landed without delay.

I am much gratified also in being able to state that there is not at this moment a single emigrant in the hospital at the quarantine station. This is a very unusual circumstance at this season of the year. The like has not occurred since I assumed the duties of this office in 1843, and it speaks well for the general good health of the emigrants before embarkation, and the care taken of them on the voyage under the greatly improved regulations which now exist.

I have, &c.
(Signed) M. H. PERLEY,
H.M. Emigration Officer.

The Hon. J. R. Partelow,
Prov. Secretary.

No. 8. No. 8.

COPY of a DESPATCH from Lieut.-Colonel F. MURRAY to the Right Hon. Sir JOHN S. PAKINGTON.

(No. 14.) Government House, Fredericton, N. B., August 28, 1852.
(Received Sept. 13, 1852.)

SIR,

I HAVE the honour to enclose a copy of a letter from the Government Emigration Agent at St. John, reporting the arrival at that port of the barque "Mary Ann," with passengers. Aug. 11, 1852.

I also enclose the usual return for this vessel.

I have, &c.
(Signed) FREEMAN MURRAY,
Lieut.-Colonel 72nd Highlanders,
Administering the Government.

The Right Hon. Sir J. S. Pakington, Bart.,
&c. &c. &c.

Enclosure in No. 8. Encl. in No. 8.

Government Emigration Office, St. John, August 11, 1852.

SIR,

I HAVE to report the arrival of the barque "Mary Ann," from Londonderry, with 131 passengers, and enclose a ship return. Return No. 13.

The ship "Crescent City," has also arrived with 46 passengers from Liverpool, not under the regulations of the Passengers Act.

I am happy to state that all these passengers landed in excellent health and very cleanly condition.

There is not now, and has not been since my last report, a single emigrant or sick person in the hospitals or buildings on Partridge Island.

I have, &c.
(Signed) M. H. PERLEY

The Hon. J. R. Partelow,
Provincial Secretary.

No. 9. No. 9.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Right Hon. Sir JOHN S. PAKINGTON.

(No. 3.) Government House, Fredericton, N. B., January 1, 1853.
(Received January 17, 1853.)

SIR,

I HAVE the honour to enclose a copy of a letter from Mr. Perley, together with the ship return relating to the barque "Berlin," from Westport.

I cannot say that the report of the Emigration Officer is satisfactory, as regards the condition or conduct of the passengers.

I have, &c.
(Signed) EDMUND HEAD.

The Right Hon. Sir. J. S. Pakington, Bart.,
&c. &c. &c.

NEW BRUNSWICK.

Encl. in No. 9.

Enclosure in No. 9.

Government Emigration Office, St. John, N. B.,
December 27, 1852.

SIR,

I ENCLOSE a ship return for the barque "Berlin," from Westport, whose arrival I have already reported.

The whole of the passengers by this vessel (except two females) were forwarded to Boston in the steamer "Admiral," last Friday morning. Advantageous places, and the highest wages were offered to the females in this vessel, nearly all of whom were seeking situations. The anxiety to retain them here induced the belief that they would obtain much higher wages in Boston, and all left except two of their number, who were very destitute of clothing.

The passengers complained to me of having been four weeks on short allowance of provisions and water. I told them they could obtain immediate redress by applying to the stipendiary magistrate, and that they should have my assistance in any proceedings they wished to adopt; but they declined taking any steps against the master, provided they were sent at once to Boston, which was done.

The crew charged the passengers with having broken open the ship's storeroom, and wasted the provisions as well as the water; and this was not denied in my presence.

The fresh provisions provided by the master after the arrival of the vessel here, the male passengers (Connaught men) sold for spirits, and they were all more or less intoxicated up to the hour of their departure.

I have, &c.
(Signed) M. H. PERLEY.

The Hon. J. R. Partelow,
&c. &c.

No. 10.

No. 10.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Right Honourable Sir JOHN S. PAKINGTON.

(No. 5.)

Government House, Fredericton, N. B.
January 10, 1853.
(Received January 31, 1853.)

SIR,

I HAVE the honour to enclose the annual abstract of immigration into this province, with the Emigration Officer's report for the year 1852.

I also enclose *a list of applications for children from England, made to the Emigration Officer at St. John, to which I beg to call attention, as showing the increased demand for apprentices and domestic servants throughout the province.

* This lengthy Schedule is not printed.

I have, &c.
(Signed) EDMUND HEAD

The Right Hon. Sir John S. Pakington, Bart.,
&c &c. &c.

Encl. in No. 10.

Enclosure in No. 10.

To his Excellency Sir EDMUND HEAD, Bart., Lieut.-Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

HEREWITH I have the honour to submit the annual abstract of immigration to this province for the year 1852.

	Souls.
1851 - -	3,470
1852 - -	2,165
Decrease - -	1,305

The whole number of immigrants landed in the province during the year was 2,165, being a decrease on the year 1851 of 1,305 souls.

Among the passengers that arrived in the early part of the season there were many cases of smallpox, but owing to the very comfortable arrangements now existing at Partridge Island for a moderate number of immigrants, and the kindness and skill of Dr. Harding, the deaths on the voyage and in quarantine amounted to less than one fifth of one per cent. on the numbers embarked.

During the past season there has been no prosecution under the "Passengers Act." The rights of passengers are now better understood than formerly, and the wise and salutary provisions of the Passengers Acts have operated greatly to their advantage. The provisions of the Consolidated Act which came into force on the first day of October last appear well calculated to add to the comfort and welfare of passengers to North America.

NEW BRUNSWICK.

Fully two thirds of the immigrants of the past season proceeded to the United States immediately after their arrival here. In fact, most of these had paid their passage-money through to Boston before leaving the United Kingdom, and came by this port merely to avail themselves of a cheap passage in the timber ships which arrive here in ballast. Fully nine tenths of the immigrants of the season were Irish, the residue were English, Scotch, and some German families, on their way from Liverpool to the United States.

The past year has been one of unusual prosperity in New Brunswick. The prices of the staple exports of the country (timber and deals) have been maintained throughout the year, and there has been much activity in every branch of the wood trade. The saw-mills of the province, driven either by steam or water power, amount to 584. All these have been fully and profitably employed, and new mills are in course of erection in several sections of the province. The demand for shipping consequent upon the increase of trade to California and Australia, and the high character attained by the New Brunswick-built ships from the superiority of their model, workmanship, and materials, have conjointly given a great impulse to shipbuilding, a profitable employment for the industry of the country. The labours of the husbandman have been blessed with an abundant harvest, and the only drawback to the general advancement of the province has arisen from the scarcity and high price of labour, which has been felt in a greater or less degree by every branch of business and in all the departments of industry.

The scarcity of farm labourers and domestic servants now amounts to a serious inconvenience With the view of affording some relief to those in want of servants, I made application in the early part of the year for 100 male and 100 female children from the poor-law unions of England. In November an intimation was received from the Emigration Commissioners that the Poor-law Board would furnish the required number from the London and North Surrey district schools, on proper arrangements being made for their disposal and welfare after their arrival here. A notice was thereupon issued from this office, requesting persons in want of domestic servants to apply in writing, stating the numbers, age, and sex of the children required, and the nature of the employment for which they were needed.

In consequence of this notice, I have received applications from every county in the province, and a detailed statement* is herewith submitted, showing the names of the applicants, their residence, the numbers and ages of the children, and the nature of the service for which they are required.

* This lengthy schedule is not printed.

These applications are thus summed up :—	Male.	Female.
City and county of St. John	35	28
County of King's	62	43
„ Queen's	7	10
„ Sunbury	11	5
„ York	10	10
„ Carleton	58	47
„ Victoria	6	2
„ Albert	6	3
„ Westmoreland	21	11
„ Kent	1	1
„ Northumberland	10	2
„ Gloucester	5	2
„ Restigouche	2	2
„ Charlotte	15	10
Totals	249	176

In all 249 boys and 176 girls, equal to 425 souls.

The number of applications, for boys especially, being so much larger than at first anticipated, renders necessary a further requisition upon the Poor-law Board, and I have to beg your Excellency's aid and influence in order to procure a sufficient supply of children to meet all the applications.

I am quite satisfied that the applications would have been more numerous if longer notice had been given ; but probably the numbers now asked will be quite sufficient to give this description of immigration a fair trial.

Subsequently to arrangements being made with Messrs. Jackson, Peto, Betts, and Brassey, for the construction of railways in this province on an extensive scale, I issued a circular letter to the several gentlemen who act as emigration officers at the outports, requesting them to inform me if any and what demand existed in their several districts for labourers and mechanics, or for male and female servants ; as also whether an additional supply of labour of any particular description would be required next spring, in the event of railways being commenced as extensively as proposed.

In answer to this circular, Mr Harrington, deputy-treasurer, at Shediac, states, that at present there is a sufficient supply of labour in that district for lumbering and agricultural operations, but that some anxiety exists among the parties engaged in those operations, lest labour should be scarce and high-priced in early spring. Mr. Harrington believes that many persons will be attracted at that season from Prince Edward Island,

NEW BRUNSWICK.

Nova Scotia, and the United States, by the demand for labour consequent on the commencement of railways; but fears are entertained, that after Midsummer, there will be a scarcity of labour at a fair price; he is unable to offer any estimate of the number of labourers that may be required next spring for the business of the country, as that will greatly depend on the number of workmen brought from the United Kingdom by the railway contractors at the commencement of their operations.

Mr. Weldon, deputy treasurer at Richibucto, states, that during the past season there has been a scarcity of labour at that place for the ordinary business of the port. The farmers in that district complain of the want of farm-servants, while female servants are also very scarce. Mr. Weldon adds, that there are now upwards of 3,000 tons of shipping on the stocks in the harbour of Richibucto, to be launched at the opening of navigation next season, and that a great deal of business is being done in the forest the present winter. He is therefore of opinion, that there will be a greater demand for labourers in that district next season, than in any previous season.

Mr. Peters, deputy treasurer at Miramichi, in reply to my circular, forwards letters from Messrs. Gilmour, Rankin, and Co., and from the secretaries of two of the agricultural societies in Northumberland, to whom he had applied for information.

Messrs. Gilmour, Rankin, and Co. state, that they consider the present supply of labour at Miramichi fully equal to the demand, at better rates of wages however than have been paid for the last ten years. In the spring there will be an increased demand for labour, as men will then be wanted for some new saw-mills now in course of erection. If this want is not supplied there will be an advance of wages, in order to induce some of the agricultural population to turn their attention to the manufacture and export of lumber. It appears to Messrs. Gilmour, Rankin, and Co. that the opening of a new field of labour, even at a less rate of wages than is now paid, and the love of change and adventure, will draw off a large number of those now engaged in lumbering, agriculture, and the fisheries from Miramichi, as well as other sections of the province, unless some plan be devised to counteract the drain that will undoubtedly follow the commencement of "the great work." Messrs. Gilmour, Rankin, and Co. think this can be accomplished by the encouragement of immigration by the Government, to supply the extra demand. Unless the railway contractors bring into the country a sufficient number of labourers to carry on their works, "a rush" will otherwise ensue, to the great inconvenience, loss, and interruption of all other branches of business in Miramichi and elsewhere.

Mr. Caie, secretary of the Northumberland County Agricultural Society, states, that owing to the serious depression in the business of that county which took place a few years ago, a large number of mechanics and operatives were compelled to leave it, and seek employment elsewhere; but that during the past season a great revival took place in every description of business prosecuted at Miramichi. In saw-mills, ship-yards, and lumbering, operations, have been renewed with increased vigour, owing to which the scarcity of mechanics and operatives of every description was severely felt during the whole season. Three new saw-mills, and the like number of new ship-yards, will shortly be in operation, and will increase the demand for labour. It appears very certain to Mr. Caie, that a large number of respectable mechanics and industrious labourers will find ready employment at Miramichi in the spring.

Mr. Caie further states, that, owing to the high price and scarcity of labour last season, the farmers of Northumberland were compelled to do as they best could, without employing farm servants at all. This, taken in conjunction with the fact that in no county is such rapid progress being made in agriculture as in Northumberland, proves distinctly that a greater number of farm servants of the better class will be required. Female servants, Mr. Caie says, have been scarce for several years past in Northumberland, and a considerable number of young women of good character would find ready and remunerative employment in that county.

Mr. J. L. Price, secretary of the Ludlow Agricultural Society, states that the supply of labour in that district is barely equal to the demand, although a considerable addition has recently been made to the labouring population by the introduction of workmen from Nova Scotia and Prince Edward Island. The entire adult population is actively and usefully employed, and the unremitting exertions of all will be required throughout the present winter and the coming summer to carry on the ordinary business of the country. It is therefore obvious, says Mr. Price, that a supply of labourers from abroad, equal to the numbers which will be needed on the contemplated railways, should be encouraged to enter the province next spring, either to be employed on those railways, or else to supply the places of that portion of the present population who may be induced to leave their ordinary avocations, and engage in those works. To rely upon the present limited supply of workmen for any considerable aid in railway construction would enormously increase the price of labour, already too high, and prostrate the ordinary branches of business, the maintenance of which is so essential to the prosperity of the country.

Mr. Read, deputy treasurer at Bathurst, states that the present supply of labour in that district is scarcely adequate to the various requirements for prosecuting the ordinary business of the country; and he has no doubt that if railways are commenced next spring as extensively as proposed, labour will be exceedingly scarce and dear. No emigrants have arrived at Bathurst for several years; while numbers of the young and able-bodied population have left for Canada and the United States. Mr. Read trusts that the intro-

duction of railways will change this state of things, and he considers it absolutely necessary that all fair means and encouragement should be resorted to, in order to induce male and female emigrants to come to that district next spring. Mechanics are not so much needed as ordinary labourers; and Mr. Read concludes by stating, that the agricultural capabilities of the county of Gloucester, combined with its bay fisheries, present inducements to an industrious class of emigrants, not to be surpassed by any other part of the province.

Mr. Stewart, deputy treasurer at Dalhousie, states, that on the Restigouche there is a greater scarcity of labourers than usual. The high rates of wages given last season to lumbermen on the river St. John, drew nearly all the transient population in that direciton, and the places of these men have been filled by the farmers' sons, greatly to the annoyance of their parents in many instances. Farm servants of both sexes have always been difficult to procure; and in fact, good ones are not to be had in the county of Restigouche. As for mechanics, the county is wretchedly supplied in every department. Mr. Stewart hazards the opinion, that in the event of railways being commenced as extensively as proposed, there will scarcely be an unmarried man left in the county next year, as cash payments will draw them all to the railways.

Mr. Jones, assistant emigration officer at St. Andrew's, states that a very serious want of labour is now experienced in that district, which, if not supplied next spring, will greatly impede the business of the country. All kinds of labour are required in Charlotte county, skilled and unskilled, male and female, servants and mechanics. The contractors for the St. Andrew's and Quebec Railway state to Mr. Jones that it is their intention to have about 1,000 men at work next spring. They have made arrangements to bring out from Great Britain about 600 labourers and mechanics; and they will undertake to employ 300 labourers from any number that may be induced to emigrate by the province. Mr. Jones adds, that in addition to the numbers required by the St. Andrew's and Quebec Railway Company, about 300 labourers would find immediate employment in Charlotte county at good wages.

From this city, along the whole valley of the river St. John, to Madawaska and the St. Francis, a distance of about 300 miles, there is a scarcity of labour in nearly every branch of business. The increased demand which is sure to arise next spring, from the present prosperous state of the province (of the continuance of which there seems no reasonable doubt,) will press severely upon all classes, quite indepedendently of the enormous amount of labour that will be required for railway construction. The impetus which will be given by the railways to new branches of industry will call for still more labourers and workmen everywhere; and the necessity for large supplies of labour of all kinds is therefore clearly apparent.

I beg most respectfully to draw the attention of your Excellency and Council to the consideration of the most advisable mode of procuring from Europe the large supply of labour this province will absolutely need next year, as well for the ordinary business of the country as for railway construction, a subject of pressing importance at the present time. In reply to my inquiry, "whether by taking proper means and using due exertion, a large and healthy emigration could be directed from the United Kingdom to New Brunswick," the Colonial Land and Emigration Commissioners state that it will scarcely be possible to divert any of the emigrants now about proceeding to the United States and the Australian gold fields; but it might probably be possible, if great and permanent advantages were held out by this province, to induce a portion of those emigrants who leave the mother country without any peculiar attraction to one locality, to adopt New Brunswick as their home. The Commissioners state that they cannot take any step in this matter except upon the authority of your Excellency, sanctioned by the Secretary of State; and if your Excellency wishes any steps adopted, it would be necessary to send to Her Majesty's Government a statement of the advantages which this province offers, to be published on your Excellency's authority and responsibility.

It only remains for me again to bring under your Excellency's notice the difficulties attending the existing mode of acquiring crown lands in this province, which, I feel assured, deter many persons from purchasing and becoming settlers. I beg respectfully to refer to the mode pointed out in my report of 31st December last of obviating those difficulties, and greatly simplifying the manner of purchasing vacant land, as well as diminishing the number of public accounts.

The survey of all vacant lands in those counties through which the railways are expected to pass now becomes a work of necessity; the demand likely to arise for such lands, and their increased value from contiguity to the railways, are good reasons for having some of the eligible vacant land of the province so laid out as to be at once available to any respectable body of settlers who may be attracted to New Brunswick, from the many advantages it will shortly present for the employment of labour and the profitable investment of capital.

Which is respectfully submitted.

(Signed) M. H. PERLEY,
H. M. Emigration Officer for New Brunswick.

Government Emigration Office,
St. John, New Brunswick,
December 31, 1852.

NEW BRUNSWICK

Sub-Incl. in No. 10.

Sub-Enclosure to Enclosure in No. 10.

ABSTRACT RETURN of IMMIGRATION to New Brunswick during the Year ended 31st December 1852.

Quarters.	Number of vessels.	No. of births on board or in Quarantine.	No. of deaths on board or in Quarantine.	Adults.		Between 14 years and 1 year.		Under one year.		Totals.		Whole number of souls.
				M.	F.	M.	F.	M.	F.	M.	F.	
Quarter ended March 31	—	—	—	—	—	—	—	—	—	—	—	—
Do. ended June 30	21	1	2	419	373	175	172	29	13	623	558	1181
Do. ended Sept. 30	17	—	2	257	283	95	103	16	16	368	402	770
Do. ended Dec. 31	7	—	—	62	96	25	26	4	1	91	123	214
Totals	45	1	4	738	752	295	301	49	30	1082	1083	2165

RECAPITULATION.

	M.	F.
Adults	738	752
Between 14 and one year	295	301
Under one year	49	30
Totals	1082	1083

Total, Two thousand one hundred and sixty-five souls.

Government Emigration Office, St. John, N. B.
December 31, 1852. (Signed) M. H. PERLEY,
H. M. Emigration Officer.

No. 11.

No. 11.

COPY of a DESPATCH from Lieut.-Governor Sir E. HEAD to the Duke of NEWCASTLE.

(No. 10.) Government House, Fredericton, N. B., January 29, 1853.
(Received February 14, 1853.)

MY LORD DUKE, (Answered, March 29, 1853, No. 17, page 47)

I HAVE the honour to enclose a copy of a letter addressed by Mr. Perley, the Emigration Officer at St. John, to my private secretary.

January 28, 1853.

In connexion with this letter, I must refer your Grace to my late Despatch to the Right Honourable Sir John Pakington, of January 10,* 1853 (No. 5.), which enclosed a detailed list of applications for children from England.

* Page 42.

I have, &c.,
(Signed) EDMUND HEAD.

His Grace the Duke of Newcastle,
&c. &c. &c.

Encl. in No. 11.

Enclosure in No. 11.

Government Emigration Office, St. John,
DEAR SIR, January 28, 1853.

I have already informed you that by the last English mail I intimated to the Colonial Land and Emigration Commissioners, that I had received forty-eight additional applications for English children.

Since then I have received fourteen more applications in writing, and the numbers now stand thus:—Boys, 282 ; Girls, 205 ;—Total, 487.

I am aware that several others intend to apply who have as yet neglected to send applications in writing. I am quite satisfied, therefore, that at least 500 children will be required, thus apportioned:—Boys, 290 ; Girls, 210 ;—Total 500.

I beg his Excellency will be good enough to state to the Colonial Department the number of children required, and the general desire of the applicants that they should arrive here as early as possible next spring.

I have, &c.
W. C. Drury, Esq. (Signed) M. H. PERLEY.
&c. &c.

Despatches from the Secretary of State.

No. 1. No. 1.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to the OFFICER ADMINISTERING the GOVERNMENT of New Brunswick.

(No. 22.)

SIR, Downing Street, August 6, 1852.

I HAVE to acknowledge the receipt of your Despatch No. 1,* of the 27th May, enclosing the copy of a letter from the Emigration Officer at St. John, reporting that the ship "Ellen and Margaret" had arrived at that port with an excess of passengers on board. * Page 36.

From the accompanying copy of a letter from Captain Friend, the Emigration Officer at Cork, it appears that the excess in question was caused by the master taking two more persons as part of his crew than he cleared with; but as he has in all probability left New Brunswick, I do not consider that it would be expedient to institute legal proceedings against him. July 8, 1852.

I have, &c.

(Signed) JOHN S. PAKINGTON.

Enclosure in No. 1.

SIR, Ramsgate, July 8, 1852. Encl. in No. 1.

YOUR letter of the 1st instant, No. 44,335, has been forwarded to me here; and in reply I beg to acquaint you that in consequence of a communication from Mr. Perley, I have referred to the clearance of the "Ellen and Margaret," and find the excess of two persons on board that vessel was caused by the master taking two more persons as part of his crew than he cleared with.

I have, &c.

Stephen Walcott, Esq. &c. &c. &c.

(Signed) CHARLES FRIEND, Commander, R.N.

No. 2.

COPY of a DESPATCH from the Duke of NEWCASTLE. to Lieut.-Governor Sir EDMUND HEAD. No. 2.

(No. 17.)

SIR, Downing Street, March 29, 1853.

I HAVE had under my consideration your Despatch No. 10,* of the 29th of January last, accompanied by a letter from Mr. Perley, the Emigration Officer at St. John, proposing an emigration of boys and girls from the workhouses of this country to New Brunswick. * Page 46.

Having caused the Emigration Commissioners to communicate on this subject with the Poor Law Board, I enclose for your information the copy of a letter which has been received from Lord Courtenay, the secretary to that Board.

You will observe that they do not wholly refuse to entertain the plan, but that they would require much preliminary information, and to be assured beforehand of various precautions, and that even if the requisite conditions were complied with, they could not answer for affording any regular or numerous supply of emigrants of the proposed kind to New Brunswick. Such being the case, I have also to inform you, that all former attempts to send out children from the workhouses to the colonies have been found to be attended with numerous risks of complaint, both on the part of the juvenile emigrants themselves, and also of parents who, without being discovered perhaps before the children were sent, came forward to claim them afterwards. At the Cape of Good Hope some years ago an experiment of this kind brought great obloquy on a well-meaning private association by which it was made. 11th March 1852.

Considering, therefore, the difficulties and dangers of executing the plan, and seeing that after all there is no prospect that it could be carried to any such

NEW BRUNSWICK.

extent as to be of importance to the interests of the province, I do not think that it ought to be prosecuted further.

I am, &c.

Sir Edmund Head, &c. &c.

(Signed) NEWCASTLE.

Encl. in No. 2.

Enclosure in No. 2.

Poor Law Board, Whitehall, March 11, 1853.

SIR,

I AM directed by the Poor Law Board to acknowledge the receipt of your letters of the 25th of January, 3d of February, and 2d of March, in which you transmit to them copies of letters and other documents received by the Colonial Land and Emigration Commissioners from Mr Perley, Her Majesty's emigration officer at St. John's, New Brunswick, on the subject of the demand at present existing in the province of New Brunswick for the service of children between the ages of 12 and 16 years, and in which you request that the Board will inform the Commissioners of their views as to the possibility and expediency of meeting the necessities of the employers of labour in New Brunswick by encouraging the emigration to that province of pauper children from this country.

The Poor Law Board have carefully considered the present and the previous communications received from you on the same subject, and particularly the letter (with its enclosures) addressed by Mr. Perley to the Colonial Land and Emigration Commissioners, an extract from which was forwarded to them in your letter of the 15th December last.

The Board desire in the first place to observe, that their intention in sending to the Colonial Land and Emigration Commissioners the lists of children to which Mr. Perley refers, was rather to indicate the class, age, and description of the children in metropolitan workhouses or district schools amongst whom the desire to emigrate might exist, than to lead to the inference which that gentleman appears to have drawn that this Board were either enabled by law or prepared to send out to New Brunswick the children mentioned in those lists. It is unnecessary to point out to the Colonial Land and Emigration Commissioners that no such emigration could take place without the previous consent of the guardians of the several unions or the managers of district schools respectively, and the sanction of this Board; and the Board do not think, upon the information at present before them, that the suggested plan has been so far matured or any such arrangements for the reception and subsequent protection and employment of the proposed youthful emigrants definitely made, as would justify the Board in bringing the subject under the notice of the guardians or managers. The Board observe that, as stated by the Commissioners in their letter of the 15th December 1852, Mr. Perley's letter describes rather what was at the date of his communication in contemplation, than any arrangements then actually made with a view to the proper care and disposal of the children on their arrival in New Brunswick; and they think it desirable therefore, in adverting to this fact, to point out certain arrangements which among others appear to them essential in order to the safe operation of such a system of emigration as is contemplated by Mr. Perley.

It appears to the Board, first, that provision should be made that some public officer should be charged with the duty of receiving the children on their landing, and of providing either singly or in co-operation with a charitable association, such as that referred to by Mr. Perley, for their care until placed out in situations. Secondly, that the assent of such officer should be necessary to the placing a child in any service; and thirdly, that no child should be placed out except under an indenture of apprenticeship, or some other instrument of a character legally enforceable (the terms of which should hereafter be agreed upon jointly by the Colonial Land and Emigration Commissioners and this Board), binding the employer to retain and take due care of the child for a certain limited period. The Board observe, that the Act of the Legislature of New Brunswick, to which Mr. Perley refers, as legalising indentures in such cases as those now under consideration, in fact only applies to the "orphan or deserted children of deceased emigrants, or the children of such as may be paupers," and not to the cases of children sent out from this country in the manner now suggested.

The Board beg to submit these considerations to the Colonial Land and Emigration Commissioners; and to add, in conclusion, that it will give them much satisfaction to confer hereafter with them upon this subject, should circumstances appear to render it expedient upon the receipt of more full and definite information from the colony, to take measures for the encouragement of emigration of the description now referred to.

The Board think it right further to intimate, that they cannot assure a regular or numerous supply of such emigrants to New Brunswick, even supposing the official arrangements, to which the Board have adverted as necessary, to be made for their reception and ultimate destination.

I am, &c.

S. Walcott, Esq. &c. &c.

(Signed) COURTENAY, Secretary.

NOVA SCOTIA.

Despatches from Lieutenant-Governor Sir J. Harvey.

No. 1

No. 1.

Copy of a DESPATCH from Lieut.-Governor Sir J. Harvey to the Right Hon. Sir John S. Pakington Bart.

(No. 4.)

Government House, Halifax,
March 18, 1852.
(Received March 30, 1852.)

Sir, (Answered No. 14., May 28, 1852, p. 56.)

I have the honour to acquaint you that the brig "Fanny, of 155 tons burthen, was chartered at Galway on the 23rd August last, by Messrs. Evans and Sons, merchants, of that place, to convey passengers to New York for 145*l.* sterling, and 6*s.* 3*d.* capitation money, in cash, and advertised to sail for the United States of America on the 15th of September, but remained in port until the 13th of November, when she put to sea, having on board 75 passengers. After being some time out, two of the number died, and the rest were reduced to destitution, without sufficient provision, and totally without rice or flour, and on short allowance of biscuit and oatmeal; they were in a starving condition, and would have perished had they not possessed private stores of their own.

These poor people were to be found by Messrs. Evans, whom they paid; and after encountering tempestuous weather, and working day and night at the pumps to keep the vessel afloat, finally reached this port on the 14th of February, where the vessel was pronounced unseaworthy, arrested for payment of an hypothecation bond given to Mr. Fyn of Galway under process from the Admiralty Court, sold, and produced about 175*l.*, which remains in the registry, subject to expense incurred and seamen's wages—the latter amounting to 103*l.*

I have advanced the necessary sum to relieve these sufferers, and forward them to their destination, and transmit herewith the accounts, and beg your attention to the 43d section of the Act 12 & 13 Vict., cap. 33, and have to request you to direct the bond to be put in suit to reimburse the government under my charge; and to prevent a recurrence of the inhumanity of sending in future such poor people across the Atlantic in the depth of winter, I have directed the collector of the customs to institute proceedings against the master and owner, who are both insolvent.

I have, &c.
(Signed) J. HARVEY.
Lieut.-Governor.

Right Hon. Sir John S. Pakington,
&c. &c. &c.

P.S. Copy of the charter-party is herewith enclosed.

Encl. 1 in No. 1.

Enclosure 1 in No 1.

Halifax, N.S.

Provincial Government,

1852, To B. Wier & Co., Dr.

February 23.—To passages of 72 souls per "Boston," to Boston, and provisions for ditto, at 40*s.* each. - - - £144 0 0

Received payment (Signed) B. Wier, & Co.

Halifax, N.S. February 21, 1852.

An account of the provisions purchased by the Committee of Charity of the Charitable Irish Society, for the use of the emigrants on board the brig "Fanny."

	£	s.	d.
3 barrels bread, at 15*s.* - - - -	2	5	0
58 lbs. mutton, at 3½*d.* - - - -	0	16	11
1 cwt. meal, at 12*s.* 6*d.* - - - -	0	12	6
5 gallons molasses, at 1*s.* 6*d.* - - -	0	7	6
21 lbs. tea, at 1*s.* 9*d.* - - - -	1	16	9
11 dozen bread, at 3*s.* 6*d.* - - - -	1	18	6
2 bushels potatoes at 3*s.* 9*d.* - - -	0	7	6

	£	s.	d.
10 lbs. onions, at 2*d.*	0	1	8
2 quarts salt, at 2*d.*	0	0	4
2 barrels pilot bread, at 15*s.*	1	10	0
1 bushel turnips, at 1*s.* 9*d.*	0	1	9
48 lbs. beef, at 3½*d.*	0	14	0
113 ditto, at 4*d.*	1	17	8
4 tin kettles, at 1*s.*	0	4	0
1 cord wood, at 19*s.* 6*d.*	0	19	6
Truckage, 3*s.* 3*d.*, sawing wood, 3*s* 6*d.*	0	6	9
21 lbs. tea, at 1*s.* 9*d.*	1	16	9
2lbs. candles, at 9*d.*	0	1	6
12 dozen bread, at 3*s.* 6*d.*	2	2	0
64½ lbs. beef, at 4*d.*, 21*s.* 6*d.*; 22lbs. ditto, at 2*d.*, 3*s.* 8*d.*	1	5	2
	19	5	9

Enclosure 2 in No. 1. Encl. 2 in No 1.

Charter-party.

Galway, August 22, 1851.

Evans & Son, Brokers, Galway.

It is this day mutually agreed between John C. Rudolf, of the good ship or vessel called the "Fanny," of Halifax, whereof John C. Rudolf is master, of the burthen of 155 tons or thereabouts, now at Galway, and Messrs. Evans and Son, merchants, that the said ship being tight, staunch, and strong, and every way fitted for the voyage, shall, with all convenient speed, load a full and complete number of passengers as allowed by the American laws, and to clear six passengers as cabin passengers, but not to have access to the cabin, which the said merchants bind themselves to send or cause to be sent alongside the said vessel at her port or place of loading aforesaid, and to be taken from alongside the said vessel at her port of place of discharge herein-after mentioned, free of expense to the ship, but not exceeding what she can reasonably stow and carry over and above her tackle, apparel, provisions, and furniture; and being so loaded shall therewith proceed to New York, or so near thereunto as she may safely get, and deliver the same, on being paid freight at Galway, as agreed, one hundred and forty-five pounds sterling, and six shillings and threepence head-money in cash; the act of God, the Queen's enemies, fire, and all and every other the dangers and accidents af the seas, rivers, and navigation, of whatever nature and kind soever, during the said voyage, always excepted; the freight to be paid before sailing from Galway, also head-money at the rate of six shillings and threepence for each passenger shipped; days to be allowed the said merchant (if the ship be not sooner despatched) for unloading the said ship at Galway, and two days to clear the ship at the Custom-house, and all the passengers to be clear of the ship in forty-eight hours at New York, and days, or demurrage, over and above the said laying days, at pounds per day. Penalty for non-performance of this agreement three hundred pounds. The charterers to provide the passengers with fuel, water, and provisions as required by law; also to fit up the ship with deck berths and fire-places, with the privilege of taking about fifty tons marble, and all the surplus stores, water casks, berths, decks, &c., to be received by the master for his benefit.

(Signed) Evans & Son.

Witness

No. 2. No. 2.

Copy of a DESPATCH from Lieut.-Governor Sir J. G. Le Marchant to the Right Hon. Sir John S. Pakington Bart.

(No. 5.)

Government House, Halifax,
August 17, 1852.
(Received August 30, 1852.)

Sir, (Answered No. 21, October 5, 1852, p. 56.)

Referring to your Despatch, No. 14,* of the 28th May, to the administrator of this Government, I beg to call your attention to the enclosed statement of the case of the brig "Fanny," prepared by the Attorney-General. * Page 56.

The law, it would appear, gave to the passengers landed here from that vessel no relief.

The Legislature having from time to time made very liberal grants in similar cases, which have never been reimbursed, is naturally weary of providing for emigrants who are often thrown in a state of destitution and wretchedness on the shores of Nova Scotia.

NOVA SCOTIA.

I would respectfully suggest, therefore, either that the law be amended, or that an officer be appointed at the port of Halifax, with full powers to provide, as is done at the ports of Quebec, and St. John, New Brunswick, for the relief and protection of poor persons who may be imposed upon by shipmasters, or cast in a state of helplessness on the coast.

A statement is herewith enclosed of disbursements from the Provincial Treasury on account of the passengers of the "Fanny;" and I beg to request that the necessary directions may be given for the reimbursement of the amount, being 163*l.* 5*s.* 9*d.* currency, equal to 130*l.* 12*s.* 8*d.* sterling.

I have, &c.

(Signed) J. GASPARD LE MARCHANT.

The Right Hon. Sir J. S. Pakington, Bart.
&c. &c. &c.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

THE brig "Fanny" sailed from Galway, Ireland, with 82 passengers, bound to New York in the United States of America; put into Lunenburg on the 25th day of January, 1852, in a disabled state, and after remaining there for ten days the said vessel set sail for Halifax, where she arrived on the 9th of February following. The owner of said brig, unable to refit said vessel, abandoned her, and the voyage was thus terminated. On the 19th of February the passengers of said vessel applied to Henry Trew, Esq., Collector, under the 12th and 13th Vict. cap. 33, and a complaint was accordingly entered under the provisions thereof before two justices of the peace to the following effect:

"Whereas by the 12th and 13th Vict. cap. 33, entitled 'An Act for regulating the Carriage of Passengers in Merchant Vessels,' it is enacted by the 5th section, that Commissioners of Emigration shall carry the provisions of said Act into execution; and by the 7th section of said Act all powers, functions, and duties to be exercised or performed by such emigration officer shall, at any port where there shall be no such emigration officer or assistant, be exercised by the chief officer of customs for the time being at such port; and whereas there is no emigration officer or assistant at the port of Halifax in the province of Nova Scotia, and certain passengers in the brig "Fanny," bound from Galway, Ireland, to New York in the United States of America, having been brought into this port, the vessel being in distress, and the owner and master having terminated the voyage, the said vessel being in a damaged state, and the owner being unable to repair or refit her, and she having put into Lunenburg in this province on or about the 25th day of January, and remained there ten days, and having entered the port of Halifax on the 9th day of February, still remaining there, lodged a complaint with me, and requested my interposition and to recover on their behalf the passage-money respectively paid by said passengers for such passage, and also such further sum in respect of each such passage, for a reasonable compensation for the loss of such passage; I, Henry Trew, chief officer of Her Majesty's Customs at Halifax in Nova Scotia, do appear before George N. Russell, Esquire, justice of the peace for the county of Halifax, and make complaint and give information that the British brig "Fanny," with the passengers, a list of whom is herewith exhibited, sailed from Galway in Ireland, bound to New York, on the thirteenth day of November, and arrived at Halifax and entered at the custom-house on the ninth day of February; that said passengers paid respectively for their passages, and hold contract tickets; they that have remained here ever since the arrival of the vessel have not been supplied with provisions, and are destitute, and supported at the public expense; and the owner and master of the "Fanny" refused to provide said passengers respectively with a passage to the port of New York, and have discharged the crew of said vessel, and closed the voyage here. I therefore pray that this case may be heard, and that judgment may be pronounced in my favour for and on their behalf, for the monies paid by them respectively for their passages from Galway to New York, and for a sum of five pounds each compensation for loss or inconvenience occasioned by loss of such passage.

(Signed) HENRY TREW,
Comptroller H.M. Customs,
Port at Halifax, N. Scotia.

Custom-house,
19th February 1852.

On the twentieth of February last said complaint was fully heard, evidence was adduced on behalf of the complainant, and the case fully substantiated and proved, and the following decision was arrived at by the said justices:

Halifax, Nova Scotia, 1852.

Cause { Henry Trew, Comptroller H.M. Customs, against William Henry Rudolph, owner of brig "Fanny."

We are of opinion that this prosecution cannot be sustained.

The Act of 12 and 13 Victoria, cap. 33, section 34, under which it has been commenced, contemplates "a reasonable time according to the circumstances of each case, but not exceeding six weeks in any case," within which period the owners of the vessel are required to provide a passage for the parties in the same or other vessel; on their failure so to do the penalties attach. The prosecution having been instituted almost immediately on the arrival of the vessel, we conceive to have been premature. The act is highly penal in its character, as it renders the owners liable, although they may not have been concerned in making the contract with passengers, and therefore must be strictly interpreted.

(Signed) ANDREW M'KINLAY,
Mayor of the City of Halifax and
J.P. for the County of Halifax.
G. N. RUSSELL, J.P.

Enclosure 2 in No. 2.

Encl. 2 in No. 2.

THE Province of Nova Scotia in account with the Committee of Charity of the Irish Society, Halifax.

	£	s.	d.
To paid for provisions and necessaries furnished passengers, brig "Fanny," by order of the Government - - - - -	19	5	9

February 21, 1852. Received the amount, April 15, 1852,
(Signed) JOHN WALKER.

Provincial Government to Benjamin Wier & Co.

February 23, 1852, To passages of 72 souls, per "Boston" to Boston, and provisions for ditto, at 40s. each - - - -	144	0	0

Received payment,
(Signed) B. WIER & Co.

No. 3.

No. 3.

COPY of a DESPATCH from Lieut.-Governor Sir J. G. LE MARCHANT to the Right Hon. Sir JOHN S. PAKINGTON Bart.

Government House, Halifax, Nova Scotia,
(No. 33.) December 9, 1852.
SIR, (Received December 21, 1852.)

REFERRING to your Despatch No. 21,* dated the 5th of October last, in answer to mine of the 17th August, No. 5, applying for repayment of the money advanced from the Provincial Treasury on account of destitute emigrants landed at Halifax from the brig "Fanny," I have now the honour to transmit the three accompanying returns, in compliance with your directions, showing the sums that have been paid from time to time by the Provincial Legislature of Nova Scotia in cases similar to the one in question, and also the number of emigrants who have landed in Halifax during the last five years.

* Page 58.

The return No. 1 shows the aggregate of amounts granted by the Legislature of Nova Scotia for the relief of emigrants from 1847 to 1851, both inclusive (4,855*l*, 19*s*. currency, or 3,884*l*. 15*s*. 2*d*. sterling).

With regard to the return of emigrants landed at Halifax during the last five years, I caused a communication to be addressed to the Comptroller of Customs and Navigation Laws; but I have been given to understand by that officer that no record has been kept at the custom-house from which such information could be supplied.

The return marked No. 2 therefore shows the number of emigrants landed at Halifax in the years 1849, 1850, and 1851, from the books of the Colonial Duties Office at Halifax.

The return No. 3 shows, as far as can be gathered from the public newspapers the number of emigrants arrived in Halifax in 1847 and 1848.

I have, &c.
(Signed) J. GASPARD LE MARCHANT.

Right Hon. Sir John S. Pakington, Bart.
&c. &c. &c.

Encl. 1 in No. 3.

Enclosure 1 in No. 3.

A RETURN of the Dates and Amounts of Grants of Money made by the Legislature of Nova Scotia, for or towards the Relief of Emigrants, from the year 1847 to 1851 both inclusive.

	£	s.	d.
1847.			
Paid to Board of Health and others at Halifax, for medical attendance and other expenses of immigrants	1,414	19	0
Paid to Board of Health and others at Pictou, for medical attendance and other expenses of immigrants	794	1	3
Paid to S. Donovan and others at Arichat, for medical attendance and other expenses of immigrants	413	0	5
1848.			
Paid to Board of Health and others at Halifax, for expenses incurred on account of passengers saved from barque "Omega," &c.	1,131	17	8
Paid to Board of Health and others at Pictou, for expenses incurred on account of passengers by barque "Lulan"	509	12	0
Paid to S. Donovan and others, for expenses incurred on account of ship-wrecked passengers at Canso and Cape Breton	255	6	4
1849.			
Paid to Commissioners of Waterloo and Smallpox Hospitals, for expenses of sick immigrants transferred to them, and for coffins supplied to the hospital at Dartmouth	130	9	7
1850.			
Paid Salter and Twining, for passages of shipwrecked immigrants from Halifax to Boston	160	5	0
Paid to B. M'Donald, for supplies furnished to the above immigrants	15	19	0
1851			
Paid to S. Donovan, Cape Breton, being balance of expenses incurred by him in 1848	30	8	9
Currency	4,855	19	0
Less $\frac{1}{5}$	971	3	10
Sterling	£3,884	15	2

Financial Secretary's Office,
Nov. 1852.

SAMUEL CREELMAN,
Fin. Sec.

Encl. 2 in No. 3.

Enclosure 2 in No. 3.

A RETURN of the Number of Emigrants who have landed at Halifax in each Year from 1847 to 1851, both inclusive.

Year.	Number.
1847-1848	No Return.
1849	73
1850	21
1851	101

Impost and Excise Office,
Halifax, 15th November, 1852.

WM. G. FIFE,
Acting Coll.

Encl. 3 in No. 3.

Enclosure 3 in No. 3.

RETURN of Immigrants arrived at the Port of Halifax during the Years 1847 and 1848, so far as can be collected from Arrivals reported in the Halifax Newspapers.

Name of Vessel.	Port of Departure.	Date of Arrival at Halifax.	Number of Immigrants.	Remarks.
Ship "Milo" - - -	Liverpool	Dec. 17, 1847.	34	There appear to have been no arrivals of passenger vessels at Halifax during the year 1848, as none are reported.
„ "New York" (Am.) - -	„	March 28, „	330	
Barque "Mountaineer," Carey	Cork	May 13, „	279	
„ "Barbara," M'Gie - -	Galway	„ 19, „	296	
„ "David," York - -	„	„ 22, „	73	
Brig "Lelia," Galloway - -	„	„ 29, „	160	
„ "Redwing," Bell - -	„	June 1, „	140	
„ "John Begg" - - -	„	„ 3, „	97	
„ "Eliza" - - -	Waterford	„ 8, „	96	
Schooner "Democrat" - -	Cork	July 5, „	48	
„ "Three Sisters" - -	Liverpool	Sept. „	18	
„ "Enterprize" - -	„	„ „	30	
Total number of immigrants - - - -			1,621	

Provincial Secretary's Office,
Halifax, December 8, 1852.

Despatches from the Secretary of State.

No. 1.

No. 1.

Copy of a DESPATCH from Sir John S. Pakington Bart. to the Officer administering the Government of Nova Scotia.

(No. 14.)

Sir, Downing Street, May 28, 1852.

* Page 50. I have to acknowledge the receipt of your Despatch, No. 4,* of the 18th of March last, reporting the unseaworthy condition of the brig "Fanny" on her arrival at Halifax, and the destitute state of the emigrants on board of her.

8th May 1852. Having referred the case of this vessel to the Colonial Land and Emigration Commissioners, I transmit for your information an extract from their report; and I have to express my concurrence in their opinion, that it would not be advisable to act upon the suggestion of the late Lieut.-Governor, by putting the Bond in suit in the present instance.

I have, &c.

(Signed) JOHN S. PAKINGTON.

The Officer administering the Government.
&c. &c. &c.

Encl. in No. 1.

Enclosure in No. 1.

Extract of a Report from the Colonial Land and Emigration Commissioners, dated May 8, 1852.

"On receiving your letter we communicated with our officer at Galway, in order to ascertain whether any evidence could be procured at that port of the infraction of the law by the charterer or master of the ship in question, since it was clear, that, although the circumstances stated by Sir J. Hervey raised a suspicion that the requirements of the law had not been complied with before the ship sailed, his Despatch was not conclusive, and at all events could not be received as evidence on the point. The emigration officer at Galway has in reply transmitted to us the two certificates of survey and repair of this vessel of which we enclose copies, the one signed by the then Government surveyor, the other by Lloyd's surveyor and a master shipwright, to the effect that the "Fanny" was perfectly seaworthy, and fit in all respects for the carriage of passengers, at the time of her sailing. The emigration officer further states, that by the victualling bill it appears that she had on board when she sailed 67 cwt. of bread stuffs and 3,600 gallons of water for the use of the passengers. It would likewise appear from the emigration officer's report that she put into Lunenberg in Nova Scotia on the 26th of January, having been then out 74 days, and we presume that she must have remained there some days, as she is stated to have reached Halifax only on the 14th of February.

"Such being the facts of the case, we apprehend that in the absence of evidence contradictory of the above statements no suit could be instituted for the forfeiture of the bond with any chance of success. As far as the documents in this country show, the vessel was properly surveyed and repaired for her intended voyage. The quantity of bread stuffs on board as stated in the victualling bill was more than the quantity required by law for her number of passengers; and although there would appear to have been a deficiency of about 75 gallons of water, this deficiency, especially as it was allowed by the customs-officer who cleared the ship, would not, we think, be considered a sufficient ground for the forfeiture of the bond. It is to be observed, that the passage to Lunenburg was longer than the passage calculated by the Passengers Act, while no less than 93 days elapsed between the sailing of the vessel from Galway and her arrival at Halifax. Unless, therefore, additional provisions were taken on board at Lunenburg, the passengers could not be otherwise than in a state of great destitution on their arrival in Halifax.

"Under all the circumstances of the case, we would venture to submit, that, notwithstanding the suggestion of the Lieut.-Governor, it would not be advisable to put the bond in suit in this instance.

"We may mention, in conclusion, that this vessel was cleared by the collector of customs, there being no emigration officer at the port of Galway in November last. Since that date, however, an emigration officer has been appointed there.

Sub-Enclosure in No. 1.

Sub-Encl. in No. 1.

PORT OF GALWAY.

Final Report of Survey.

Name of the Ship.	Tonnage.	Where and when built.	Classification, if any.	Where and when last in Dry Dock.	When last coppered.	Ground Tackle.				Boats.		
						Hawsers, Size and Length.	Anchors. Weight of each.	Chain Cable. Size of Chain.	Chain Cable. Length.	Dimensions of each. Length.	Breadth.	Depth.
										Feet.	Ft. In.	Inches.
Fanny	155	Pugwash, Nova Scotia.	None	Liverpool in 1847.	2 years since, 1849.	1 of 7·75, 1 of 4·45	2 Bowers 10 Cwt., 1 of 3 Cwt. 2 of 2 Cwt.	2 in. N. $1\frac{1}{16}$d.	75 Fms. and 95 Fms.	20	7 6	4·0
										14	5 0	2·6
								2 small Chains of 45 Fms.				

Nature of repairs now effected.—Topsails new, and caulked fore and aft; 3 topsails, 3 courses, small sails and studding sails complete.

We the undersigned surveyors, duly appointed by Her Majesty's Colonial Land and Emigration Commissioners, under and for the purpose of the "Passengers Act, 1849," hereby certify, that in pursuance of directions to that effect received from J. Richardson, Esq., collector of customs and emigration officer at this port, we have carefully surveyed the above-mentioned ship, when her hold and between-decks were entirely cleared of cargo, and have also examined her masts, yards, rigging, sails, pumps, ground tackle, and boats. We find that her hull is sound, tight, staunch and firm in the fastenings; that her passengers' deck is not less than one inch and a half in thickness, properly supported by beams of adequate strength, forming part of the permanent structure of the ship, and firmly secured with hanging and lodging knees; and that her boats, pumps, and other equipments are suitable and sufficient for a vessel of her tonnage, and in a sound and efficient condition. And, finally, we hereby report that the said ship is, in our opinion, seaworthy and fit in all respects for the carriage of passengers on her intended voyage to

1,020 superficial feet.

(Signed) JOHN HARDING, Com. R. N. } Government Surveyors
J. DOWMAN, R. N. } for the Port of Galway.

Dated this 9th day of September, 1851.

Approved. (Signed) J. RICHARDSON,
Collector of Customs,
Emigration Officer for the Port of Galway.

Sub-Enclosure 2 in No. 1.

Sub-Encl. 2 in No. 1.

We the undersigned, being again called upon by Capt. John C. Rudolf, master of the brig "Fanny" of Halifax, burthen per register 155 tons, to survey and inspect said vessel as she now lies in the floating dock after repairs, and find her as follows:—A new main topsail, a new foresail, and mainstay sail repaired, together with all her other canvass properly overhauled and repaired where wanted. All the running rigging overhauled, and replaced with new where required. Four new planks put in from the stem to abaft the after chains on the starboard side, and two new planks put in on the portside from the stem to about midships, and two new deck planks along the water ways which had to be cut out, occasioned by the bolts in the binding streeks going through the water ways and into the plank next to the water ways; and in order to back the bolts out, those two deck planks had to be cut out and replaced with new; a few sheets of copper put on where wanted, her pumps repaired, and some new chain bolts, some bulwark boards put in and bulwarks properly repaired. The ship properly new treenailed and bolted from the light water mark upwards to her covering board, and also well corked and horsed from the light water mark to the covering board; decks all caulked over; and the vessel painted throughout, and is now fit to carry dry cargoes beyond the seas.

Given under our hands at Galway, this 18th day of September 185

(Signed) HENRY TOWNEND,
Lloyds' Surveyor.
JAMES KING,
Master Shipwright.

No. 2.

No. 2. COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON Bart. to Lieut.-Governor Sir J. G. LE MARCHANT.

(No. 21.)

SIR, Nova Scotia, October 5, 1852.

I HAVE to acknowledge the receipt of your Despatch of the 17th instant, No. 5,* in which you request repayment of the money advanced from the Provincial Treasury on account of the destitute emigrants landed at Halifax from the brig "Fanny," and adverting to the absence of any legal remedy against the owners of that vessel, suggest an amendment of the Passenger Act, or the appointment of an emigration officer at Halifax, with power to provide, as is done at Quebec and St. John, for the relief and protection of poor persons who may be imposed upon by shipmasters, or cast in a state of helplessness upon the coast.

* Page 51.

I am happy to state that your suggestion for an amendment of the Passenger Act has been anticipated in the new law which will come into operation next month. If you will refer to the clauses numbered 47, 48, 49, 50, and 51 of that Act, you will find that securities are afforded to passengers in distress, and that facilities are given for recovering any lawful expenses that may be incurred on their account.

With regard to your suggestion for the appointment of an emigration officer at Halifax, I have obtained from the Commissioners of Emigration a return (of which a copy is enclosed for your information) showing the number of persons who have emigrated in the last five years from the United Kingdom to the three provinces of Canada, New Brunswick, and Nova Scotia. From this statement it appears that the emigration to the latter province is comparatively insignificant. It is not in my powers therefore, to hold out any prospect that Parliament could be asked for a grant of money for the maintenance of an agency at Halifax. It is of course competent for the Provincial Government to make provision for such an officer, if they judge it expedient to do so.

With reference to the statement contained in the second paragraph of your Despatch, namely, that the Provincial Legislature have from time to time made liberal grants of public money in cases similar to the present, which have never been repaid, I shall be glad to receive from you a return of the dates and amounts of these grants, and also of the number of emigrants who have landed at Halifax, during the last five years.

I have caused a communication to be addressed to the Lords Commissioners of the Treasury on the subject of the money disbursed by the Provincial Treasury for the emigrants from the "Fanny," and I will take the earliest opportunity of acquainting you with the result.

I have, &c.

(Signed) JOHN S. PAKINGTON.

Sir J. Gaspard Le Marchant,
Lieut-Governor.

Encl. in No. 2.

Enclosure in No. 2.

Return of Emigration from the United Kingdom to the under-mentioned Ports from the Years 1844 to 1851, both inclusive.

Year.	Canada.	New Brunswick.	Nova Scotia.
1844	13,814	2,128	214
1845	18,989	4,989	195
1846	23,209	5,701	463
1847	89,562	16,589	2,000
1848	25,582	4,346	140
1849	37,520	3,016	147
1850	30,294	1,271	135
1851	38,653	3,533	281
Total -	277,623	41,573	3,575

No. 3. NOVA SCOTIA.

Copy of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON, Bart., to Lieut.-Governor Sir J. G. Le MARCHANT. No. 3.

(No. 26.)

SIR, Downing Street, November 15, 1852.

WITH reference to the last paragraph of my Despatch, No. 21, of the 5th ult., I transmit for your information copies of the correspondence which has passed between this department and the Board of Treasury on the subject of the repayment of the money disbursed by the provincial treasury on account of the emigrants landed at Halifax from the brig "Fanny." Colonial Office, October 11. Treasury, November 6.

You will observe from these papers that although the Lords Commissioners concur in my recommendation that the amount in question should be defrayed from Imperial funds, it is only on special grounds that their Lordships have felt themselves at liberty to adopt this course on the present occasion.

You will therefore draw a bill upon the Paymaster-General for the sum of 130*l.* 12*s.* 8*d.*, being the amount of the expenses paid by the Provincial Government.

I have, &c.
(Signed) JOHN S. PAKINGTON.

Lieut.-Governor Sir J. G. Le Marchant,
&c. &c. &c.

Enclosure 1 in No. 3.

SIR, Downing Street, October 11, 1852. Encl. 1 in No. 3.

I AM directed by Secretary Sir John Pakington to transmit to you, for the consideration of the Lords Commissioners of the Treasury, the copy of a despatch from the Lieut.-Governor of Nova Scotia, requesting repayment of the expenses incurred by the Provincial Government in respect of certain emigrants who were landed at Halifax in February last in a destitute condition from the brig "Fanny."

The particulars of this case are as follows:—

The "Fanny" sailed from Galway in November 1851, with seventy-five passengers, bound for New York. After she had been some time at sea two of the passengers died, and the rest were reduced to great destitution; they were totally without rice or flour, and on short allowance of biscuit and oatmeal, and would have been starved if they had not had private stores of their own. They were compelled to work day and night at the pumps to keep the vessel afloat, and when they reached Halifax on the 14th February, having been ninety-three days at sea, the vessel was pronounced to be unseaworthy, and was ultimately sold for an hypothecation debt, and realized only 175*l.* Proceedings were then commenced by the provincial government against the owner and master of the vessel, but it was found that they were both insolvent. The governor then suggested to Sir John Pakington that the bond given by the master and charterer previous to the sailing of the "Fanny" from Galway should be put in suit, with a view both to punish those who were concerned in sending this vessel to sea insufficiently provided, and in an unseaworthy condition, and to obtain a reimbursement of the expenses incurred by the colony for the immediate relief of the passengers, and in forwarding them to Boston.

The Lieut.-Governor's despatch was referred by Sir John Pakington for the opinion of the Colonial Land and Emigration Commissioners, who reported that they had communicated with their officer at the port of Galway in order to ascertain what evidence could be procured of the infraction of the Passenger Act by the charterer or master of the vessel in question; that their officer had furnished them with two certificates of survey and repair of the "Fanny," the effect of which was to show that the vessel was perfectly seaworthy, and fit in all respects for the carriage of passengers at the time of her sailing from Galway; and that she was sufficiently provisioned, having on board bread stuffs in excess of the quantity required by law for her number of passengers. In the absence of any evidence contradictory of these statements it was obvious that no suit could be instituted in this country against the master or charterer for the forfeiture of his bond with any chance of success. It further appeared from the Governor's Despatch that the "Fanny" put into Lunenburg in Nova Scotia on the 26th of January, having been out at sea seventy-four days, a longer passage than calculated by the Passenger Act for her voyage to New York, while no less than ninety-three days elapsed between the sailing of the vessel from Galway and her arrival at Halifax, a period sufficiently long to account for the destitute condition in which the passengers were landed.

Under these circumstances Sir John Pakington would recommend that the money which has been advanced by the Provincial Treasury for these destitute emigrants should be repaid from Imperial funds.

I have, &c.
(Signed) HERMAN MERIVALE.

Sir C. Trevelyan, K.C.B.
&c. &c. &c.

Enclosure 2 in No. 3.

SIR, Treasury Chambers, November 6, 1852.

Encl. 2 in No. 3. THE Lords Commissioners of Her Majesty's Treasury having had under their consideration your letter of the 11th ultimo, transmitting copy of a despatch from the Lieut.-Governor of Nova Scotia, requesting repayment of the expenses incurred by the Provincial Government in respect of certain emigrants who were landed at Halifax in February last in a destitute condition from the brig "Fanny;" I am commanded to acquaint you, for the information of secretary Sir John Pakington, that under all the circumstances of this case my Lords will not object to the expenses incurred being made a charge upon the funds of this country.

Their Lordships have hitherto restricted the payment of expenses of this description to those cases in which vessels have been wrecked or have foundered at sea, and it appears to them that in all ordinary cases where a vessel from stress of weather or other causes arrives in a colonial port, and is unable to proceed upon her voyage, the insolvency of the parties against whom a legal claim might properly be made does not constitute an equitable claim upon the British Government.

In the present instance, however, they concur with Sir John Pakington that they would be justified in directing the payment of the expenses incurred out of the only fund at their disposal, the grant for civil contingencies, and they would suggest that the Lieut.-Governor of Nova Scotia should be instructed to draw a bill upon the Paymaster General for the amount, viz. 130*l.* 12*s.* 8*d.*

Their Lordships trust that the regulations of the Passenger Act of last session will have the effect in future of preventing claims of this description being made either upon the colonies or upon the public funds of this country.

I am, &c.

Herman Merivale, Esq., (Signed) GEO. A. HAMILTON.
&c. &c. &c.

No. 4.

No. 4. COPY of a DESPATCH from the DUKE OF NEWCASTLE to Lieut.-Governor SIR J. G. LE MARCHANT.

(No. 26.)

SIR, Downing Street, May 11, 1853.

WITH reference to Sir John Harvey's Despatch, No. 171, of May 23, 1850, reporting the loss of the emigrant ship "Seraphine," and the expense incurred by the Government of Nova Scotia in forwarding the shipwrecked passengers from Halifax to Boston, I have to acquaint you that Her Majesty's Government are of opinion that the Provincial Government should be relieved from any charge on this account. You will, therefore, draw upon the Lords Commissioners of the Treasury the sum of 128*l.* 4*s* 0*d.*, the amount of the expenses in question.

I have, &c.

Lieut.-Governor Sir J. G. LE Marchant, (Signed) NEWCASTLE.
&c. &c. &c.

APPENDIX.

APPENDIX, No. 1.

Colonial Land and Emigration Office,
January 21, 1853.

SIR,

1. WE have the honour to transmit herewith, for the information of the Duke of Newcastle, a return of the whole emigration from the United Kingdom during the year 1852 and the preceding three years. This return has been compiled from the returns of the emigration officers at the ports where they are stationed, and from the returns of the customs officers at other ports.

2. It will be observed that the total emigration of 1852 amounted to 367,675, and exceeded the total emigration of 1851 (the largest previous emigration) by 31,709. But this excess was more than made up by the excees of emigration to Australia in 1852.

In 1851 the emigration to Australia amounted to only - - -	21,532
In 1852 it was - - - - - - - -	86,901
Being an increase of - - - - - -	65,369

If, therefore, this great emigration had not taken place it is probable that the whole emigration of 1852 would have been less than that of 1851.

3. The emigration to the United States and British North America in

1851 was - - - - - - - - -	309,962
In 1852 it was - - - - - - - - -	276,628
Being a decrease of - - - - - - - -	33,334

As the great bulk of this emigration is composed of Irish, and of the poorest class in this country, whose relations and friends have preceded them, and as this emigration has varied with considerable regularity according to the variations in the state of the labouring classes, we trust we may consider the decrease as indicative of the decrease of destitution among those classes. Some portion of the decrease is to be attributed, no doubt, to the diversion to Australia of a portion of those who would otherwise have gone to America; but this cause, as it could only affect the richer class of emigrants, has probably not had any extensive operation.

4. The emigration from Ireland which has for many years attracted much notice must, we think, be assumed from these returns to have been less in 1852 than in 1851. In our general report of the 6th of May last, assuming nine tenths of the emigration from Liverpool, and one third of that from the Clyde, to be Irish, and adding thereto the emigration direct from Irish ports, and those sent out in our ships, we calculated the number of Irish who emigrated in 1851 at 257,372. At that time the emigration from Liverpool and the Clyde was almost exclusively to America. Proceeding on the same data we should calculate the Irish emigration of 1852 to have been—

Nine-tenths of emigrants from Liverpool to America - - -	173,093
One-third „ „ the Clyde - - - - -	4,405
Emigrants direct from Ireland - - - - - - -	41,441
Sent out in our ships - - - - - - -	5,891
Making a total of - - - - - - - -	224,830

Or less than the Irish emigration of 1851 by no less than 32,542. Some portion, no doubt, of the spontaneous emigration to Australia from London and Liverpool may have been Irish, but we should think that it could scarcely have been considerable.

We have, &c.

(Signed) T. W. C. MURDOCH,
C. ALEXANDER WOOD.

Herman Merivale, Esq.
&c. &c. &c.

RETURN showing the Emigration from the United Kingdom during each of the last Four Years.

PORT OF EMBARKATION.	1849.					1850.					1851.					1852.				
	United States.	British North America.	Australian Colonies.	All other Places.	Total.	United States.	British North America.	Australian Colonies.	All other Places.	Total.	United States.	British North America.	Australian Colonies.	All other Places.	Total.	United States.	British North America	Australian Colonies.	All other Places.	Total.
London	14,225	927	16,600	4,801	36,553	10,522	1,087	8,305	5,336	25,250	17,370	1,162	9,865	2,870	31,267	19,354	849	35,016	2,633	57,852
Liverpool	147,745	4,630	673	854	153,902	165,828	5,202	1,105	2,053	174,188	196,881	5,985	1,805	1,344	206,015	187,962	4,363	36,231	543	229,099
Plymouth	101	1,171	14,106	505	15,883	207	1,033	6,218	750	8,208	170	1,761	9,206	10	11,147	194	1,512	8,117	—	9,823
All other places	3,067	2,624	66	29	5,786	3,776	2,830	31	329	6,966	3,654	2,767	115	5	6,541	3,588	2,814	2,700	403	9,505
Total for England	165,138	9,352	31,445	6,189	212,124	180,333	10,152	15,659	8,468	214,612	218,075	11,675	20,991	4,229	254,970	211,098	9,538	82,064	3,579	306,279
Glasgow and Greenock	10,636	3,391	612	266	14,905	11,427	2,395	310	279	14,411	10,864	3,571	454	226	15,115	9,282	3,935	2,789	557	16,563
All other places	3	2,056	134	29	2,222	21	630	68	24	743	—	3,429	87	15	3,531	1	1,710	1,681	—	3,392
Total for Scotland	10,639	5,447	746	295	17,127	11,448	3,025	378	303	15,154	10,864	7,000	541	241	18,646	9,283	5,645	4,470	557	19,955
Belfast	7,134	2,516	—	—	9,650	4,135	1,735	—	—	5,870	2,804	948	—	—	3,752	1,543	839	—	—	2,382
Cork	7,846	1,869	—	6	9,721	6,026	2,071	—	2	8,099	7,753	4,709	—	—	12,462	6,158	3,242	125	10	9,535
Dublin	7,581	2,280	—	—	9,861	5,838	1,530	—	—	7,368	7,777	1,302	—	—	9,079	2,796	1,315	242	—	4,353
Londonderry	6,846	969	—	—	7,815	3,304	838	—	—	4,142	5,173	1,137	—	—	6,310	4,104	961	—	—	5,065
Limerick	3,825	7,729	—	—	11,554	4,214	6,444	—	—	10,658	5,026	6,746	—	—	11,772	2,580	5,547	—	—	8,127
Sligo and Outports	1,665	2,313	—	—	3,978	1,009	1,393	—	—	2,402	2,182	1,272	—	—	3,454	986	948	—	—	1,934
Waterford and New Ross	2,119	5,025	—	—	7,144	1,767	4,125	—	—	5,892	932	4,944	—	2	5,878	1,484	3,656	—	—	5,140
All other places	6,657	3,867	—	—	10,524	5,004	1,648	—	—	6,652	6,771	2,872	—	—	9,643	3,720	1,185	—	—	4,905
Total for Ireland	43,673	26,568	—	6	70,247	31,297	19,784	—	2	51,083	38,418	23,930	—	2	62,350	23,371	17,693	367	10	41,441
GRAND TOTAL	219,450	41,367	32,191	6,490	299,498	223,078	32,961	16,037	8,773	280,849	267,357	42,605	21,532	4,472	335,966	243,752	32,876	86,901	4,146	367,675

APPENDIX, No. 2.

ANNO DECIMO SEXTO VICTORIÆ REGINÆ.

No. 2229. Allowed December 28, 1852.

An Act in amendment of an Act to regulate Vessels arriving from Europe with Passengers.—[Passed October 29, 1852.]

Preamble. WHEREAS the construction of railways within this province on an extensive scale as now contemplated will render necessary a large supply of labourers, artisans, and mechanics of every description, for whom there will hereafter be steady and profitable employment, and the completion of such railways will open to settlers large tracts of the fertile lands of this province in every way well fitted for settlement and cultivation: And whereas, in order to encourage the emigration from Europe into this province of such labourers, workmen, and settlers, it is deemed expedient to reduce the tax now levied on passengers: Be it therefore enacted by the Lieutenant-Governor, Legislative Council, and Assembly as follows:

Act 13 Vict. c. 3. sects. 2. and 3. repealed. 1. The second and third sections of an Act made and passed in the thirteenth year of the reign of Her present Majesty, intituled "An Act to regulate Vessels arriving from Europe with Passengers," are hereby repealed.

Masters of vessels to pay 2*s.* 6*d.* for each passenger. 2. The master of any vessel which may arrive at any port or place in this province from any port of Europe with passengers shall, at the time of reporting such vessel, pay to the treasurer of the province or the deputy treasurer, at the place where such vessel may arrive, the sum of two shillings and sixpence for each and every such passenger, which sum the said treasurer and deputy treasurers are hereby authorized and required to demand and receive.

Instead of giving the bond prescribed by section 5. of 13 Vict. c. 3., a payment may be made. 3. In all cases when it becomes requisite for the master of a vessel to give a bond to indemnify the province for the maintenance of any passenger specially reported as likely to become a public charge under the provision of the fifth section of the said "Act to regulate Vessels arriving from Europe with Passengers," the Lieutenant-Governor in Council may dispense with the taking of such bond, or, if taken, may order the same to be cancelled on payment to the province treasurer or any deputy treasurer of such reasonable sum, within the penalty of the bond, as the Lieutenant-Governor in Council may think just and proper under all the circumstances.

Act 13 Vict. c. 3. repealed so far as inconsistent with this Act. 4. The provisions of this Act shall be deemed to be incorporated in and form part of the said "Act to regulate Vessels arriving from Europe with Passengers;" and so much of said Act as is inconsistent with or repugnant to this Act is hereby repealed.

APPENDIX No. 3.

GENERAL TABLE of POPULATION by ORIGIN and RELIGION.—Agricultural Products of 1851.—Grist and Saw Mills, with their Capital and Produce, &c., of Upper Canada, as per Census Returns of 1852.

COUNTIES.	Population.	Area, in square miles.*	Number of Persons to a square mile.*	County Towns or Towns of most importance.	Distance from Toronto.	Best plan of reaching.	Persons to whom applications may be made for information. C. Widder and W. B. Robinson, Esqrs., are Agents for the Canada Company, Toronto.	Census by Origin. Canadians not of French Origin.	England and Wales.	Ireland.	Scotland.	Canadians, French Origin.	United States.	Other Countries.
1. Addington	15,165	576	26·3	Bath	139	Kingston, by water - 18 miles	W. J. Fairfield - Bath	10,429	519	2,985	231	281	679	41
2. Brant	25,426	416	61·1	Brantford	73	Hamilton, by land - 24 „	A. Gilkison - Hamilton	14,165	3,167	3,428	2,329	44	1,717	556
3. Bruce	2,837	992	2·8	Penatangore	190	Toronto, by land - 130 „	A. McNab - Saugeen	1,165	298	418	698	60	13	185
4. Carleton	31,397	898	35·0	Bytown	284	Montreal, by water - 123 „	J. Durie - Bytown	15,255	788	10,717	1,258	2,954	306	119
5. Durham	30,732	620	49·5	Port Hope	63	Kingston, by water - 102 „	E. P. Smith - Port Hope	15,084	5,714	7,811	1,107	76	810	136
6. Dundas	13,811	377	36·6	Williamsburgh	248	Cornwall, by land - 30 „	W. Bell - Williamsburg	10,247	252	2,214	336	231	499	32
7. Elgin	25,418	703	36·1	St. Thomas	142	London, by land - 17 „	A. Howard and C. Ermatinger. St. Thomas	16,087	2,262	1,162	2,602	92	1,932	1,181
8. Essex	16,817	677	24·9	Sandwich	238	Chatham, by land - 52 „	P. McMullen - Sandwich	6,430	1,181	1,301	306	5,424	1,932	243
9. Frontenac	30,735	1,342	22·9	Kingston	165	Montreal, by water - 198 „	A. McPherson - Kingston	16,041	2,449	8,874	1,111	761	1,254	245
10. Glengary	17,596	450	39·1	Alexandria	310	Cornwall, by land - 33 „	S. Hart - Cornwall	12,742	71	393	2,611	1,627	110	42
11. Grey	13,217	2,321	6·7	Durham	142	Guelph, by land - 56 „	G. Jackson - Durham	6,175	1,019	2,951	2,487	39	446	100
12. Grenville	20,707	421	49·2	Prescott	229	Montreal, by water - 134 „	W. J. Scott - Prescott	12,860	753	5,220	665	311	860	38
13. Haldimand	18,788	459	40·9	Cayuga	70	Hamilton, by land - 25 „	H. Smith - Smithville	11,339	1,673	2,767	1,060	159	1,130	660
14. Halton	18,322	362	50·6	Wellington, S.	35	Toronto, by water - 35 „	W. Burton - Wellington, S	9,767	1,930	3,438	1,538	818	673	158
15. Hastings	31,977	1,324	24·1	Belleville	115	Kingston, by water - 50 „	F. McAnnany - Belleville	20,462	1,750	6,615	672	789	1,591	98
16. Huron	19,198	1,392	13·8	Goderich	150	Toronto, by land - 109 „	J. Clarke - Goderich	8,280	2,190	4,673	2,766	412	229	648
17. Kent	17,469	870	20·0	Chatham	197	London, by land - 67 „	J. W. Williams - Raleigh	10,123	1,338	1,218	1,324	1,268	1,762	436
18. Lambton	10,815	1,093	9·9	Sarnia	191	London, by land - 62 „	M. Cameron - Sarnia	5,846	935	1,501	1,358	369	555	251
19. Lanark	27,317	1,180	23·1	Perth	262	Brockville, by land - 47 „	A. Leslie - Perth	16,448	586	5,798	3,740	378	217	150
20. Leeds	30,280	805	37·6	Brockville	217	Montreal, by water - 146 „	W. Mathie & D. Jones Brockville	19,635	886	6,926	824	478	1,430	101
21. Lenox	7,955	170	46·8	Napanee	140	Kingston, by land - 25 „	J. McPherson - Kingston	5,957	291	945	128	62	546	26
22. Lincoln	23,868	306	78·0	Niagara	105	Toronto, by water - 105 „	W. Kingsmill and J. Powell. Niagara	15,060	1,704	3,222	795	337	2,285	465
23. Middlesex	39,899	1,079	36·9	London	129	Hamilton, by land - 84 „	J. B. Askin - London	21,420	4,505	5,853	5,474	3	2,006	638
24. Northumberland	31,229	730	42·7	Cobourg	70	Kingston, by water - 95 „	W. H. Kitson - Cobourg	18,472	3,091	5,295	1,852	856	1,523	140
25. Norfolk	21,281	600	35·6	Simcoe	96	Hamilton, by land - 46 „	D. Campbell - Simcoe	14,730	1,713	1,328	730	141	1,990	649
26. Ontario	30,576	851	35·9	Oshawa	32	Toronto, by land - 32 „	G. H. Grierson - Oshawa	16,936	4,460	3,991	3,415	189	1,226	369
27. Oxford	32,638	710	46·0	Woodstock	97	London, by land - 32 „	J. Carroll - Beachville	17,990	3,769	2,371	4,685	84	2,618	1,121
28. Peel	24,816	458	54·2	Brampton	43	Toronto, by land - 43 „	G. Wright - Toronto	12,105	3,157	7,346	1,542	114	444	108
29. Perth	15,545	698	22·2	Stratford	100	Toronto, by land - 100 „	J. C. W. Daly - Stafford	6,718	1,515	3,281	2,013	49	267	1,702
30. Peterboro	15,237	1,005	15·1	Peterboro	92	Cobourg, by land - 31 „	W. S. Conger - Peterboro	8,046	1,170	4,216	1,059	490	218	38
31. Prescott	10,487	475	22·0	L'Orignal	339	Montreal, by water - 66 „	C. P. Treadwell - L'Orignal	4,745	198	1,264	647	3,438	152	43
32. Prince Edward	18,887	33	56·5	Picton	129	Kingston, by water - 38 „	J. P. Roblin - Picton	14,509	722	1,877	157	185	1,261	176
33. Renfrew	9,415	1,133	8·3	McNab	351	Perth, by land - 89 „	Wm. Harris - Renfrew	4,797	154	2,421	1,064	804	103	72
34. Russell	2,870	379	7·6	-	-	L'Orignal, by land - — „	H. W. McCann - Vankleekhill	1,277	58	562	252	688	27	6
35. Simcoe	27,165	1,797	15·1	Barrie	60	Toronto, land and water 60 „	J. Alexander - Barrie	13,999	1,755	8,106	2,191	569	450	95
36. Stormont	14,643	391	37·4	Cornwall	281	Montreal, by water - 82 „	S. Hart - Cornwall	10,548	217	1,640	1,062	758	376	42
37. Victoria	11,657	749	15·5	Metcalfe	90	Peterboro, by land - 15 „	W. Crawford - Peterboro	6,461	658	2,557	1,722	18	205	36
38. Waterloo	26,537	513	51·7	Berlin	80	Hamilton, by land - 35 „	Dr. Scott - Berlin	13,141	1,334	1,382	2,911	139	1,394	6,236
39. Wellington	26,796	1,237	21·6	Guelph	86	Hamilton, by land - 41 „	Mr. Ferguson - Guelph	11,694	3,505	5,638	4,884	-	581	494
40. Welland	20,141	356	59·3	Chippewa	108	Hamilton, by land - 50 „	W. Hepburn and J. Macklim. Chippewa	12,983	1,162	2,094	600	242	2,109	951
41. Wentworth	42,619	426	100·0	Hamilton	45	Toronto, by water - 45 „	J. T. Gilkison - Hamilton	20,008	5,093	9,922	4,335	151	2,312	798
42. York	79,719	808	98·6	Toronto	-	Kingston, by water - 165 „	T. Baines - Toronto	35,917	12,707	20,546	5,280	529	3,454	1,286
	952,004	32,492	29·3	-	-	-	-	526,093	82,699	176,267	75,811	26,417	43,732	20,995†

* In these two columns fractions are omitted.

† Of these 9,957 are from Germany.

General Table of Population.—Agricultural Products, &c.—*continued.*

COUNTIES.	Religious Census.							Occupiers of Land.								Lands held.				
								Area of Counties in Acres.	Number of Persons occupying.								Number of acres held.	Acres under cultivation.	Under Crops.	Under Pasture.	Gardens and Orchards.
	Church of England.	Church of Rome.	Methodists.	Presbyterians.	Baptists.	Lutherans.	Other Creeds.		Total Number holding.	10 and under.	10 to 20.	20 to 50.	50 to 100.	100 to 200.	Over 200 acres.					
1. Addington	2,871	2,060	6,983	2,677	59	16	499	368,700	2,157	232	40	395	832	555	103	180,158	82,657	50,628	30,501	1,528
2. Brant	6,645	2,929	6,719	4,189	2,759	13	2,172	266,004	2,541	361	65	556	1,037	428	94	201,147	117,417	65,014	50,190	2,213
3. Bruce	941	137	493	1,095	21	69	81	634,764	522	41	- -	310	128	37	6	35,643	2,272	1,183	1,051	38
4. Carleton	8,910	13,023	2,776	5,614	305	3	766	574,520	3,107	230	45	441	1,723	572	96	333,038	91,094	49,284	41,636	174
5. Durham	9,540	1,360	7,282	7,598	406	1	4,545	396,600	3,114	90	37	373	773	287	30	286,797	146,312	96,509	48,069	1,734
6. Dundas	2,743	2,055	4,063	2,972	287	1,527	164	241,200	1,590	292	75	764	1,415	511	57	154,717	43,645	23,280	19,402	963
7. Elgin	5,894	795	5,792	4,870	3,760	26	6,281	450,200	2,722	294	27	436	1,234	631	100	263,160	110,159	66,812	40,332	3,015
8. Essex	3,354	7,669	3,051	793	1,380	13	567	433,300	2,019	336	97	410	831	294	51	157,966	46,460	29,392	15,817	1,251
9. Frontenac	9,006	8,827	6,885	4,909	235	17	856	858,940	2,236	143	51	589	954	414	85	226,211	81,758	56,488	24,617	653
10. Glengary	312	8,870	24	7,891	359	2	111	288,080	2,192	206	23	115	1,157	595	96	251,596	68,018	36,930	30,800	288
11. Grey	2,408	1,012	1,652	3,511	197	3	4,429	1,485,905	2,277	14	3	838	1,104	289	29	217,321	31,401	21,589	9,756	56
12. Grenville	5,083	4,670	5,455	4,428	541	- -	530	269,280	2,252	244	64	555	967	364	58	198,146	69,872	44,491	24,848	533
13. Haldimand	4,296	2,005	3,975	3,196	1,007	184	4,125	293,524	2,237	174	34	495	1,084	360	90	231,136	79,279	49,389	28,503	1,387
14. Halton	4,397	1,522	5,406	5,276	512	- -	1,209	232,000	1,412	222	31	228	654	253	24	206,355	109,496	56,913	51,069	1,514
15. Hastings	6,915	7,402	11,564	3,594	1,186	223	1,093	847,800	3,369	383	37	445	1,712	680	112	341,448	129,950	82,917	45,078	1,955
16. Huron	6,363	3,377	2,324	5,877	287	182	788	892,769	2,922	129	48	326	2,039	339	41	284,037	54,976	35,966	18,668	342
17. Kent	3,304	2,868	5,255	3,147	1,777	7	1,111	557,000	2,042	93	32	400	1,024	419	74	216,422	64,260	35,132	27,557	1,571
18. Lambton	2,604	1,119	2,602	2,688	1,079	11	712	699,826	1,546	27	7	234	910	329	39	168,469	34,497	20,854	13,029	614
19. Lanark	7,444	5,393	2,747	10,160	792	1	780	755,000	3,497	264	49	360	1,942	718	164	365,537	120,073	61,657	57,725	691
20. Leeds	7,606	4,899	7,892	3,899	1,347	1	4,636	515,400	3,597	583	64	727	1,371	878	174	347,613	120,923	78,081	41,782	1,060
21. Lenox	179	694	4,171	684	51	245	231	108,000	748	127	18	126	233	208	36	93,292	44,065	30,378	12,670	1,017
22. Lincoln	5,191	3,207	4,674	3,234	1,233	- -	6,329	195,700	1,700	193	43	337	644	391	92	157,588	82,424	52,899	27,403	2,122
23. Middlesex	10,295	3,456	9,450	10,052	3,639	38	2,696	690,698	4,417	236	91	845	2,521	632	92	439,323	136,947	89,725	44,840	2,382
24. Northumberland	7,380	5,207	8,955	5,176	1,209	31	3,277	467,500	3,047	323	59	566	1,371	597	131	338,391	140,909	88,125	56,240	2,544
25. Norfolk	2,998	961	7,569	2,004	6,188	69	1,492	383,200	2,466	478	42	474	891	471	110	236,565	94,367	54,282	37,727	2,358
26. Ontario	6,696	3,155	6,538	6,688	1,423	52	6,024	544,600	3,887	529	109	954	1,721	508	66	318,438	143,882	99,049	42,828	2,005
27. Oxford	5,760	2,194	8,493	8,517	4,579	314	2,781	457,600	3,911	475	66	1,038	1,715	557	60	335,378	135,232	89,290	42,850	3,092
28. Peel	7,720	2,748	6,826	6,053	728	11	750	293,200	2,595	269	40	512	1,361	357	56	249,648	126,681	74,582	49,706	2,393
29. Perth	3,490	2,432	1,685	4,959	199	1,583	1,196	446,728	2,466	191	24	254	1,627	351	19	231,464	58,116	32,647	24,844	625
30. Peterboro	3,097	5,254	2,171	3,601	507	6	601	643,300	1,651	165	25	200	892	295	74	179,429	69,574	44,257	24,732	585
31. Prescott	1,356	5,427	736	2,568	203	- -	197	305,620	982	34	10	217	492	189	40	113,035	32,920	21,415	11,319	186
32. Prince Edward	5,661	1,733	9,386	1,523	195	- -	389	213,900	1,906	246	29	156	722	595	158	221,679	121,022	69,740	48,686	2,596
33. Renfrew	1,779	3,507	696	3,329	58	- -	51	725,000	1,276	21	3	26	800	368	58	172,049	36,890	22,635	14,178	77
34. Russell	610	986	230	787	174	1	82	242,400	286	1	-	35	174	64	12	43,494	6,025	4,495	1,515	15
35. Simcoe	9,000	5,005	3,920	8,018	242	5	975	1,150,000	3,032	165	82	529	1,842	378	36	330,103	109,192	78,761	29,660	771
36. Stormont	3,608	4,140	1,178	4,939	183	307	288	250,200	1,723	309	30	230	746	360	48	167,633	44,951	31,072	13,275	604
37. Victoria	3,066	2,551	1,445	3,239	237	1	1,118	478,200	1,649	121	11	260	986	243	28	160,190	56,878	35,287	21,359	232
38. Waterloo	2,425	4,362	2,231	5,953	428	5,628	5,510	328,463	2,710	472	75	356	928	689	190	275,813	131,806	80,186	49,875	1,745
39. Wellington	6,114	4,483	3,937	9,734	655	179	1,694	791,604	3,647	189	30	583	2,155	611	79	358,949	119,081	69,192	49,055	834
40. Welland	3,460	2,377	4,153	2,162	768	761	6,460	228,000	1,192	155	31	244	430	277	55	110,463	56,467	32,490	22,425	1,552
41. Wentworth	10,048	8,372	11,063	8,932	2,084	31	2,089	273,000	2,496	251	88	577	880	610	90	236,051	125,539	73,441	49,473	2,625
42. York	24,881	13,452	15,319	13,703	2,074	528	9,762	517,100	4,822	868	154	951	2,005	717	127	390,525	212,276	138,289	70,466	3,521
	223,190	167,495	207,656	204,148*	45,353	12,089	91,873†	20,794,825	99,860	9,976	1,889	18,467	48,027	18,421	3,080	9,826,417	3,695,763	2,274,746	1,365,556	55,461

* 57,542 are Kirk of Scotland; 65,807 are Free Church.

† 35,740 Creed not given.

General Table of Population.—Agricultural Products, &c.—*continued.*

COUNTIES.	Lands held—*continued.*		Wheat.	Barley.	Rye.	Peas.	Oats.	Maize.	Buck-wheat.	Potatoes.	Turnips.	Clover and Grass Seed.	Carrots.	Mangel Wurtzel.	Beans.	Hops.	Hay.	Flax and Hemp.	Tobacco.
	Wood or Wild.	Assessed value for Taxation, 1852.																	
		£ Cy.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushls.*	*Bushels.*	*Bushels.*	*Bushels.*	*lbs.*	*Tons.*	*lbs.*	*lbs.*
1. Addington	97,501	620,235	78,268	20,147	65,568	104,623	212,280	47,565	33,920	71,083	7,688	1,037	4,833	797	463	841	16,831	526	167
2. Brant	83,730	1,481,357	625,741	28,885	13,459	32,187	281,716	126,114	23,104	106,244	127,488	899	1,661	2,368	1,257	18,949	16,006	813	93
3. Bruce	33,371	36,799	9,796	126	- -	- -	3,240	1,577	176	24,326	19,245	- -	- -	- -	- -	- -	164	- -	108
4. Carleton	241,944	1,027,270	224,451	6,587	16,313	55,954	369,350	26,379	11,431	316,077	30,567	120	811	849	603	73	16,469	30	132
5. Durham	140,485	1,287,880	617,588	10,721	11,567	104,038	283,299	30,918	11,141	223,852	291,947	1,836	58,509	3,748	445	572	17,712	839	30
6. Dundas	111,072	392,670	111,979	21,432	9,329	32,868	155,381	22,111	17,321	90,977	2,336	161	2,132	3,921	361	86	14,355	2,492	3
7. Elgin	153,001	1,000,000	413,435	9,279	11,511	66,949	248,392	86,369	17,075	59,220	27,948	1,153	170	497	394	1,033	21,945	524	196
8. Essex	111,506	549,966	127,769	3,801	2,499	6,912	101,206	108,504	5,900	139,935	20, 99	56	566	266	299	1,132	9,839	330	447,111
9. Frontenac	144,453	715,337	94,132	9,339	43,418	74,228	189,250	31,536	12,711	117,377	11,173	349	7,230	1,592	468	330	22,418	284	22
10. Glengary	183,578	511,327	142,455	3,534	730	49,926	298,402	10,585	13,236	109,730	8,402	584	292	174	75	8,441	19,897	359	135
11. Grey	185,920	342,723	121,379	5,384	603	18,680	63,755	2,552	903	124,773	91,617	2,309	171	33	25	387	5,025	466	14
12. Grenville	128,274	493,946	119,800	8,001	14,130	17,006	207,422	36,742	26,851	171,571	6,013	340	2,215	647	715	543	18,510	1,339	39
13. Haldimand	151,857	884,167	376,475	11,935	1,492	19,329	220,845	37,269	16,173	69,468	14,912	6,728	550	200	449	394	12,433	456	4
14. Halton	96,859	1,094,583	491,517	24,695	1,606	60,976	243,216	20,089	10,318	71,813	40,817	832	2,869	5,817	130	4,025	23,323	6,584	20
15. Hastings	211,498	940,942	268,003	4,577	26,018	155,493	263,021	49,058	41,292	138,895	28,513	1,269	1,317	1,105	1,066	6,454	31,601	1,143	1,036
16. Huron	229,061	650,878	214,738	11,040	5,654	41,937	199,141	4,695	681	54,934	87,841	725	232	71	14	194	8,974	330	646
17. Kent	152,162	496,579	279,989	13,185	4,492	28,443	193,766	192,243	8,890	55,954	17,358	186	1,019	131	424	126	8,737	2,460	313,189
18. Lambton	133,972	596,942	92,057	255	2,355	26,079	79,955	34,273	5,110	42,561	47,021	197	262	389	495	116	6,861	756	598
19. Lanark	245,464	725,181	179,578	11,079	4,869	45,223	288,604	21,035	14,767	357,137	37,321	465	963	532	1,434	586	25,863	133	165
20. Leeds	226,690	886,504	238,593	4,155	14,070	62,225	249,028	45,253	19,430	189,319	16,079	691	3,238	540	1,039	204	35,933	374	26
21. Lenox	49,227	380,516	30,281	15,469	50,239	64,227	104,415	22,074	25,559	23,258	1,714	911	1,032	155	393	210	8,489	230	146
22. Lincoln	75,164	1,321,919	335,487	16,907	1,466	12,359	225,826	90,990	23,854	51,062	23,221	2,925	8,416	1,859	620	382	16,137	799	99
23. Middlesex	302,376	1,255,175	453,596	23,027	10,901	128,906	467,279	43,837	13,866	126,150	135,170	738	683	506	881	20,968	25,299	406	150
24. Northumberland	191,482	1,267,453	431,421	26,484	30,692	167,424	300,996	51,339	28,875	168,904	148,801	4,457	45,618	2,249	1,166	1,013	24,951	896	111
25. Norfolk	142,198	976,723	353,636	10,051	9,205	8,162	196,300	118,517	51,268	120,595	53,523	1,214	2,088	429	746	135	16,865	760	532
26. Ontario	174,556	1,593,717	669,758	14,060	5,778	57,517	591,540	23,398	4,964	155,530	324,278	1,584	4,894	1,873	397	6,818	19,303	4,793	105
27. Oxford	200,146	1,606,024	611,251	18,125	3,700	135,201	541,175	69,301	9,278	89,852	167,213	482	631	178	688	3,829	23,120	730	508
28. Peel	122,967	1,395,000	598,975	35,252	2,602	131,452	409,716	7,091	4,857	156,834	81,695	1,057	739	2,931	18	11,346	18,610	922	- -
29. Perth	173,348	523,606	204,523	9,819	1,083	37,155	213,253	2,222	151	60,115	75,603	939	91	14	18	1,793	6,929	8,125	13
30. Peterboro	109,855	444,614	253,510	3,215	- -	63,420	291,316	5,141	1,030	92,751	88,192	349	2,813	375	117	570	10,896	- -	- -
31. Prescott	80,115	281,420	44,891	2,110	1,401	14,067	123,580	24,663	4,553	90,491	14,841	43	3,748	2,126	231	53	9,846	44	1,158
32. Prince Edward	100,657	953,566	192,408	40,658	60,769	257,609	176,620	107,367	111,855	71,536	13,866	1,493	2,254	558	975	13,224	16,337	584	263
33. Renfrew	135,159	161,157	64,141	2,601	979	15,069	129,188	3,185	759	130,377	8,460	76	123	62	181	57	7,509	30	- -
34. Russell	37,469	56,520	9,814	100	22	2,579	19,111	1,853	289	17,145	7,976	126	47	- -	104	38	2,128	- -	- -
35. Simcoe	220,911	901,639	432,421	8,013	2,076	136,367	261,650	6,830	1,149	253,514	160,900	1,153	598	181	27	147	16,084	527	122
36. Stormont	122,682	460,852	97,429	3,193	9,040	39,269	196,447	17,936	28,359	96,606	1,214	381	1,357	1,378	203	205	14,940	3,266	81
37. Victoria	103,312	340,628	267,301	2,670	1,357	47,928	218,761	1,963	964	85,229	47,336	372	526	23	87	386	6,053	118	- -
38. Waterloo	144,007	1,425,867	518,659	19,136	24,906	65,107	386,868	18,640	2,570	167,067	164,787	1,592	283	308	92	105	19,585	6,026	191
39. Wellington	239,868	1,110,558	433,659	31,668	4,045	101,681	487,655	4,136	3,325	233,268	254,625	885	351	131	17	152	16,470	12	- -
40. Welland	53,996	1,116,412	423,508	25,825	645	7,548	190,892	32,017	21,011	37,712	8,784	2,071	921	625	361	303	12,092	1,025	181
41. Wentworth	110,512	1,745,242	432,683	45,973	2,707	40,412	522,464	61,099	44,801	106,706	100,877	1,021	2,752	8,410	462	14	26,141	60	51
42. York	178,249	2,617,000	991,608	62,832	6,327	335,778	979,840	13,058	5,987	207,427	205,057	654	5,890	6,177	169	6,830	31,152	7,109	31
	6,130,654	36,670,890	12,674,503	625,355	479,623	2,872,413	11,186,161	1,662,524	679,754	5,077,315	3,023,378	44,460	174,895	54,226	18,109	113,064	681,782	56,650	767,476

General Table of Population.—Agricultural Products, &c.—*continued.*

COUNTIES.	Wool.	Maple Sugar.	Fulled Cloth.	Linen.	Flannels and Unfulled Cloths.	Bulls, Oxen, and Steers.	Milch Cows.	Calves and Heifers.	Horses.	Sheep.	Pigs.	Butter.	Cheese.	Beef.	Pork.	Quantity of Fish cured.	Grist Mills.				
																	Number of Mills.	Propelled by		Returning Produce.	
																		Steam	Water.	Per year.	
	lbs.	*lbs.*	*Yards.*									*lbs.*	*lbs.*	*Barrels.*	*Barrels.*	*Barrels.*				*No.*	*Barrels.*
1. Addington	63,247	41,922	12,558	366	27,701	3,803	7,015	6,105	4,706	24,210	10,776	434,913	56,557	1,123	6,233	265	17	-	17	12	50,020
2. Brant	79,981	91,995	8,240	356	21,735	4,362	6,828	5,234	5,825	29,875	14,158	396,575	63,188	3,218	8,787	-	11	-	11	9	107,500
3. Bruce	- -	5,920	- -	- -	- -	433	426	180	25	145	296	27,590	- -	69	18	1,660	1	-	1	-	- -
4. Carleton	62,351	20,727	18,723	- -	4,145	4,086	9,154	8,292	5,159	18,666	12,546	588,794	15,894	2,600	9,482	120	9	-	9	3	10,500
5. Durham	89,965	149,648	20,111	231	34,588	6,221	10,643	7,767	7,818	32,103	21,327	419,758	92,348	9,256	15,021	-	25	-	25	16	105,900
6. Dundas	50,404	36,850	11,618	659	24,354	1,543	5,445	4,994	3,836	15,298	6,740	358,488	15,918	1,375	4,849	2	8	-	8	2	13,150
7. Elgin	101,325	213,747	11,941	287	40,529	6,458	8,233	7,166	5,724	35,773	16,528	414,253	67,851	2,154	8,362	-	27	-	27	14	40,700
8. Essex	40,264	16,657	10,465	156	15,149	4,923	5,308	4,841	5,334	13,485	13,584	172,533	30,962	1,897	704	361	10	4	6	1	6,000
9. Frontenac	51,699	49,336	11,038	179	24,279	3,941	7,462	6,419	4,499	18,308	11,181	398,389	41,613	2,035	5,727	124	6	1	5	1	6,000
10. Glengary	56,114	39,142	19,012	1,380	22,822	1,037	8,213	7,443	6,095	23,683	13,600	345,453	97,586	1,799	5,799	-	8	1	7	3	14,000
11. Grey	16,656	46,797	2,648	33	9,117	4,382	3,546	3,507	582	6,328	5,717	130,986	8,185	637	2,467	22	7	-	7	2	12,000
12. Grenville	53,909	40,859	14,345	142	33,350	2,804	7,262	6,078	4,462	18,159	6,788	515,624	65,184	1,208	5,304	2	15	3	12	2	12,500
13. Haldimand	41,416	54,803	5,560	78	17,683	4,215	5,474	4,348	3,913	15,377	12,793	308,304	11,447	2,872	5,870	51	11	-	11	3	10,000
14. Halton	78,071	48,563	7,510	10	30,449	4,266	7,364	5,584	4881	20,722	10,525	441,243	42,363	2,780	5,698	-	16	2	14	13	89,300
15. Hastings	112,609	220,342	24,825	569	41,542	7,367	10,374	8,512	6,658	34,579	25,016	588,500	102,825	2,065	11,647	65	19	-	19	7	57,550
16. Huron	42,538	120,268	6,446	15	24,342	6,640	5,759	5,829	2,404	14,958	13,012	181,268	21,707	1,308	4,964	1,313	6	-	6	2	7,000
17. Kent	71,088	72,904	6,743	1,098	38,029	4,844	5,653	5,456	4,065	22,914	13,839	235,103	42,904	2,267	6,486	110	12	5	7	2	3,200
18. Lambton	39,689	82,367	3,425	118	13,532	3,658	3,536	3,593	1,898	10,925	6,870	124,629	5,901	2,615	3,256	442	8	2	6	3	15,000
19. Lanark	88,659	76,736	37,980	218	58,937	4,682	10,592	10,253	5,457	35,963	16,373	654,927	39,444	2,319	8,235	12	23	-	23	11	19,000
20. Leeds	90,965	96,444	24,809	548	50,291	6,250	12,361	11,508	7,741	34,651	14,633	753,706	90,720	3,846	12,843	307	24	1	23	10	104,300
21. Lenox	33,831	20,761	5,931	108	14,978	1,931	3,680	3,206	2,775	13,456	6,312	240,529	43,807	639	4,288	47	4	-	4	1	60,000
22. Lincoln	52,575	45,510	9,753	317	22,456	3,213	6,119	3,960	5,094	19,186	11,820	381,616	72,741	1,677	5,182	68	19	4	15	11	143,500
23. Middlesex	138,653	279,475	20,414	557	63,359	11,043	11,731	12,184	7,996	51,268	27,187	557,967	112,606	7,537	17,354	106	17	2	15	2	2,300
24. Northumberland	96,313	99,811	16,756	187	44,001	7,483	9,872	8,543	7,193	31,635	17,526	626,689	88,689	2,988	11,483	1,359	25	1	24	13	54,912
25. Norfolk	58,045	481	10,488	83	31,684	4,359	6,430	4,713	4,848	24,434	13,831	404,874	43,941	3,333	8,557	2	17	-	17	11	127,360
26. Ontario	96,126	180,458	18,431	50	41,466	6,655	10,199	9,321	7,788	32,701	21,577	461,833	65,185	4,293	12,626	58	34	-	34	18	89,600
27. Oxford	119,441	320,952	14,780	471	40,833	9,121	12,055	10,549	7,959	45,808	27,908	512,434	315,650	4,270	14,112	-	13	1	12	3	13,500
28. Peel	89,969	43,345	10,172	388	34,817	5,291	8,107	6,706	6,396	28,971	19,901	484,682	39,247	1,838	6,994	143	20	2	18	11	86,480
29. Perth	29,991	99,125	5,655	178	22,786	6,756	5,729	5,306	1,869	14,376	11,446	331,438	16,421	1,367	4,389	-	9	-	9	-	- -
30. Peterboro	62,041	40,977	10,575	8	2,501	4,251	5,518	3,907	2,876	18,069	10,824	183,297	33,934	1,288	5,836	6	13	1	12	10	47,614
31. Prescott	20,481	15,520	12,944	58	13,762	702	3,451	3,012	2,410	8,798	4,333	190,880	26,935	774	3,033	33	5	-	5	3	5,100
32. Prince Edward	92,492	120,651	13,953	160	41,169	3,387	7,888	5,880	7,040	30,255	10,320	556,010	92,306	1,059	5,965	4,482	20	2	18	8	27,600
33. Renfrew	17,519	24,204	2,780	- -	12,639	2,358	2,724	2,666	1,232	6,609	4,254	91,436	4,808	1,776	2,463	13	7	-	7	4	6,870
34. Russell	3,557	1,803	468	- -	2,146	347	670	725	353	1,329	734	40,245	1,701	135	385	-	2	-	2	2	3,890
35. Simcoe	67,387	134,217	14,046	15	45,220	6,899	7,944	6,904	5,014	26,954	26,169	394,613	23,513	2,561	11,061	693	12	-	12	4	17,000
36. Stormont	30,945	55,227	9,492	938	13,943	1,082	6,354	5,625	4,415	15,790	8,803	534,305	20,508	1,524	3,251	-	5	-	5	3	19,240
37. Victoria	40,152	71,159	13,045	102	26,177	3,152	4,206	3,898	2,665	15,062	9,714	185,182	9,726	730	2,940	10	4	-	4	1	6,000
38. Waterloo	80,443	129,160	16,733	3,954	29,533	8,183	8,396	7,320	6,273	37,549	18,798	372,844	55,174	2,377	9,875	-	20	2	18	15	97,354
39. Wellington	75,197	146,220	10,063	32	31,990	9,095	8,403	8,338	3,540	28,109	18,447	374,807	97,105	3,604	9,783	-	9	-	9	1	5,000
40. Welland	41,855	18,457	6,359	389	17,799	1,775	4,115	3,105	3,718	14,688	6,463	259,206	10,994	1,847	4,593	2	25	1	24	10	35,100
41. Wentworth	82,481	43,224	18,460	82	36,527	5,265	8,339	5,818	6,479	30,245	14,740	487,913	51,185	3,361	9,313	-	13	-	13	4	22,500
42. York	138,320	164,941	46,919	455	46,919	5,719	14,345	10,204	12,685	47,808	32,828	812,477	88,003	17,491	24,823	6	54	6	48	27	210,300
	2,698,764	3,581,505	546,214	14,975	1,169,279	193.982	296,613	254,999	201,700	969,222	570,237	15,976,313	2,226,776	113,912	310,058	11,884	610	41	669	278	1,764,840

General Table of Population.—Agricultural Products, &c.—*continued.*

COUNTIES.	Grist Mills—*continued.*										Saw Mills.															
	Returning Produce—*continued.*				Annual Produce or Rents.		No. of Mills not giving any return.	No. of hands.	Returning Capital invested.		No. of Mills.	Propelled by		Returning Produce.					Plank.	Annual Rent or Profit.		Capital.		No. of Men employed.	No Return.
	Per week.		Per day.						No. of Mills.	Capital.		Steam.	Water.	By the Year.		By the Day.		By the No. of Logs.							
	No.	*Barrels.*	*No.*	*Barrels.*	*No.**	£				£ Cy.				*No.*	*Feet.*	*No.*	*Feet.*	*No.*	*Feet.*		*No.*	£	*No.*	£		
1. Addington	-	-	-	-	-	-	5	28	12	10,700	38	-	38	31	7,720,000	-	-	2	550	-	1	25	28	19,030	103	4
2. Brant	-	-	-	-	-	-	2	19	8	10,100	33	9	24	22	10,905,000	3	66,000	-	-	-	4	17,325	21	10,650	126	4
3. Bruce	-	-	1	20	-	-	-	2	1	250	7	-	7	-	No return made.		-	-	-	-	-	-	-	-	-	-
4. Carleton	1	75	1	15	1	250	3	27	1	700	25	-	25	6	1,186,000	3	13,000	1	150	-	6	360	16	5,580	67	9
5. Durham	-	-	-	-	2	190	7	49	19	32,450	69	3	66	51	15,520,000	7	19,200	-	-	-	1	75	57	15,225	162	10
6. Dundas	-	-	2	115	3	475	1	29	8	8,100	16	-	16	3	780,000	1	6,000	-	-	-	4	362	15	4,320	48	8
7. Elgin	1	250	-	-	3	475	9	31	16	11,300	28	13	75	62	32,651,000	5	11,000	-	-	-	2	430	69	22,870	297	19
8. Essex	1	100	6	58	2	75	-	33	10	11,400	7	1	6	-	-	-	-	2	4,000	-	-	-	1	25	3	825	17	3
9. Frontenac	-	-	1	10	2	860	2	31	5	5,000	35	2	33	19	4,695,000	4	15,000	-	-	-	4	4,825	31	6,060	118	8
10. Glengary	-	-	-	-	5	565	-	18	8	7,050	22	-	22	2	200,000	-	-	-	-	-	13	567	21	2,735	36	7
11. Grey	-	-	-	-	2	100	3	9	6	4,200	9	1	8	1	100,000	3	8,000	-	-	-	1	25	6	2,100	27	4
12. Grenville	-	-	1	100	8	1,125	4	41	13	15,450	15	1	14	1	250,000	1	10,000	-	-	-	4	1,850	13	3,080	69	9
13. Haldimand	-	-	1	100	1	600	3	28	9	13,650	52	15	37	46	39,290,000	3	19,000	-	-	-	-	-	48	16,885	367	3
14. Halton	-	-	-	-	-	-	3	34	13	17,550	60	5	55	48	11,580,000	4	16,000	-	-	-	1	25	41	8,870	162	7
15. Hastings	-	-	3	190	4	500	5	57	14	20,067	53	4	49	24	18,009,000	7	26,000	1	580	-	9	664	46	21,729	198	12
16. Huron	-	-	1	10	-	-	3	12	3	2,850	14	-	14	7	800,000	2	3,000	-	-	-	-	-	11	1,520	16	5
17. Kent	-	-	1	10	3	193	6	28	5	2,025	31	13	18	6	2,130,000	8	14,700	2	2,200	-	4	862	21	9,144	78	11
18. Lambton	-	-	-	-	1	75	4	14	6	4,635	13	1	12	5	4,100,000	3	4,500	1	680	-	2	125	9	4,375	45	2
19. Lanark	-	-	2	170	4	400	6	52	17	14,700	37	1	36	23	3,922,000	8	28,300	-	-	-	1	50	27	5,670	77	5
20. Leeds	-	-	2	50	4	545	8	87	19	26,725	49	1	48	26	7,625,000	7	21,000	-	-	-	6	382	41	9,610	87	10
21. Lenox	-	-	-	-	-	-	3	15	4	4,762	14	-	14	7	2,565,000	-	-	1	500	-	3	357	11	3,302	56	3
22. Lincoln	1	600	4	96	-	-	3	122	18	44,860	32	6	26	10	1,645,000	2	10,000	-	-	-	10	658	19	3,850	62	10
23. Middlesex	-	-	2	156	6	640	7	38	8	4,250	25	5	20	9	1,340,000	1	3,000	-	-	-	5	300	11	2,400	128	10
24. Northumberland	-	-	1	40	2	440	9	45	19	21,250	82	7	75	64	29,191,000	4	10,000	-	-	-	4	550	70	25,605	182	10
25. Norfolk	-	-	3	80	-	-	3	43	12	17,875	97	20	77	72	39,790,000	9	20,500	1	650	-	-	-	76	37,310	432	15
26. Ontario	1	300	4	280	1	150	10	64	23	34,720	79	4	75	70	17,680,000	3	6,500	1	270	-	2	200	71	31,325	149	3
27. Oxford	-	-	4	121	3	870	3	47	12	12,840	52	3	49	39	16,683,000	1	15,000	-	-	-	1	150	41	17,750	150	11
28. Peel	1	1,000	4	312	1	75	3	60	18	28,087	35	2	33	30	10,700,000	2	4,200	-	-	-	3	125	31	9,652	142	-
29. Perth	-	-	2	140	2	200	5	14	5	3,250	15	-	15	4	1,360,000	-	-	-	-	-	2	175	12	6,430	31	9
30. Peterboro	-	-	-	-	-	-	3	23	5	10,760	25	-	25	20	11,445,000	3	6,500	-	-	-	-	-	5	1,200	51	2
31. Prescott	-	-	-	-	-	-	2	48	4	6,500	18	-	18	6	2,000,000	1	18,000	4	3,675	442M	1	50	12	6,825	364	5
32. Prince Edward	-	-	1	100	10	1,260	1	31	15	19,075	34	2	32	8	835,000	2	5,000	-	-	-	15	1,540	25	8,965	47	9
33. Renfrew	-	-	-	-	1	50	2	17	5	3,100	12	-	12	6	1,857,000	-	-	-	-	-	1	70	10	1,015	21	5
34. Russell	-	-	-	-	-	-	-	4	-	-	5	-	5	-	-	-	-	-	-	-	3	550	2	875	32	2
35. Simcoe	1	100	3	150	-	-	4	22	10	4,100	41	2	39	22	4,308,000	11	26,000	-	-	-	-	-	36	9,505	93	8
36. Stormont	-	-	-	-	-	-	2	15	4	6,600	23	-	23	15	4,515,000	2	6,000	-	-	-	2	52	18	3,740	54	4
37. Victoria	-	-	2	50	-	-	1	12	2	2,800	7	-	7	5	2,256,000	1	1,500	-	-	-	-	-	4	300	15	1
38. Waterloo	-	-	3	142	-	-	2	66	15	32,450	64	4	60	23	4,962,000	18	34,000	-	-	-	9	1,085	32	11,100	89	14
39. Wellington	-	-	5	228	-	-	3	22	4	4,800	26	3	23	17	5,263,000	4	15,000	1	240	-	2	156	21	10,716	92	2
40. Welland	1	250	9	836	3	775	2	56	18	35,225	30	5	25	15	12,727,000	3	9,500	1	400	-	5	125	23	14,310	60	6
41. Wentworth	-	-	1	40	1	150	7	35	11	22,650	67	26	41	41	18,168,000	2	6,700	1	600	-	1	20	28	19,760	224	22
42. York	3	3,000	3	202	2	603	16	157	84	69,450	162	10	152	100	24,200,000	11	28,500	3	1,050	30M	6	515	87	23,655	310	42
	11	5,675	73	3,821	77	11,641	165	1,588	439	608,306	1,618	169	1,449	966	374,953,000	151	510,600	20	11,545	472M	139	34,655	1,169	419,868	4,884	433

APPENDIX.

RETURN of the CHIEF MANUFACTORIES by Counties, as compiled from the Reports of the several Census Commissioners.

COUNTIES OF STORMONT, DUNDAS, AND GLENGARY.

Woollen Factory, 1.—Capital 500*l.*, employs 6 men.

Fulling Mills, 9.—6 have a capital of 981*l.*; return annually 260*l.*, and employ 21 men.

Asheries, 14.—2 give no return; 12 return a capital of 1,210*l.*; 2 produce 515; 3 give 17 tons, and 4 give 1,053 barrels—30 men employed.

Tanneries, 11.—5 give no return; 4 return a capital of 525*l.*; 2 produce 750*l.*; 2 give 664 hides, 300 calf skins, and 50 kid—19 men employed.

Foundries, 2.—1 no return; the other returns a capital of 100*l.* and produces 150*l.* per annum—6 men.

Distilleries, 2.—1 steam, with a capital of 5,000*l.* produces 800 barrels; the other with a capital of 1,300*l.* produces 10,926 gallons—10 men employed.

Oatmeal Mills, 3.—No return—they are all connected with Grist Mills.

Shingle Factory, 1.—Last factory, 1; Potteries, 3.

PRESCOTT AND RUSSELL.

Woollen Factory, 1.—Capital 1,000*l.*, produces 500*l.*—3 men.

Fulling Mills.—None returned.

Asheries, 5.—Producing 960 barrels—10 men.

Tanneries, 6.—2 give no return; 3 return a capital of 950*l.*; 1 gives 120 hides—15 men.

Foundries, 2.—No return.

Oatmeal Mills, 4.—3 of which grind 37,000 bushels—8 men.

Distilleries.—None returned.

Salaratus Factory, 1.—Producing 2,000 boxes—4 men. This is connected with a pearlash factory.

CARLETON.

Woollen Factories, 2.—1 produces 35,000 yards—22 men.

Carding Mills, 6.—3 have a capital of 950*l.*; 2 return 210*l.*; 1 fulls 20,000 lbs. of wool; 1 produces 1,500 yards of satinette and 400 of flannel—10 men.

Tanneries, 13.—11 no return; 2 have a capital of 600*l.*; 1 returns 100 hides—8 men.

Asheries, 6.—6 only returned, 1 of which produces 100 barrels.

Distilleries, 2.—1 produces about 65 gallons per day—2 men.

Breweries, 5.—1 has a capital of 700*l.*—produces 20,000 gallons—3 men.

Shingle Mills, 2.—2 no return.

Oatmeal Mills, 1.—1 no return.

Axe Factory, 1.—1 no return.

Stave Machine, 1.—Sash factory, 1; Planing machine, 1.

Foundry, 1.—1 only returned.

LANARK AND RENFREW.

Woollen Factories, 4.—2 give no return; 2 have a capital of 3,000*l.*; 1 returns 2,700 yards of cloth—27 men.

Fulling Mills, 19.—10 have a capital of 2,170*l.*; 10 card 63,000 lbs. of wool and full 14,600 yards—28 men.

Asheries.—None returned, although large quantities of both pots and pearls are made, but the asheries are chiefly on the farms, and each man manufactures his own.

Tanneries, 15.—8 give no return; 7 have a capital of 1,738*l.*; 7 produce 5,265 hides—23 men.

Foundries, 5.—2 have a capital of 950*l.*; one of which is worked by steam; 1 works about 80 tons of iron per year.

Distilleries.—Only 2 returned.

Breweries, 4.—1 has a capital of 300*l.*; 1 produces 1,000 barrels.

Oatmeal Mills, 5.—3 have a capital of 1,100*l.*; 4 produce 2,260 barrels a year—12 men.

Barley Mills, 4.—1 has a capital of 300*l.*, and 1 produces 1,000 barrels.

Shingle Factories, 5.—2 make no return; 3 have a capital of 525*l.*; 2 produce 200,000—6 men.

Planing Mill, 1—1 no return.

Axe Factory, 1.—1 no return.

Pail Factory, 1.—1 capital of 150*l.*, produces 300 dozens—4 men.

GRENVILLE AND LEEDS.

Woollen Factories, 6.—5 give no return ; 1 has a capital of 500*l.* ; 2 produce 133,000 yards—65 men.

Fulling Mills, 16.—5 give no return ; 6 have a capital of 950*l.* ; and an annual return of 500*l.* ; 5 return 60,000 lbs. of wool, and 21,000 yards of cloth.

Tanneries, 29.—6 give no return ; 20 have a capital of 32,908*l.* ; 9 return an income of 2,950*l.* ; 10 return 26,068 hides—84 men.

Asheries, 15.—14 have a capital of 1,850*l.* ; 3 return an in come of 2,100*l.* ; 11 return 2,173 barrels—27 men.

Distilleries, 4.—2 steam, capital 4,000*l.*, produce 10,000 gallons ; 1 gives no return ; 1 capital of 700*l.*, produces 13,960 gallons—19 men.

Breweries, 4.—2 give no return ; 2 have a capital of 1,400*l.* ; 2 produce 1,625 barrels —12 men.

Oatmeal Mills, 4.—2 no return ; 1 has a capital of 200*l.*, produces 125 barrels per year—8 men.

Barley Mills, 5.—5 give no return.

Foundries, 6.—2 give no return ; 1 has a capital of 25,000*l.*—employs 60 men—casts 800 tons, and returns 4,000*l.* a year ; 3 others have a capital of 2,700*l.*, and give a revenue of 2,300*l.* per year—89 men.

Shingle Factories, 8.—3 give no return ; 5 have a capital of 1,600*l.* ; 1 whose capital is not given yields 2,000*l.* a year ; 1,900*l.*, and 1,160*l* ; 1 whose capital is 200*l.* produces 200M—33 men.

Nail Factories, 2.—2 no return.

Axe Factory, 1.—1 no return.

Marble Factory, 1.—1, capital 75*l.*, produces 100*l.*

Stave Machines, 2.—2, capital 500*l.*, produce 230M—8 men.

Rail Factory, 1.—1, capital 750*l.*, produces 500 tons—10 men.

Pail Factories, 3.—3, capital 690*l.*, produce 2,185 dozen—20 men.

Manufacturers of Agricultural Implements, 2.—2, capital 3,750*l.*, produce 3,315*l.* per annum—30 men. There are several manufactories of less importance.

FRONTENAC, LENNOX, AND ADDINGTON, EXCLUSIVE OF KINGSTON.

In these Counties the return of the manufactories is very imperfect.

Woollen Factories, 5.—1 gives no return; 4 have a capital of 3,030*l.* ; 3 give a revenue of 4,800*l.* ; 1 returns 100,000 yards of cloth—32 men.

Tanneries, 10.—7 give no return ; 1 steam has a capital of 4,000*l.* ; 2 have a capital of 500*l.* per year ; 1 gives 400*l.* per year; 2 give 10,600 hides.

Fulling Mills, 17.—6 give no return ; 5 have a capital of 1,650*l.* ; 1 gives 75*l.* a year ; 4 card 75,000 lbs. of wool and full 40,000 yards of cloth—19 men.

Axe Factories, 2.—1 no return ; 1 capital 10,000 axes—10 men.

Distilleries, 6.—4 no return ; 2 capital of 360*l.* ; 1 rents for 100*l.* a year ; 2 produce 11,920 gallons a year—8 men. This is exclusive of Morton's, in Kingston, and another in Bath.

Breweries, 5.—Only 1 returns the produce which is stated at 2,000 barrels a year—employs 4 men.

Foundries, 5.—1 steam, capital 750*l.* ; 1 steam, capital 300*l.* ; yielding 800*l.* a year —27 men.

Brick Yard, 4.—4 producing 550,000 per year.

Axe Factories, 2.—1 has a capital of 500*l.* ; 10,000 axes—15 men.

Plaster Mills, 3.—Grinding about 200 tons a year.

Lath Factories, 3.—Producing 750*l.* a year.

Planing Mills, 4.—Planing nearly 2 million feet.

Shingle Factories, 6.—Only one returns capital or produce, its capital is 150*l.*, and it cuts nearly 150M a year—15 men.

Ship Yards, 2.—Floating docks, 2.

Asheries.—Of these there are several, but no mention is made by the enumerators.

Pail Factories, 3.—1 capital of 300*l.*, 2,000 dozens—16 men.

PRINCE EDWARD.

Woollen Factories, 2.—2 only returned.

Fulling Mills, 11.—2 return a capital of 500*l.*; 2 card 16,000 lbs. of wool and full 5,000 yards of cloth—16 men.

Distilleries, 3.—Breweries, 2 ; Plaster Mill, 1 ; Clover Mill, 1.

Tanneries, 4.—2 have a capital of 650*l.* and produces 575*l.* a year—8 men.

Foundries, 3.—Capital, 1,150*l.*—10 men.

Bark Mill, 1.—Capital, 750*l.*—4 men.

Asheries, 6.—None return capital or produce.

Turning Lathes, 2.—1 worked by steam.

Stone Ware Factory, 1.—Worked by steam, produces about 1,000*l.* a year.

HASTINGS.

Woollen Factories, 6.—3 give no return; 3 have a capital of 2,300*l.*, and produce 40,000 yards—28 men.

Fulling Mills, 8.—4 give no return; 3 have a capital of 1,425*l.*; 1 rents for 50*l.*; 2 card 16,000 lbs. of wool—20 men.

Asheries.—None returned, though the export of ashes is considerable.

Foundries, 4.—The largest having a capital of 2,000*l.* yields 3,000*l.* a year and employs 15 men.

Distilleries, 6.—4 give no return; 2 have a capital of 4,250*l.*; 1 yields 4,400 gallons; 1 consumes 36,000 bushels of grain and feeds 300 head of cattle.

Tanneries, 8.—2 no return; 6 have a capital of 3,300*l.*; 4 return annually 5,050*l.*—30 men.

Breweries, 4.—2 produce 800 barrels—8 men.

Paper Mill, 1.—1, capital of 2,000*l.*, produces 40 tons—11 men.

Last Factory, 1.—1, capital of 100*l.*, produces 50,000 pair—4 men.

Sash Factories, 2.—1 capital of 750*l.*—28 men.

Shingle Factories, 2.—2———5 men.

Pail Factory, 1.—3 axe factories; 3 lathe and tool factories; 1 oatmeal mill.

NORTHUMBERLAND AND DURHAM.

Woollen Factories, 9.—4 return a capital of 2,100*l.*; 2 make 300,000 yards; 1 employs 170 hands; 1 produces 200*l.* a year.

Fulling Mills, 8.—With a capital of 3,200*l.*; 1 fulls 4,000 lbs. a day; 4 fulls 54,000 lbs. of wool, 10,000 yards—28 men.

Distilleries, 10.—2 worked by steam; 3 return a capital 2,000*l.*; 1 makes 52,000 gallons a year; 1 makes 80 gallons a day; 1 makes 200 barrels a year.

Breweries, 6.—Only 1 gives a return of its produce, 300 barrels a year.

Tanneries, 20.—1 worked by steam, with a capital of 1,500*l.*; 12 others have a capital of 2,500*l.*; the produce is very badly given—38 men.

Asheries.—Very few returned, although a large quantity of ashes is exported.

Foundries, 5.—1 only gives a return, its capital is 1,000*l.*, and its produce about 500*l.*

Oatmeal Mills, 3.—2 have a capital of 600*l.*; 1 produces 40 tons; 1 produces 97,344 lbs.; and 1 produces 1,700 barrels.

Planing Mills, 3.—1 worked by steam, no return; 2 have a capital of 750*l.* and plane 300,000 feet—8 men.

Shingle Factories, 5.—5 capital of 850*l.*; 2 return 709*l.* a year; 2 return 1,400—16 men.

Lathe Mill, 5.—4 have a capital of 575*l.*; 1 produces 2,000 feet a day; 2 produce 100,000 a year—12 men.

Pail Factory, 1.—Producing 500 dozens a year.

1 comb factory; 2 plaster mills; 1 clover mill; 1 rake factory; 2 potteries.

PETERBORO AND VICTORIA.

In these counties little attention appears to have been paid to returns of manufactures.

Woollen Factories, 2.—1 produces 600 yards—10 men.

Fulling Mills, 7.—3 have a capital of 460*l.*—9 men; 6 card 47,000 lbs. of wool and full 60,700 yards of cloth.

Oatmeal Mills, 3.—1 has a capital of 400*l.*; 2 grind 120 bushels a day—11 men.

Tanneries, 9.—3 give a capital of 825*l.*; no return of produce—22 men.

Asheries.—Several small ones.

Distilleries, 4.—1 has a capital of 1,000*l.*, and produces 24,000*l.* a year; another has a capital of 350*l.*, and produces 500*l.*—9 men.

Breweries, 4.—2 have 750*l.* capital, producing 700*l.* a year.

Shingle Factory, 3.—2 have a capital of 450*l.*; 3 produce 2,350*l.* a year—12 men.

Foundries, 7.—1 steam, capital 400*l.*, produces 400*l.* a year; 2 have a capital of 1,000*l.* each; 2 have a capital of 200*l.* each; value of produce 7,500*l.* a year—26 men.

Rake Factory, 1.—Capital of 250*l.*; produces 100,000.

Planing Mill, 1.—1 steam, capital 400*l.*; produces 125,000—4 men.

ONTARIO, YORK, AND PEEL.

Woollen Factories, 18—9 return a capital of 12,800*l.*; 4 give 144,000 yards and 1,260 pairs of blankets; 2 give 200 yards a day, and 3 return 475*l.* a year—84 men.

Carding and Fulling Mills, 36.—19 are small; 12 give a capital of 6,600*l.*; 12 card 152,100 lbs. of wool and full 57,000 yards of cloth; 3 return 275*l.* a year—39 men.

Distilleries, 16.—3 steam, only 3 return their capital, 1,300*l.*; 3 yield 73,000 gallons a year; 3 make 360 gallons a day—46 men.

Breweries, 17.—Only 4 return their capital 1,900*l.*; 4 produce 7,500 barrels a year—44 men.

Tanneries, 43.—5 steam, 23 give a capital of 13,250*l.* ; 11 yield 9,250*l.* a year ; 2 return 23,500 hides a year, and 1,250 a week—118 men.

Asheries.—A large number, but chiefly small.

Foundries, 12.—5 are steam, no capital or produce returned, except for 2, capital 1,300*l* and produce 2,200*l.*—15 men.

Oatmeal Mills, 8.—5 return capital of 1,800*l.* ; 4 yield 6,600 barrels—22 men.

Barley Mills, 5.—No return.

Planing Mills, 4.—2 steam, 1 returns 820*l.* a year, and 2 plane 20,000 feet ; one which employs 30 hands gives no return—38 men.

Lath Factory, 1.—Capital 600*l.*—2 men.

Stave Factory, 1.—Returns 200,000 staves per month—4 men.

Soap Factories, 5.—1 only returns capital 200*l.* and yield 100*l.* ; 1 manufactures 15,170 lbs. of soap, and 7,160 lbs. candles ; another makes 90 tons of soap and 160,000 cwt. candles—25 men.

Axe Factories, 3.—Only 1 returns capital 3,000*l.* and produces 2,000*l.* a year, employs 4 men.

Sash Factories, 2.—No return—26 men.

Fanning Mill Factories, 3.—Making 2,360 mills—11 men.

Salaratus Factories, 1.—Capital 100*l.*, produces 10 tons—3 men.

Paper Mills, 3.—1 only returns its produce at 8,000 reams a year—25 men.

Mustard Mill, 1.—Steam—12 men.

Pail Factories, 2.—1 steam, capital 1,000*l.*, and produces 25,000 doz.—8 men.

Starch Factory, 3.—1 steam ; 1 makes 60 tons—11 men.

Glue Factory, 1.—Steam—7 men.

Comb Factory, 1.—Capital 300*l.*—5 men.

Plaster Mill, 2.

Potteries, 3.

Last Factory, 1.—11 men.

There are several very extensive Cabinet, Carriage, and other Factories.

Simcoe.

Little information is given as to factories in this county.

Woollen Factories, 1.—Capital 200*l.*, producing 2,500 yards of cloth—3 men.

Fulling Mills, 5.—1 makes no return ; 4 have a capital of 1,475*l.* and card 28,100 lbs. of wool and full 6,460 yards of cloth—13 men.

Tanneries, 8.
Distilleries, 5.
Breweries, 3.
Oatmeal Mills, 2.
} No return of capital or produce.

There are other factories of some consequence, but no report has been received.

Halton, Wenton, Wentworth and Brant.

Woollen Factories, 12.—3 only return capital of 2,175*l.* ; 1 steam power 50,000 yards ; 5 others give an aggregate of 39,400 yards ; 1 gives 100 yards a day, and 2 produce 1,250*l.* a year—104 men.

Fulling Mills.—Not more than 5 or 6 returned on the rolls—in 1848 there were 15.

Oatmeal and Barley Mills.—There are several but are chiefly attached to Grist Mills.

Tanneries, 22.—4 worked by steam, have a capital of 3,750*l* ; 9 others have a capital of 6,360*l.* ; 9 give a yearly return of 35,250*l.*, and 2 others return 10,308 sides of leather —129 men.

Powder Mills, 1.—Has a capital of 3,000*l.* and produces 20 barrels a day—10 men

Foundries, 13.—3 worked by steam ; 7 give a capital of 16,000*l.* ; 4 produce 28,000*l* year ; 6 give no return—255 men.

Distilleries, 9.—4 return a capital of 2,750*l.* ; 1 produces 20,000 gallons, one 400 gallons a day ; 1 returns 3,000*l.* a year ; one 300 barrels a year ; one 6 barrels a day ; one 400 gallons a day—19 men.

Breweries, 8.—1 only gives its capital, 1,000*l.*, and 1 produces 2,000 barrels—9 men.

Paper Mills, 3.—2 have a capital of 7,000*l.* and 1 which does not return its capital makes 3 tons of paper a year—18 men.

Oil Mill, 1.—Capital 1,500*l.*

Earthenware Factories, 4.—Last and Peg Factories, 2; Machine Shops, 1; Planing Mills, 5—1 steam; Plaster Mills, 2, producing 800 tons; Wheel Factories, 1 steam; Rope Factories, 3, one of which produces 25 tons; Pump Factory, 1; Engine Factory, 1; Fanning Mill Factory, 1, which makes 1,200 mills; Axe Factory, 1; Whip Factory, 1; Broom Factories, 2; Salaratus Factory, 1; Cigar Factory, 4—Employing in all 127 men.

APPENDIX.

LINCOLN, HALDIMAND, AND WELLAND.

Cloth Factories, 8.—Having a capital of 15,575*l.*; 1 gives 5,000*l.* a year and the other 7 return 193,000 yards of cloth—116 men.

Cotton Factory, 1.—20 looms and 700 spindles.

Carding and Fulling Mills, 8.—3 give a capital of 1,500*l.*; 3 of them card 2,200 lbs. a day; 3 return 45,000 lbs. a year, and 4 full 17,000 yards of cloth a year—25 men.

Breweries, 3.—2 return a capital of 2,150*l.* only; 1 gives its produce 1,041 barrels a year—12 men.

Distilleries, 7.—1 steam, capital 1,250*l.*, yielding a return of 1,000*l.* a year; 3 give a capital of 787*l.*; 1 gives 600*l.* a year, and 3 return 1,150 barrels a year—13 men.

Tanneries, 13.—2 steam, capital 2,250*l.*, and manufacturing 18,708 hides of all kinds; 4 give a capital of 2,330*l.*; 2 return 525*l.* a year; 2 produce 1,400 lbs. of leather, and 4 give 4,100 hides—67 men.

Foundries, 5.—3 steam, capital 5,300*l.*, yielding 10,000*l.* a year; 2 have a capital of 2,200*l.*, and yield 5,000*l.* a year—72 men.

Machine Shops, 3.—Capital 7,125*l.*, producing 8,000*l.* a year—32 men.

Shingle Factories, 4.—1 steam, capital 1,500*l.*, cuts 1,200,000; 1 no capital given, cuts 6,000 a day; 2, capital 290*l.*, cuts 6,000 bundles a year.

Planing Mills, 3.—1 steam, capital 1,125*l.*, planes 500,000 feet; 1 water, capital 1,000*l.*, planes 600,000 feet; 1 water, capital 500*l.*, no return—12 men.

Earthenware Factory, 1.—Yielding 100*l.* a year—2 men.

Cigar Factory, 1.—Capital 100*l.*, cuts 14 cwt. of tobacco, and manufactures 432,000 cigars—13 men.

Pail Factory, 1.—Making 12 doz. a day—4 men.

Rope Factory, 1.—Making 10 tons a year.

Plaster Mills, 3.—Capital 1,150*l.*; 2 yield 700*l.* a year, and 1 grinds 600 tons—8 men.

Asheries, 2.—1, capital 250*l.*, 164 barrels; 1, capital 250*l.*, 15 tons—11 men.

Niagara Dock.—Cost 40,000*l.*, and employs between 200 and 300 men.

There are several other factories of minor importance.

NORFOLK.

Woollen Factories, 2.—Capital 1,300*l.*; only 1 gives any return of produce, 260*l.* a year—5 men.

Fulling Mills, 9.—3 have a capital of 850*l.*; 1 gives 100*l.* a year, and 1 cards 50,000 lbs. of wool, and fulls 1,000 yards of cloth—10 men.

Distilleries, 7.—5 give a capital of 1,650*l.*; 4 yield 3,800 barrels; 1 gives 40 gallons a day, and one 12,000 gallons a year—26 men.

Breweries, 4.—2 have a capital of 600*l.*; 1 yields 300*l.* a year, and 1 gives 3,000 barrels—9 men.

Tanneries, 6.—4 have a capital 1,125*l.*; 1 dresses 200 hides, and 2 yield 1,175*l.* a year—19 men.

1 Fanning mill factory; 1 lathe mill.

OXFORD.

Woollen Factories, 2.—2 give a capital of 900*l.*, and employ 8 men; 1 gives a return of 5,000 yards.

Tanneries, 9.—7 give a capital of 3,225*l.*, and employ 19 men; 4 give a return of 1,775*l.*; 1 gives a return of 350 hides, and employs 2 men; 1 steam.

Carding and Fulling Mills, 6.—5 give a capital of 2,700*l.*

Lathe Mills, 2.—1 gives a capital of 320*l.*, and employs 3 men; 1 gives no return, and employs 2 men.

Distilleries, 1.—Gives no return.

Pot Asheries, 2.—1 gives a capital of 25*l.*, and a return of 6 barrels, and employs 1 man; 1 gives a return of 7 barrels.

Oatmeal Mills, 2.—2 give a capital of 1,250*l.*, and 1 gives a return 1,080 barrels, and employs 5 men.

Foundries, 4.—2 give a capital of 2,700*l.*, steam, and employ 20 men; 1 gives a return of 1,250*l.*; 2 give no return.

Breweries, 1.—Gives no return.

MIDDLESEX AND ELGIN.

Woollen Factories, 10.—4 steam, capital 5,000*l.*, producing 19,250*l.* a year; 2 others give a capital of 750*l.* and produce 150*l.*, and 3 return no capital, make 33,000 yards of various cloths a year—84 men.

Fulling Mills, 21.—1 steam, capital 300*l.*, 250 lbs. of wool and 90 yards of cloth a day; 8 have a capital of 2,587*l.*; 4 yield a revenue of 400*l.* a year; 3 card 18,600 lbs. of wool, and full 6,500 yards of cloth a year—37 men.

Distilleries, 16.—2 steam, 1 with a capital of 1,400*l.* gives annually ,175*l.*; the other

with a capital of 2,000*l.* produces 360 barrels; 9 return a capital of 4,000*l.*, the produce returned being 187 barrels and 87,200 gallons—40 men.

Breweries, 3.—1, capital 2,000*l.*, returns 1,800*l.* a year; 1, capital not given, produces 5,200 gallons; 1, capital 250*l.*, no produce given—13 men.

Foundries, 5.—4 steam, capital 7,175*l.*, produce 6,650*l.*; 1, capital not given, produces 1,000*l.*—43 men.

Tanneries, 10.—9 return a capital of 7,762*l.*, return annually 5,460*l.* and 3,200 hides—38 men.

Asheries, 6.—Only 1 gives a return, 190 cwt.

Rope Factory, 1.—Capital 100*l.*

Pump Factory, 1.—Last Factory, 1; Broom Factory, 1; making 8,000 a year; Shingle Factory, 1 steam, with a capital of 250*l.*, making 8,000 bundles a year—18 men.

Wellington, Waterloo, and Grey.

As to Grey the informations are very meagre indeed, in several townships not one word said as to factories.

Woollen Factories, 6.—4 return a capital of 2,200*l.*; 2 only give their produce 8,800 yards—22 men.

Fulling Mills, 12.—6 return a capital of 3,950*l.*; 6 card 49,500 lbs. of wool and full 23,390 yards of cloth; 1 returns 50*l.* and 1 cards 100 lbs. of wool and fulls 50 yards of cloth a day—27 men.

Distilleries, 14.—1 steam gives 40 gallons a day; 3 have a capital of 3,000*l.*; 2 return 2,750*l.*; 1 gives 1,200 gallons a year; 1, 1,406 barrels; 1, 180 gallons a week, and 1, 160 gallons a day—31 men.

Breweries, 11.—3 have a capital of 525*l.*; 4 produce 724 barrels, and one 15 barrels a week—16 men.

Oatmeal Mills, 4.—One only gives produce 13 barrels a day—8 men.

Axe Factories, 2.—1 capital 500*l.*; 1 no return—4 men.

Last Factories, 2.—Employing 12 men.

Oil Mills, 1.—Capital 300*l.*, produces 40 gallons a day—1 man.

Pail Factories, 4.—Capital 1,600; 1 only gives a return of produce 300*l.*—15 men.

Paper Mill, 1.—Capital 2,000*l.*—12 men.

Asheries, 4.—2 capital 90*l.*; 3 give 67 barrels—7 men.

Vinegar Factories, 3.—1 steam, capital 500*l.*, produces 1,200 barrels a year; one other produces 800 barrels—16 men.

Lathe Mill, 1.—Employing 5 men.

Foundries, 9.—3 steam, no capital returned; 3 produce 3,400*l.*—82 men employed.

Tanneries, 19.—1 steam, capital 1,000*l.*, produces 1,300*l.* a year; 7 give a capital of 4,050*l.*; 6 give their produce at 5,300*l.*, and 2 at 22,000 hides—63 men.

There are several extensive Chair Factories worked by steam.

Essex, Kent, and Lambton.

The Census Returns for these counties give very little information as to the Factories.

Woollen Factories.—Only 1 returned, neither capital nor produce given.

Fulling Mills, 4.—2 steam, one of which cards 10,000 lbs. of wool; the other gives no return; 1 has a capital of 300*l.*, and yields 100*l.* a year—8 men.

Tanneries, 7.—1 steam, no return of capital or produce, only one other gives its capital or produce, the former 1,250*l.*, the latter 250*l.* a year—23 men.

Asheries, 6.—Returned———8 men.

Distilleries, 4.—1 steam, capital 400*l.*, 1 gives 1,000 barrels; and one 150 barrels—21 men.

Breweries, 2.—One producing 800 barrels, and employing 3 men.

Foundries, 6.—3 steam, 2 of which have a capital of 1,150*l.*, no produce given—15 men.

Huron, Perth, and Bruce.

Tanneries, 6.—1 gives a capital of 100*l.*, and gives a return of 150 hides per year; 1 man employed; 4 give no return, and employ 18 men; 1 gives a return of 75*l.* per annum.

Fanning Mills, 2.—1 gives a capital of 750*l.*, and returns 600*l.*, employs 7 men; 1 gives a return 250 mills per annum—5 men.

Distilleries, 3.—1 gives a capital of 250*l.*, and a return of 140 barrels, employs 2 men; 2 give no return.

Carding and Fulling Mills, 4.—2 give a capital of 2,950*l.*, and employ 10 men; 1 gives a return of 800 yards; 2 give no return, and employ 4 men.

Oatmeal Mills, 3.—2 give a capital of 200*l.*, and employ 2 men; 1 gives a return of 400 barrels per annum; 1 gives a return of 250*l.*

Foundries, 3.—1 gives a capital of 3,000*l.*, employs 7 men; 1 steam, employs 6 men; 2 give no return.

APPENDIX.

Rope Factory, 1.—Gives a capital of 100*l.*, and a return of 50*l.*—employs 5 men.

Breweries, 2.—1 gives a capital of 500*l.*, and a return 375*l.* per annum, employs 4 men; 1 gives no return.*

NOTE.—The several churches in Upper Canada may be rated as containing on an average between 200 and 300 persons. In the cities they are much larger, and in some of the towns they will hold a much greater number.

There were no means of arriving at the value of the several churches.

The list only embraces those given in the Census Returns.

Church of England	226
„ Rome	135
Presbyterians	148
Free Church	109
W. Methodists	218
E. Methodists	69
N. C. Methodists	28
Methodists, not classed	156
Quakers	18
Lutherans	22
Congregational and Independent	84
Baptists	116
Bible Christians	46
Other places of worship	184
Total as returned	1,559

Being 1 place of worship for every 612 inhabitants, affording accommodation for 470,000 persons, and at an average cost of 300*l.*, amounting to 467,100.

(Signed) W. C. CROFTON,
Secretary.

Office of Board of Registration and Statistics,
Quebec, March 12, 1853.

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* In these counties several manufactories in course of erection have been completed since the census was taken, and are now in operation.

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CANADA.

PAPERS

RELATIVE TO

THE PROPOSED CHANGES

IN THE

LEGISLATIVE COUNCIL OF CANADA.

Presented to both Houses of Parliament by Command of Her Majesty,
June 1854.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1854.

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PAPERS

RELATIVE TO THE

PROPOSED CHANGES IN THE LEGISLATIVE COUNCIL OF CANADA.

No. 1.

CANADA.
No. 1.

Copy of a DESPATCH from the Earl of Elgin and Kincardine to the Duke of Newcastle.

No. 42. Government House, Quebec, July 1, 1853.
(Received July 11, 1853.)
(Answered No. 87, May 26, 1854, page 15.)

My Lord Duke,

I have the honour to transmit herewith the humble address to Her Majesty of Her Majesty's dutiful and loyal subjects the Legislative Council of Canada in Provincial Parliament assembled, on the subject of the Constitution of that House, in order that it may be laid at the foot of the throne.

I have, &c.
(Signed) ELGIN & KINCARDINE.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure in No. 1.

Enclosure in No. 1.

To the Queen's most Excellent Majesty.

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Legislative Council of Canada, in Provincial Parliament assembled, humbly approach your Majesty with sentiments of profound attachment to your Majesty's Person and Government;

We feel it to be a duty incumbent upon us earnestly to represent to your Majesty, that in our opinion there is nothing in the actual state of the province, or in the character and action of its legislature, which calls for alteration in the form of government granted by your Majesty in the Act 3 & 4 Vict. cap. 35, and modelled, as closely as the local circmstances of a colony would permit, after that Constitution which has long been the glory of the United Kingdom, and the great source of its prosperity.

We would respectfully represent to your Majesty, that to refer the selection of members of the Legislative Council to the popular vote, is to destroy that harmony of system upon which, in accordance with the theory of the British Constitution, the government of this country has hitherto been considered to rest; and by thus discarding the principle of appointment by the Crown, which has hitherto been deemed essential to the maintenance of a due balance in the state, to bring the Royal Authority into direct contact with two houses, both deriving power from and responsible to the people.

We crave permission, may it please your Majesty, to express our fears that should any scheme of the nature adverted to be unhappily adopted, safeguards, long held indispensable against hasty and inconsiderate legislation would become inoperative; jealousies would be fostered between bodies, each equally assuming to represent the people and the chances of collision between them increased; the balance of power in the state would become precarious and subject to frequent disturbance; and further elementary changes would soon be demanded of a democratic character, to an extent, perhaps, which this House is unwilling to contemplate.

Edward Caron, Speaker.

Legislative Council,
Saturday, 4th June, 1853.

CANADA.
No. 2.

No. 2.

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to the Duke of NEWCASTLE.

No. 43. Government House, Quebec, July 1, 1853.
(Received July 18, 1853.)
(Answered No. 87, May 26, 1853, page 15)

MY LORD DUKE,

I HAVE the honour to enclose herewith the humble Address to Her Majesty of Her Majesty's dutiful and loyal subjects the Commons of Canada, in Provincial Parliament assembled, on the subject of the Constitution of the Legislative Council, and to request that your Grace will be pleased to cause it to be laid at the foot of the Throne.

2. A proposition which goes to effect a fundamental change in the composition of one of the branches of the Provincial Legislature affords most unquestionably matter for very serious consideration, and it is, moreover, no doubt true, that independently of the important question of principle involved in the measure which is submitted by the Assembly for Her Majesty's approval, difficulties of execution and detail of a very formidable character present themselves, when the attempt is made to combine two elective chambers with a system of government conducted on the rules of British constitutional practice; difficulties, it may be observed, for which no solution is afforded by precedents drawn from the United States, inasmuch as parliamentary government and ministerial responsibility, in the British sense of the term, are unknown to the constitutions of that country. Nevertheless, I feel it my duty in transmitting this address, to state that I know of no expedient which is so likely to impart to the Legislative Council the influence which it is most desirable that it should possess as the substitution of the principle of election for that of nomination by the Crown in the appointment of its members.

3. According to the plan which is sketched in the enclosed address, the Members of either House of the Legislature will be returned by the same constituency. Exception may doubtless be taken to this arrangement; but in the absence of any unobjectionable scheme for the election of Members of the Legislative Council at two degrees, I am disposed to think that on the whole it is better that they should be elected by the constituency which elects the Members of the Legislative Assembly, than that a pretence should be afforded for raising a prejudice against the former body, and weakening its moral influence by the allegation that it represents only a privileged class.

4. The larger constituencies for which, as compared with Members of the Assembly, individual members of the Legislative Council will be returned—the more lengthened periods for which they will be elected—their restricted liability to dissolution by the Crown, and the qualifications in respect to age and fortune or previous service which they will be required to possess, will, it may be hoped, give to that body considerable weight in the political scale, and render a seat in it an object of ambition to the leading statesmen in the province. On the other hand, it is not proposed that the contemplated change in the Council should have the effect of abridging in any respect the privileges, whether as regards money votes or other matters, which the practice of the constitution has conferred on the Legislative Assembly.

5. Your Grace will not fail to perceive from the terms of the Address, that in connexion with the contemplated change it is suggested that no pecuniary qualification should hereafter be required of candidates for the Legislative Assembly, and that the existing Members of the Legislative Council should not retire at once, in order to make way for Members chosen by popular election, but in two bodies selected by ballot, and after the lapse of two and four years. This latter provision may probably tend to facilitate the transition from the present to the new order of things.

I have, &c.
(Signed) ELGIN & KINCARDINE.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure in No. 2.

To the Queen's most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in provincial Parliament assembled, humbly beg leave to represent to Your Majesty, that, under the circumstances in which the province of Canada is placed in a social, political, and economical point of view, we are humbly of opinion—

That the introduction of the elective principle into the constitution of the Legislative Council would not only impart greater weight to that important branch of the Legislature than it can have under existing arrangements, however judiciously the selection of its members may be made, but would also ensure greater efficiency in carrying out that system of Government which obtains in the mother country, and has been happily introduced into this province.

That the object in view might, in the opinion of your faithful Commons, be best attained by dividing each of the sections of the province into thirty territorial divisions, to be hereafter defined by the provincial Parliament, and containing each, as nearly as possible, an equal amount of population, and by allowing the persons qualified to vote at the elections of members of the Legislative Assembly in each division, subject to the arrangements hereafter mentioned as to present members, to elect one person qualified in the manner herein-after mentioned to sit in the Legislative Council, which should be composed, after the arrangements as to present members have had their effect, of sixty persons so elected, one-third of whom shall be required to retire in rotation every two years, so that, except as to members elected after a dissolution, or to fill any occasional vacancies to replace elected members, the members shall be elected for the term of six years; and members retiring by rotation, whose term of service shall expire during a session of Parliament, may continue to serve until the end of that session.

That twenty new members of the said Legislative Council ought to be first elected; that, subject to a dissolution, as herein-after mentioned, the present members of the Legislative Council ought to continue members thereof, and to retire in rotation in numbers as equal as may be possible, at the end of two and four years respectively, at each of which respective periods twenty new members of the said Council ought to be elected, whatever be the number of the members then retiring; for which purposes two lists of the present members, one for each section of the province, according to their place of residence at the time they were summoned to the said Council, be prepared, and lots drawn under the direction of the Speaker of the Legislative Council to determine the time at which they shall retire by rotation as aforesaid; and, to provide for elections in the first instance, and upon the retirement of the present members in the manner provided, the said Speaker do also draw lots separately for each section of the province, to determine for which divisions members are to be first elected, until all divisions are represented; the said Speaker to apportion also by lot on the re-assembling of the Legislative Council after a dissolution, for each said section of the province respectively, the order in which members shall retire; members elected to fill occasional vacancies to be elected for the divisions for which the former members were serving, and for the term only for which they would have been entitled to serve.

That the persons qualified to be elected members of the Legislative Council should be all subjects of your Majesty by birth or naturalisation, of the full age of thirty years, and residing in this province, who shall have been at any time previous to such election members of either of the Legislative Councils of Upper or Lower Canada, or of the Legislative Council of this province, or members of either of the Legislative Assemblies of Upper or Lower Canada, or of the Legislative Assembly of this province; and also all subjects of your Majesty as aforesaid, qualified at above as to age and residence, who may be possessed for their own use and benefit of real property situated in this province, held in free and common soccage, or *en fief*, or *en roture*, or *en franc-alleu*, of the value of 1,000*l.* currency over and above all debts due and chargeable on the same, no person who may be disqualified by law to be elected member of the Legislative Assembly being eligible to the said Legislative Council.

That for the better working of constitutional government, the Crown ought to have power to dissolve both Houses of Parliament, or either of them; but that, as respects the Legislative Council, such power ought not to be exercised except in the event of the rejection by the said Legislative Council in two successive sessions, and at least at six months interval, of a measure which shall have passed the Legislative Assembly in the same two successive sessions, nor unless the said measure shall have passed the Legislative Assembly in the second session by the vote of an absolute majority of the members of the said Legislative Assembly, the Parliament convened after a dissolution of either House, or of both, being reckoned as a new Parliament.

That members of the Legislative Council ought to have power to vacate their seats, either in vacation or during the sitting of Parliament; but that no member of either House while being so ought to be a candidate for election to the other House.

That, under the proposed change in the constitution of the Legislative Council, it is inexpedient that any pecuniary qualification should be retained for being eligible to the Legislative Assembly.

CANADA.

That the Legislative Council so constituted ought to possess the exclusive power of adjudicating upon all impeachments preferred by the Legislative Assembly against high public functionaries; and that in all other respects the peculiar powers and privileges now possessed and exercised by each of the two Houses of Parliament should be maintained inviolate in so far as they may not be repugnant to the foregoing representations.

That when any member of the Legislative Council shall accept any office, the holding of which would disqualify him from a seat in the Legislative Assembly, he shall vacate his seat; and when he accepts any office the holding of which would cause him to return to the people for re-election if he held a seat in the Legislative Assembly, he shall only hold such seat with such office after being re-elected.

Wherefore Your Majesty's faithful Commons humbly pray that Your Majesty will be pleased to recommend to the two branches of the Parliament of the United Kingdom, and finally to sanction a measure calculated to give effect to the representations thus humbly submitted for the consideration of Your Majesty.

(Signed) J. SANDFIELD MACDONALD,
Speaker.

Legislative Assembly Hall, Quebec,
Thursday, June 2, 1853.

No. 3.

No. 3.

COPY of a DESPATCH from Lieut.-General ROWAN to the Duke of NEWCASTLE.

Government House, Quebec, December 31, 1853.
(Received January 18, 1854.)

MY LORD DUKE, (Answered No. 87, May 26, 1854, page 15.)

I HAVE been requested to transmit for your Grace's consideration the accompanying draft of a Bill embodying the scheme for remodelling the Legislative Council of the Province, which formed the subject of an humble Address from the Legislative Assembly to Her Majesty, forwarded with the Earl of Elgin's Despatch No. 43, of the 1st of July last. The Members of the Executive Council attach great importance to this measure, and are of opinion that in the event of Her Majesty being graciously pleased to assent to the prayer of the Address in question, the enclosed draft, drawn up by the Attorney-General of Upper Canada in concert with all his colleagues, may relieve the Imperial Government from some trouble and embarrassment in framing an enactment to give effect to the contemplated change.

See page 7.

In the Despatch to which I have adverted, Lord Elgin has very fully discussed this important subject, and I shall only further state for your Grace's information, that the electoral districts named in the Schedule attached to the Draft Bill, contain an average population, in Canada West of 30,000, and in Canada East of 28,000.

I have, &c.

His Grace the Duke of Newcastle, (Signed) W. ROWAN,
&c. &c. &c. Lieutenant-General.

No. 4.

No. 4.

EXTRACT of a DESPATCH from Lieut.-General ROWAN to the Duke of NEWCASTLE.

Government House, Quebec, January 31, 1854.

"WITH reference to my private Despatch of the 31st December, I have the honour to transmit to your Grace a Draft Bill, which the Members of the Executive Council wish to substitute for the one which was enclosed in my former communication on the subject. Some inaccuracies had crept into the Schedule, annexed to the latter, of the proposed electoral districts in Lower Canada, which have been corrected in the copy now submitted."

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure in No. 4.

CANADA.

Enclosure in No. 4.

AN ACT to amend the Act re-uniting the Provinces of Upper and Lower Canada.

Preamble.

WHEREAS it is desirable to introduce the elective principle into the constitution of the Legislative Council of the province of Canada: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the fourth and fifth sections of the Act passed in the Session of Parliament held in the third and fourth years of Her Majesty's reign, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* shall be and are hereby repealed, but the repeal thereof shall not be construed to vacate or affect the seat of any person being a member of the Legislative Council at the time of the passing of this Act, except as herein-after provided.

Certain sections of 3d and 4th Vict. c. 35. repealed.

Proviso.

Certain other sections, to whom to apply.

II. The sixth, seventh, and eighth sections of the Act last above cited, shall apply only to persons who shall be members of the Legislative Council at the time of the passing of this Act, (herein-after called "Present Members,") and until they shall cease to be members thereof under the provisions herein-after made.

How the Legislative Council shall be composed.

Electoral Districts established.

III. Subject to the provisions herein-after made as to the present members of the Legislative Council, and as to the composition of the said Council until the seats of all the present members thereof shall have been vacated, it shall be composed of sixty members, one to be elected for each of the sixty electoral districts into which the said province shall be divided for that purpose; which electoral districts, until it shall be otherwise provided by Act of the Legislature of the said province, shall be those mentioned in the Schedule to this Act.

By whom the members shall be elected.

Elections to be governed by the present laws relative to elections of members of the Assembly.

IV. The Members of the Legislative Council for the said electoral districts respectively shall be elected by the persons then qualified to vote at elections of members of the Legislative Assembly in respect of property situate in the electoral district for which the election is held; and the laws then in force with respect to elections of members of the Legislative Assembly, and to the issuing and return of writs of election, the powers and duties of returning officers and their deputies, and of election and poll clerks, the prevention or punishment of offences committed at or in respect of such elections, and to all proceedings at elections or matters connected with or incidental to such elections, shall extend and apply to elections of members of the Legislative Council as fully as to elections of members of the Legislative Assembly, and shall be construed as having been enacted with respect to elections of members of the Legislative Conncil, except only in so far as they may be inconsistent with this Act, or as may be otherwise provided by Act of the Legislature of the said province.

How such laws shall be construed in applying them to elections of mmbers of the Legislative Council.

V. In construing such laws as aforesaid with reference to the elections of members of the Legislative Council, the Legislative Council shall be held to be intended whenever the Legislative Assembly is mentioned or referred to and the electoral districts returning members to the Legislative Council, shall be held to be intended whenever the counties, ridings, cities and towns returning members to the Legislative Assembly are mentioned or referred to; and whenever there is in any such law any special provision applying only to places in Lower Canada or in Upper Canada respectively returning members to the Legislative Assembly, such provisions shall apply only to electoral districts in the same section of the province returning members to the Legislative Council; and all special provisions in such laws enacted only with reference to the counties of Saguenay and Gaspé, shall apply to the electoral districts in which the said counties shall be included, and to them only.

Proper changes to be made in forms, &c.

VI. In applying such laws as aforesaid with reference to elections of members of the Legislative Council, proper changes shall be made in the forms therein referred to. In the indenture of election of a member of the said Council, no words expressing the time for which he is to serve shall be inserted, nor shall any words of like import be hereafter inserted in the indenture of the election of a member of the Legislative Assembly.

Qualification of members of the Legislative Council.

Declaration required of candidates in certain cases.

VII. Provided always, that no person shall be qualified to be elected as a member of the said Legislative Council, or to sit as an elected member thereof, unless he be a subject of Her Majesty by birth or naturalization, of the full age of thirty years, and a stated resident of the said province, nor unless he shall have been, previously to such election, a member of the Legislative Council of Upper or of Lower Canada or of Canada, or a member of the Legislative Assembly of Upper or of Lower Canada or of Canada, or shall be possessed to his own use and benefit of real property situate in Canada held in free and common soccage, or *en fief*, or *en roture* or *franc aleu*, of the value of one thousand pounds currency, over and above all rents, mortgages, charges, and incumbrances charged upon or due and payable out of or affecting the same; and every candidate at an election of a member of the Legislative Council, who must under this section possess a property qualification in order to his being capable of being elected, shall, in person or by his agent, if required by any other candidate, or by any elector or by the returning officer, deliver to the returning officer a declaration in writing signed by such candidate in the following form:

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The Declaration.

"I, A. B., declare and testify that I am duly seised at law (*or* in equity) as of freehold for my own use and benefit, of the following lands (*or* tenements) held in free and common soccage, *or* duly seised and possessed for my own use and benefit of lands (*or* tenements) held *en fief* or *en roture* or *en franc aleu* (as the case may be), that is to say, of (*here insert a correct and clear description of the lands or tenements forming the property qualification of the candidate and of their local situation,*) which said lands (*or* tenements) I declare to be of the full value of one thousand pounds currency, over and above all rents, mortgages, charges, and incumbrances charged upon or due and payable out of or affecting the same; and I further declare that I have not collusively or colourably obtained a title to or became possessed of the said lands (*or* tenements) or any part thereof, for the purpose of qualifying or enabling me to be returned as a member of the Legislative Council of this Province"

Certain provisions to apply to such declarations.

And to the making and delivering of such delaration, and the duties of the returning officer respecting the same, the provisions of law in force at the time of the passing of this Act, with regard to the making and delivering of the declaration which may now be required of candidates at elections of members of the Legislative Assembly, and to the duties of the returning officer with respect to such declaration, shall extend and apply.

Penalty for wilfully making a false declaration.

VIII. If any person shall knowingly and wilfully make a false declaration respecting his qualification to be elected a member of the said Legislative Council as aforesaid, such person shall be guilty of a misdemeanor, and being thereof lawfully convicted, shall suffer the like pains and penalties as by law are incurred by persons guilty of wilful and corrupt perjury in the place in which such false declaration shall have been made.

Members becoming bankrupt, &c. disqualified.

IX. If any Member of the Legislative Council shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony, or of any infamous crime, his seat in the said Council shall thereby be vacated.

Persons disqualified to be members of Assembly to be disqualified as members of the Legislative Council.

As to re-election in certain cases.

X. Every person who shall be disqualified by law to be elected or to sit as a member of the Legislative Assembly of the said province, shall be disqualified to be elected or to sit as a member of the Legislative Council thereof; and whenever any member of the said Legislative Council shall accept any office, the acceptance of which would vacate his seat if he were a Member of the Legislative Assembly, he shall thereby vacate his seat in the Legislative Council, but may be re-elected if the office be one which would not disqualify him to be elected as a Member of the Legislative Assembly.

Members of one House not eligible as members of the other.

XI. No person being then a member of the Legislative Assembly of the said province, shall be elected a member of the Legislative Council thereof, and no person being then a member of the Legislative Council shall be elected a member of the Legislative Assembly.

Members may resign, and how.

XII. Any member of the Legislative Council shall have power to resign and vacate his seat at any time, either during a session of the Provincial Parliament or in the recess between two sessions, in the manner and subject to the provisions in and under which members of the Legislative Assembly may vacate their seats; and the laws then in force

Certain laws to apply.

relative to the resignation and vacation of the seats of members of the Legislative Assembly, and matters thereunto relating or therewith connected, shall extend and apply to the resignation and vacation of the seats of members of the Legislative Council, and shall be construed as having been enacted with respect thereto, except only in so far as may be inconsistent with the provisions of this Act, or as may be otherwise provided by Act of the

Proviso.

Legislature of the said province: Provided always, that no member of the Legislative Council shall resign his seat therein while his election is controverted, or remains liable to be controverted for any other cause than bribery or corruption.

As to writs of election.

XIII. The elections of members of the Legislative Council shall be held under writs of election to be prepared by the Clerk of the Crown in Chancery for the said province, which shall be in the same general form as writs for the election of members of the Legislative Assembly, with such changes in the wording thereof as the circumstances shall

Powers and duties of Speaker.

require; and the Speaker of the Legislative Council shall, with respect to such writs and the issuing thereof, have the like duties and powers as the Speaker of the Legislative Assembly shall have with regard to writs of election for members of the Legislative Assembly, and the said clerk of the Crown in Chancery shall be deemed an officer of the Legislative Council with regard to such writs, to the same extent as he is with regard to writs for the election of members of the Legislative Assembly, by law deemed the officer of that house.

Returning officers to be appointed by the Governor until otherwise provided.

Qualification.

XIV. Until it shall be otherwise provided by Act of the Legislature of the said province, the returning officer for the election of a member of the Legislative Council for any electoral district shall be appointed by the Governor of the said province, the person so appointed being an elector duly qualified to vote at the election and not disqualified by law from acting as a returning officer at an election of a member of the Legislative Assembly, or being a person who is by law the returning officer for some place represented by a member in the Legislative Assembly and lying wholly or partly within such electoral district; and

Deputy returning officers, &c.

at any such election of a member of the Legislative Council, those persons shall be appointed deputy returning officers, who might under the laws then in force be appointed

deputy returning officers for the townships or other subdivisions respectively in and for which polling places are to be opened, but in default of such persons the returning officer shall appoint such qualified persons as he shall think proper; and any person may be at the same time returning officer or deputy returning officer at an election of a member of the Legislative Council, and at an election of a member of the Legislative Assembly.

Local extent of authority of returning officer.

XV. The authority of the returning officer for the election of a member of the Legislative Council, shall extend over the whole electoral district for which such election is to be held, in like manner as the authority of the returning officer for the election of a member of the Legislative Assembly extends over the whole of the county or place for which the election is to be held; and if a poll be demanded, it shall be held in each subdivision in which a poll is directed to be held at an election of a member of the Legislative Assembly; and if there be in any electoral district any tract of land which is not included in any subdivision in and for which a polling place is to be held, then the returning officer shall, in and by his proclamation fixing the nomination day for such election, declare that any such tract of land shall, for the purposes of such election, be annexed to any subdivision for which a poll is to be held, or that a separate poll shall be held for such tract; and any such tract so annexed shall, for all the purposes of the election, be held to form part of the subdivision to which it shall be so annexed; and for any such tract for which the returning officer shall declare that a separate polling place shall be held, a deputy returning officer shall be appointed if a poll be demanded; and it shall, for all the purposes of the election, be dealt with and considered as a subdivision in and for which a separate poll is to be opened under the laws regulating elections of members of the Legislative Assembly, hereby extended to elections of members of the Legislative Council; and in cases where the deputy returning officer is under the said laws to be furnished with a copy of any list of voters, or other document for ascertaining the persons entitled to vote, he shall in like manner be furnished with a copy of such list or document with respect to any such tract in respect of which he is to be deputy returning officer.

Polls, where to be held, if demanded.

As to copies of lists of voters, &c.

Provision where a member of the Council and a member of Assembly are to be elected at one time in the same place.

XVI. A poll for the election of a member of the Legislative Council, and a poll for the election of a member of the Legislative Assembly, may be held at the same time and at the same place, but if such polls be appointed to be held at the same time and at two separate places in the same subdivision, and the same person be the deputy returning officer at both elections, then such deputy returning officer shall appoint a poll clerk for each place, and such poll clerk shall, in the absence of the deputy returning officer, act in his stead as if such deputy returning officer were incapacited from acting.

Term for which Members shall serve.

Exception.

XVII. Each member of the Legislative Council elected as aforesaid shall (except in the case of dissolution as herein-after mentioned,) be entitled to serve and sit therein during six years from the return of the writ under which he shall have been elected, and if such period shall expire during any Session of the Legislature of the said province, then until the end of such session, unless he shall sooner vacate his seat, by resignation, acceptance of office or otherwise; excepting always, that a member elected to fill a vacancy occasioned otherwise than by a dissolution or the lapse of the time for which the member vacating his seat was entitled to serve, shall hold his seat only until the time when the member in whose place he is elected would have vacated such seat by lapse of time.

Either House may be dissolved separately from the other, and a new one called;

but no Session to be held without both Houses.

Effect of dissolution of Legislative Council.

Proviso; in what case only the Legislative Council shall be dissolved.

Dissolution to make a new Parliament.

XVIII. Neither the expiration of the period for which any Legislative Assembly is to continue, nor the dissolution of any Legislative Assembly, shall *ipso facto* affect the continuance of the Legislative Council for the time being; but it shall be lawful for the Governor of the said Province to dissolve the Legislative Council and the Legislative Assembly, or either of them separately from the other, in like manner as he may now dissolve the Legislative Assembly; and after any such dissolution it shall be lawful for the Governor of the said Province, by an instrument or instruments under the Great Seal thereof, to summon and call together a Legislative Council and a Legislative Assembly in and for the said province, or a Legislative Council only, or a Legislative Assembly only, as the case may require; but no session of the Parliament or Legislature of the said province shall be held unless there be both a Legislative Council and a Legislative Assembly then legally summoned and called together; and any such dissolution of the Legislative Council shall vacate the seat of every member thereof, whether elected under this Act or a member thereof before the passing of this Act, and new writs shall issue for the election of members of the Legislative Council for all the electoral districts, in like manner and under like provisions as after the dissolution of the Legislative Assembly new writs are to issue for the election of members thereof: Provided always, that the Legislative Council shall not be so dissolved unless it shall, in two successive sessions, (the last of which shall be the session next preceding the dissolution,) and at an interval of at least six calendar months, have rejected or failed to pass, or so amended as to cause it to fail in the Legislative Assembly and therefore not to be presented for the Royal Assent, a Bill which shall have passed the Legislative Assembly in the said two successive sessions, nor unless such bill shall in the second of such two sessions have passed the Legislative Assembly with the concurrence of an absolute majority of all the members thereof; nor shall it in any such case be imperative on the Governor of the said Province to dissolve the Legislative Council unless he shall see fit so to do; and the Provincial Parliament which shall meet next after any dissolution, either of the Legislative Council or of the Legislative Assembly, or of both, shall be held to be a new Parliament.

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Peculiar powers of Legislative Council and Assembly respectively.

XIX. The Legislative Council of the said Province shall have the exclusive power of hearing, trying, and adjudicating upon impeachments preferred by the Legislative Assembly against high public functionaries in the said province; but with this exception, the peculiar privileges and powers of the Legislative Assembly and of the Legislative Council respectively shall remain unaltered, save only in so far as they may be inconsistent with the express provisions of this Act.

Laws relative to controverted Elections of members of Assembly to apply to those of members of Legislative Council.

XX. The laws of the said province then in force relative to the trial of controverted elections of members of the Legislative Assembly shall extend and apply to controverted elections of Members of the Legislative Council, and to all proceedings, matters, and things connected with or incidental to such controverted elections, as fully as to those of elections of members of the Legislative Assembly, and the matters and things therewith connected or incidental thereto, and shall be construed as having been enacted with respect to such controverted elections of members of the Legislative Council, except in so far as it shall be otherwise provided by Act of the Legislature of the said Province; and in construing such laws with reference to controverted elections of members of the Legislative Council, the Legislative Council shall be held to be intended whenever the Legislative Assembly is mentioned or referred to, and whenever the counties, ridings, cities, and towns returning members to the Legislative Assembly are mentioned or referred to, the electoral districts returning members to the Legislative Council shall be deemed to be intended, and when the expiration or dissolution of Parliament is mentioned or referred to, the dissolution of the Legislative Council shall be held to be intended; and the changes requisite in consequence of such construction shall be made in all forms referred to in such laws: Provided always, that whenever the votes of the Legislative Council shall not be printed, any document or information directed by such laws to be printed and distributed with the votes, shall be printed and distributed in such manner as the Legislative Council shall direct from time to time.

Appointment of Speaker, and term of office.

XXI. The Speaker of the Legislative Council shall continue to be appointed as heretofore from among the then members of the said Council, and the appointment of any member of the said Council to be Speaker thereof shall not vacate his seat as such member, and the Speaker so appointed shall hold his office until he shall be removed or shall cease to be a member, as shall the Speaker in office at the time when this section shall come into force; and in any law hereby extended to the Legislative Council as aforesaid, whenever the Speaker of the Legislative Assembly is mentioned or referred to, the Speaker of the Legislative Council shall be held to be intended in construing such law as applied to the said Council.

When the foregoing enactments shall come into effect.

Certain things may be done before.

XXII. The foregoing enactments shall come into force from and after proclamation thereof under the great seal of the said province; but at any time after the passing of this Act, it shall be lawful for the Legislature of the said province to pass any Act which they may deem necessary to give full effect to the said enactments when they shall come into force, or to supply any omission therein, or to alter or amend such of the said enactments as they herein-after are empowered to alter and amend; and it shall also be lawful for the Legislative Council, or the Governor of the said province, to do anything which they may respectively deem necessary for giving effect to the said enactments when they shall come into force, provided such Act or thing be not inconsistent with the express provisions herein contained.

Certain sections of the said Act repealed thereafter.

XXIII. From and after the time when the said enactments shall come into force, the twenty-eighth and twenty-ninth sections of the Act first above cited, requiring a property qualification for members of the Legislative Assembly, shall be repealed, with so much of any Act of the Legislature of the said province as may relate to the said qualification or to the declaration mentioned in the said sections.

Ballot for determining which of the present members shall first retire, and which of the Electoral Districts shall be first represented.

XXIV. As early as conveniently may be after the issuing of the Proclamation aforesaid, the Speaker of the Legislative Council shall cause the names of all the members thereof, and the names of all the electoral districts in the Schedule to this Act, to be written upon pieces of paper or tickets as nearly as may be of the same size and shape, one name on each such piece, and shall cause to be procured four boxes of like size and form and convenient for the purpose herein-after mentioned, and shall give such notice as may be found convenient and practicable to the members of the said Council, informing them that he has prepared the said tickets and boxes, and declaring the day and hour on and at which he will proceed to comply with the other requirements of this section, and requesting the attendance of such members; and such day may be either during a Session of the said Legislature or in the recess between two Sessions thereof; and at the time so appointed the said Speaker shall, in the presence of such members of the said Council and officers thereof as shall then attend in the hall or place where the sittings of the said Council are usually held, and whatever be the number of members then present, cause the said tickets to be produced at the Clerk's table, and to be divided into four parcels, the first containing the names of all the members of the Legislative Council who at the time of their appointment as such were residents of Lower Canada, the second containing the names of those who at the time of their appointment were residents of Upper Canada, the third containing the names of all the electoral districts in Lower Canada, and the fourth containing those of

all the electoral districts in Upper Canada; he shall then cause the tickets in each parcel to be folded as nearly as possible in the same form and shape, and so that the writing thereon cannot be seen, and shall cause each parcel of tickets to be put into one of the said boxes and shaken; the clerk of the said Legislative Council shall then openly draw out the tickets from the first and second parcels alternately one by one, shaking the box before drawing each ticket, opening each ticket as it is drawn and recording the name found thereon, and shall in like manner proceed with respect to the third and fourth parcels; and the order in which the names on the first and second parcel of tickets respectively shall be so drawn and recorded, shall be the order in which the present members of the Legislative Council shall vacate their seats, and the order in which the names in the third and fourth parcels shall be drawn and recorded, shall be the order in which the several electoral districts shall become entitled to return members to represent them in the Legislative Council and to have elections held in them for that purpose; excepting always the case of a dissolution of the said Legislative Council, by which the seats of all the members thereof shall be vacated and a member shall be elected for every electoral district.

Exception in cases of dissolution.

XXV. Copies of the lists of members and of electoral districts in the order in which they shall be drawn and recorded under the next preceding section, shall be certified by the Speaker of the Legislative Council and transmitted by him to the governor of the said province, who shall thereupon and without further notice have full authority to issue writs of election at the proper times and for the proper electoral districts according to the provisions herein-after made.

Copies of lists to be transmitted to the Governor, and Writs to issue.

XXVI. As soon as copies of the said lists of members and of electoral districts shall have been transmitted to the Governor of the said province under the next preceding section, writs of election may be issued for the election of twenty members of the said Council in and for those twenty of the electoral districts which stand first in the certified list of the said districts: and at the expiration of two years from the return of the first of such writs, (or if the two years should expire during a session of the Provincial Parliament then at the close of such session,) one half of the present members of the Legislative Council, consisting of those whose names shall stand above those of the other members in the list certified to the Governor as aforesaid, shall vacate their seats, and writs of election may be issued for the election of members of the Legislative Council in and for those twenty electoral districts which shall stand in the list of electoral districts certified to the Governor as aforesaid next after those in and for which elections shall have been already held; and at the expiration of four years from the return of the first of the writs of election first issued under this section, (or if the four years should expire during a session of the Provincial Parliament then at the close of such session,) the remainder of the present members of the Legislative Council shall vacate their seats, and writs of election may be issued for the election of members of the Legislative Council in and for the remaining twenty electoral districts; and such writs of election shall respectively issue within fourteen days from the time when the issuing thereof is hereby made lawful. If the number of members on the list certified as aforesaid be not exactly divisible by two, the number next less than one half thereof shall for the purposes of this section be taken to be one half, and in making such division all the members on the list shall be reckoned, although the seats of some of them may in the mean time have become vacant by death, resignation, or otherwise.

Twenty Members to be first elected.

Twenty more at the end of two years.

And twenty more at the end of four years.

Within what time Writs must issue.

Proviso.

XXVII In the session next after any dissolution of the Legislative Council, the Speaker thereof shall cause to be made by ballot in the manner above provided with respect to the list of electoral districts herein-before mentioned, and shall certify to the Governor of the said province a list of such electoral districts arranged in the order which shall have been determined by such ballot, the name of an electoral district in Lower Canada being inserted first in such list, and then the name of an electoral district in Upper Canada, and so on alternately in the order in which the names shall have been drawn; and the seats of the members representing the twenty electoral districts standing first on the said list shall be vacated at the end of two years from the return of the writs under which they shall have been respectively elected; the seats of the members representing the twenty electoral districts standing next on the said list shall be vacated at the end of four years from the return of the writs under which they shall have been respectively elected; and the seats of the members representing the twenty electoral districts standing last on the said list shall be vacated at the end of six years from the return of the writs under which they shall have been respectively elected; except that if the period during which any such member shall be entitled to hold his seat under this section shall expire during a session of the Provincial Parliament, the seat of such member shall not be vacated under this section until the close of such session.

A similar ballot to be made after a dissolution of the Council.

Order of retirement of Members elected after a dissolution.

Exception.

XXVIII. In every case where the seat or seats of a member or members of the Legislative Council shall be vacated by a dissolution or by the mere lapse of time, or the occurrence of the event by which under the provisions of this Act such seat or seats are to be vacated, the writ or writs of election to be issued in consequence of the vacation of such seat or seats, shall be issued without its being necessary that any notice should be given by or to any party, and such writ or writs shall be issued within fourteen days from the time when such time shall have elapsed or such event shall have occurred as aforesaid; but if any such seat shall be vacated otherwise than as aforesaid, and a writ of election is to be issued in consequence of such vacancy, notice thereof shall be given to the Clerk of

In what cases only notice of the vacancy in the Council need be given.

CANADA.

the Crown in Chancery, and the writ of election shall thereupon issue in like manner, mutatis mutandis, as in cases of vacancies occuring in the Legislative Assembly.

The Canadian Legislature may amend certain provisions of this Act.

XXIX. It shall be lawful for the Legislature of the said province by any Act or Acts to be passed after the passing of this Act, to alter the electoral districts into which the said province is or shall be divided for the purposes of this Act, or to alter the laws relative to elections of members of the Legislative Council, the issuing and return of writs of election, the provisions respecting returning officers at such elections, and other matters incident to or connected with such elections, or relative to the vacating of the seats of elected members of the Legislative Council, or to the trial of controverted elections of persons returned as members thereof, or of election petitions and matters incident thereto; but neither the qualification herein required for members of the Legislative Council, nor their period of service as such if their seats be not vacated before such period expires, nor the power of the Governor of the said province to dissolve the said Council, shall be altered or affected by any such Act, nor shall it be lawful for the said Legislature to divide the province for the purpose of representation in the Legislative Council, otherwise than into sixty electoral districts, thirty of which shall be in Upper Canada and thirty in Lower Canada, nor to alter the number of members of the said Council, nor to cause such electoral districts to be represented in the Legislative Council otherwise than by one member each.

Certain provisions shall not be altered.

Interpretation clause.

XXX. The expressions "The Legislative Council" or "The said Council," and "The Legislative Assembly" in this Act shall be understood to mean respectively, the Legislative Council and the Legislative Assembly of the said province of Canada, the name of any officer shall include his deputy or the person performing the duties of his office; and the other words and expressions in this Act shall have the same meaning as the like words and expressions in the Act hereby amended, and shall be construed with reference thereto.

SCHEDULE.

Electoral Districts for the Legislative Council of the province of Canada, referred to in the foregoing enactments.

The counties, ridings, cities and towns intended in this Schedule, are those described and established or adopted and referred to for purposes relative to representation in the Legislative Assembly, in and by the Act of the Legislature of the said province, passed in the sixteenth year of Her Majesty's reign, and intituled, *An Act to enlarge the Representation of the People of this Province in Parliament.*

Names of the Electoral Districts.	Of what such Electoral Districts shall respectively consist.
	Lower Canada.
1. Beaupre.	The counties of Chicoutimi, Taeousac, Saguenay, and Montmorency.
2. Quebec.	So much of the city of Quebec as lies within the parish of Notre Dame de Quebec, and the parish of Ste. Foy, in the county of Quebec.
3. St. Roch.	So much of the city of Quebec as lies within the parish of St. Roch de Quebec, and all the county of Quebec except the parish of Ste. Foy.
4. Ste. Anne.	The counties of Portneuf and Champlain.
5. Yamachiche.	The counties of St. Maurice and Maskinongé, and the town of Three Rivers.
6. The Gulf.	The counties of Gaspé and Bonaventure, and so much of the county of Rimouski as lies to the north-eastward of the north-eastern boundary of the parish of St. Germain prolonged to the Province Line, with all the islands in the river St. Lawrence lying opposite and nearest to the said electoral district.
7. Trois Pistoles.	So much of the county of Rimouski as is not included in the electoral district of The Gulf, the county of Temiscouatas and so much of the county of Kamouraska as lies to the north-eastward of the north-eastern boundary of the parish of St. Louis as far as that of St. Paschal, and thence to the north-eastward of the south-western line of the said parish of St. Paschal and of the township of Woodbridge prolonged to the province line, so as to exclude the said parish of St. Louis, but including in the said electoral district the said parish of St. Paschal and the said township of Woodbridge, with all the islands in the river St. Lawrence, lying opposite and nearest to the said electoral district.

Names of the Electoral Districts.	Of what such Electoral Districts shall respectively consist.
8. Port Joly.	So much of the county of Kamouraska as is not included in the electoral district of Trois Pistoles, the county of L'Islet, and so much of the county of Montmagny as lies to the north-eastward of the south-western boundary of the parish of St. Thomas, prolonged to the province line; with Crane Island and all the islands in the river St. Lawrence lying opposite and nearest to the said electoral district.
9. Lauzon.	So much of the county of Montmagny as is not included in the electoral district of Port Joly, the county of Bellechasse, and the county of Lévis with the exception of the parish of St. Nicolas.
10. Satigan.	The counties of Dorchester and Beauce.
11. Bécancour.	The county of Nicolet, the parish of St. Nicolas in the county of Lévis, and the county of Lotbinière with the exception of the parishes of St. Giles, St. Sylvester, and Ste. Agathe.
12. Bois-Franc.	The counties of Megantic, Arthabaska, and Wolfe, and the parishes of St. Giles, St. Sylvester, and Ste. Agathe in the county of Lotbinière.
13. Ascot.	The counties of Drummond, Sherbrooke, and Compton, and the town of Sherbrooke.
14. Hatley.	The county of Stanstead, the East Riding of the county of Missisquoi, and the township of Dunham and the seigniory of St. Armand in the West Riding of the said county.
15. Monnoir.	The county of Iverville, so much of the West Riding of the county of Missisquoi as is not included in the electoral district of Hatley, and the parishes of St. Mathias and St. Marie de Monnoir in the county of Rouville.
16. Rougemont.	The county of St. Hyacinthe, and so much of the county of Rouville as is not included in the electoral district of Monnoir.
17. Upton.	The counties of Shefford and Bagot.
18. Sorel.	The county of Yamaska, and so much of the county of Richelieu as lies on the north-east side of the river Richelieu.
19. Boucherville.	The counties of Verchères and Chambly, and so much of the county of Richelieu as is not included in the electoral district of Sorel.
20. Blairfindie.	The counties of Laprairie and St. John's.
21. Lasalle.	The counties of Chateauguay and Napierville.
22. Godmanchester.	The counties of Beauharnois and Huntingdon.
23. Aylmer.	The counties of Ottawa and Pontiac, and the townships of Chatham, Harrington, Wentworth, and Grenville, and its augmentation, in the county of Argenteuil.
24. Montreal West.	So much of the City of Montreal as lies to the south-westward of a line drawn from the river St. Lawrence along the middle of St. Joseph Street to Notre Dame Street, thence along the middle of Notre Dame Street to St. Lambert Street, and thence along the middle of St. Lambert Street and the main street of the St. Lawrence suburbs to the north-western limits of the city.
25. Montreal East.	So much of the said city of Montreal as is not included in the Electoral District of Montreal West.
26. Pointe Claire.	The Counties of Vaudreuil and Soulanges and the Jacques Cartier riding of the county of Montreal.
27. Mille Isles.	The county of Two Mountains, so much of the county of Argenteuil as is not included in the electoral district of Aylmer, the parishes of St. Jérôme and Lacorne, and the townships of Abercrombie and Beresford in the county of Terrebonne, and so much of the township of Morin as lies in the county last named.
28. Blainville.	The county of Laval, so much of the county of Terrebonne as is not included in the electoral district of Mille Isles, and the Hochelaga riding of the county of Montreal.
29. Leinster.	The counties of L'Assomption and Montcalm.
30. Lanoraie.	The counties of Berthier and Joliette.
	UPPER CANADA.
31. Lower Ottawa.	The counties of Prescott and Russell, the town of Bytown, and the townships of Nepean and North Gower in the county of Carleton.

Names of the Electoral Districts.	Of what such Electoral Districts shall respectively consist.
32. Upper Ottawa.	The county of Renfrew, the North Riding of the county of Lanark, and townships of Fitzroy, Tarbolton, Huntley, March, Goulbourn, and Marlborough, and the village of Richmond, in the county of Carleton.
33. Lower St. Lawrence.	The counties of Glengarry and Stormont and the town of Cornwall.
34. Upper St. Lawrence.	The county of Dundas, the South Riding of the county of Grenville, and the townships of South Gower and Oxford, in the North Riding of Leeds and Grenville.
35. Rideau.	The South Riding of the county of Lanark, the townships of Wolford, Elmsley, and Kitley, in the North Riding of the counties of Leeds and Grenville, and the townships of North Crosby, South Crosby, Burgess, and Bastard, in the South Riding of the county of Leeds.
35. Gananoque.	The county of Frontenac except the township of Kingston, the townships of Yonge, Escott, Leeds, and Lansdowne, in the South Riding of the county of Leeds, and the town of Brockville.
37. Cataraqui.	The county of Addington, the city of Kingston, and the township of Kingston, in the county of Frontenac.
38. Bay of Quinté.	The counties of Lenox and Prince Edward, and the township of Tyendinaga in the South Riding of the county of Hastings.
39. Midland.	The North Riding of the county of Hastings, the townships of Sydney and Thurlow, and the town of Belleville, in the South Riding of the county of Hastings, and the townships of Murray and Seymour, in the East Riding of the county of Northumberland.
40. Newcastle.	The West Riding of the county of Northumberland, the townships of Brighton, Cramahé, and Percy, in the East Riding of the said county, and the township of Hope and town of Port Hope, in the East Riding of the county of Durham.
41. Queen's.	The counties of Peterborough and Victoria, and the township of Cavan in the East Riding of the county of Durham.
42 King's.	The West Riding of the county of Durham, the township of Manvers in the East Riding of the said county, the township of Whitby and the village of Oshawa in the South Riding of the county of Ontario, and the township of Reach in the North Riding of the said county.
43. Scarborough.	The North Riding of the county of Ontario except the township of Reach, the township of Pickering in the South Riding of the said county, the township of Scarborough in the East Riding of the county of York, and the North Riding of the said county except the township of King.
44. Home.	The West Riding of the county of York, the East Riding of the said county except the township of Scarborough.
45. Toronto.	The city of Toronto.
46. Nottewasaga.	The North and South Ridings of the county of Simcoe, and the township of King in the North Riding of the county of York.
47. Trafalgar.	The county of Peel and the township of Trafalgar in the county of Halton.
48. Gore.	The county of Halton except the township of Trafalgar, the North Riding of the county of Wentworth, and the township of Puslinch in the county of Wellington.
49. Burlington Bay.	The city of Hamilton, the South Riding of the county of Wentworth, and the townships of Grimsby, Clinton, and Louth in the county of Lincoln.
50. Grand River.	The county of Haldimand, the townships of Gainsborough, and Caistor, in the county of Lincoln, the township of Onondaga in the East Riding of the County of Brant, and the townships of Tuscarora, Oakland, and West Brantford, and the town of Brantford in the West Riding of the said county.
51. Niagara Falls.	The county of Welland, the township of Grantham, and the town of St. Catherines, in the county of Lincoln, and the town of Niagara.

Names of the Electoral Districts.	Of what such Electoral Districts shall respectively consist.
52. Woodstock.	The townships of South Dumfries and East Brantford, and the village of Paris in the East Riding of the county of Brant, the township of Burford in the West Riding of the said county, the townships of Blenheim, Blandford, and East Zorra, and the town of Woodstock in the North Riding of the county of Oxford, and the townships of North Oxford, West Oxford, and East Oxford, in the South Riding of the said county, including the village of Ingersoll.
53. Long Point.	The county of Norfolk, and the townships of Norwich and Dereham, in the South Riding of the county of Oxford.
54. Talbot.	The East and West Riding of the county of Elgin, and the townships of Howard and Orford in the county of Kent.
55. Western.	The county of Essex, and the county of Kent except the townships of Howard and Orford.
56. The Thames.	The East Riding of the county of Middlesex, the town of London, the townships of East Nissouri and West Zorra, in the county of Oxford, the township of Biddulph in the county of Huron, and the township of Blanchard in the county of Perth.
57. St. Clair.	The county of Lambton and the West Riding of the county of Middlesex.
58. Saugeen.	The county of Bruce, the county of Huron except the township of Biddulph, and the county of Perth except the township of Blanchard.
59. Sydenham.	The county of Grey, the North Riding of the county of Wellington, and the townships of Erin and Eramosa in the South Riding of the said county.
60. The Duke's.	The North and South Ridings of the county of Waterloo, and the township of Guelph (including the town of Guelph) in the South Riding of the county of Wellington.

No. 5.

Copy of a DESPATCH from the Duke of Newcastle to the Earl of Elgin and Kincardine.

No. 87.

My Lord, Downing Street, May 26, 1854.

I have to acknowledge your Despatch, No. 42, of the 1st July last, enclosing an Address from the Legislative Council on the subject of the constitution of the Legislative Council; and No. 43, of the same date, enclosing an Address from the Commons of Canada in Provincial Parliament assembled, on the same subject.

2. I have also to acknowledge a private Despatch of the 31st December last from the officer administering the government, enclosing the Draft of a Bill intended to carry into execution the objects of the latter Address.

3. I have, in reply, to inform you, that Her Majesty's Government are about to introduce immediately a Bill into Parliament giving the Legislature of Canada such powers to alter the provisions of the Canada Union Act, respecting the Legislative Council, as will suffice to effect the objects of the Address, should the Legislature, on re-consideration, deem the change expedient.

4. It is proposed to take the same opportunity to repeal that clause of the Union Act by which Acts of a specified description are required to be laid before Parliament for a certain period before they can receive the assent of the Crown; a restriction which has been found inconvenient and unnecessary.

I have, &c.

(Signed) NEWCASTLE.

The Earl of Elgin and Kincardine,
&c. &c. &c.

APPENDIX.

EXTRACT from the VOTES and PROCEEDINGS of the Legislative Assembly of Canada.—31st May 1853.

The following Resolutions passed in Committee, on Saturday last, were reported, and read:—

1. *Resolved*,—That under the circumstances in which the Province of Canada is placed, in a social, political, and economical point of view, the introduction of the elective principle into the Constitution of the Legislative Council, would not only impart greater weight to that important Branch of the Legislature than it can have under existing arrangements, however judiciously the selection of its Members may be made, but would also ensure greater efficiency in carrying out that system of Government which obtains in the mother country, and has been happily introduced into this Province.

2. *Resolved*,—That the object in view might best be attained by dividing each of the Sections of the Province into thirty Territorial Divisions, containing each as nearly as possible an equal amount of population, and by allowing the persons qualified to vote at the election of Members of the Legislative Assembly, in each Division, subject to the arrangements hereafter mentioned as to present Members, to elect one person qualified in the manner herein-after mentioned, to sit in the Legislative Council, which should be composed, after the arrangements as to present Members have had their effect, of sixty persons so elected, one-third of whom shall be required to retire in rotation every two years, so that except as to Members elected after a dissolution, or to fill any occasional vacancies to replace elected Members, the Members shall be elected for the term of six years; and Members retiring by rotation, whose term of service shall expire during a Session of Parliament, may continue to serve until the end of that Session.

3. *Resolved*,—That Twenty new Members of the said Legislative Council ought to be first elected; that subject to a dissolution as herein-after mentioned, the present Members of the Legislative Council ought to continue Members thereof, and to retire in rotation in numbers as equal as may be possible, at the end of two and four years respectively, at each of which respective periods Twenty new Members of the said Council ought to be elected, whatever be the number of the Members then retiring; for which purposes two lists of the present Members, one for each Section of the Province, according to their place of residence at the time they were summoned to the said Council, shall be prepared, and lots drawn, under the direction of the Speaker of the Legislative Council, to determine the time at which they shall retire by rotation as aforesaid;—and to provide for Elections in the first instance, and upon the retirement of the present Members in the manner provided, the said Speaker shall also draw lots separately for each Section of the Province, to determine for which Divisions Members are to be first elected, until all Divisions are represented; the said Speaker to apportion also by lot, on the re-assembling of the Legislative Council after a dissolution, for each said Section of the Province respectively, the order in which Members shall retire; Members elected to fill occasional vacancies to be elected for the Divisions for which the former Members were serving, and for the term only for which they would have been entitled to serve.

4. *Resolved*,—That the persons qualified to be elected Members of the Legislative Council should be all subjects of Her Majesty, by birth or naturalization, of the full age of thirty years, and residing in this Province, who shall have been at any time previous to such Election, Members of either of the Legislative Councils of Upper or Lower Canada or of the Legislative Council of this Province, or Members of either of the Legislative Assemblies of Upper or Lower Canada or of the Legislative Assembly of this Province; and also all subjects of Her Majesty as aforesaid, qualified as above as to age and residence, who may be possessed for their own use and benefit of real property situated in this Province, held in free and common soccage, or *en fief*, or *en roture* or *en franc aleu* of the value of one thousand pounds, currency, over and above all debts due and chargeable upon the same; no person who may be disqualified by law to be elected Member of the Legislative Assembly being eligible to the said Legislative Council.

5. *Resolved*,—That for the better working of Constitutional Government, the Crown ought to have power to dissolve both Houses of Parliament, or either of them; but that as respects the Legislative Council, such power ought not to be exercised except in the event of the rejection by the said Legislative Council in two successive Sessions, and at least at six months interval, of a measure which shall have passed the Legislative Assembly in the same two successive Sessions, nor unless the said measure shall have passed the Legislative Assembly in the second Session by the vote of an absolute majority of the Members of the said Legislative Assembly; the Parliament convened after a dissolution of either House, or of both, being reckoned as a new Parliament.

6. *Resolved*,—That Members of the Legislative Council ought to have power to vacate their seats, either in vacation or during the sitting of Parliament; but that no Member of either House, while being so, ought to be a Candidate for election to the other House.

7. *Resolved*,—That under the proposed change in the Constitution of the Legislative Council, it is inexpedient that any pecuniary qualification should be retained for being eligible to the Legislative Assembly.

8. *Resolved*,—That the Legislative Council so constituted ought to possess the exclusive power of adjudicating upon all Impeachments preferred by the Legislative Assembly against high Public Functionaries; and that in all other respects the peculiar powers and privileges now possessed and exercised by each of the two Houses of Parliament, should be maintained inviolate, in so far as they may not be repugnant to the foregoing Resolutions.

9. *Resolved*,—That when any Member of the Legislative Council shall accept any office, the holding of which would disqualify him from a seat in the Legislative Assembly, he shall vacate his seat; and when he accepts any office, the holding of which would cause him to return to the people for re-election if he held a seat in the Legislative Assembly, he shall only hold such seat with such office after being re-elected.

Hon. Mr. *Morin* moved, and the Question being proposed, That the said Resolutions be now read a second time;

Mr. *Laurin* moved an amendment, That the said Resolutions be recommitted to a Committee of the whole House, for the purpose of leaving out the 2nd, 3rd, 4th, 5th, and 7th, and substituting the following:—

1. That the only qualification required in order to be elected a Member of the Legislative Council or of the Legislative Assembly, ought to be the confidence of the People of this Province, subject to the restrictions imposed by the Act of Union only, with reference to the age of the Candidate, and to his situation as a subject of Her Majesty, born or naturalized.

2. That the Members of the Legislative Council ought to be elected for the same period as the Members of the Legislative Assembly; that, consequently, the Legislative Council of this Province ought to last four years from the date of the return of the Writs issued for the Election of the Members thereof, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor General, as he may be advised.

3. That in order to attain the object in question, each Section of this Province ought to be divided into twenty territorial divisions, containing each as approximately as possible an equal number of inhabitants, and that it should be lawful for the persons qualified to vote at the Elections of Members of the Legislative Assembly, in each division, to elect a person qualified in the manner above mentioned, as a Member of the Legislative Council;

Yeas:

Messrs. Dubord, Fortier, Jobin, Laurin, Lemieux, Marchildon, and Valois,—7.

Nays:

Messrs. Badgley, Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Crawford, Dixon, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Lacoste, Langton, LaTerrière, McDonald of Cornwall, Mackenzie, Malloch, Mattice, McLachlin, Mongenais, Morin, Murney, Patrick, Polette, Attorney General Richards, Robinson, Rolph, Rose, Sanborn, Shaw, Sherwood, Sicotte, Smith of Durham, Stevenson, Street, Taché, Terrill, Turcotte, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—51.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Brown* moved in amendment, That the system of Government which obtains in the Mother Country and has been introduced into this Province, rests mainly for its safety and efficiency on the facility with which the Ministry of the day can be made amenable to public opinion for their conduct, and removed from office upon Address to the Crown from the representatives of the people: That the House of Assembly, under the existing Constitutional system of Canada, is the admitted exponent of public opinion, and is in a position to exercise a prompt and effective check over the administration of public affairs: That a second Legislative Chamber, elected by popular vote, would speak equally with the House of Assemby the wishes of the people, and would be equally entitled to express them to the Crown: That the rapid changes which experience has shown continually to take place in public sentiment, the difference in the electoral divisions for which the Members of the two Chambers respectively would sit, and the different terms for which they would be elected, leave no reason to doubt that the political views of the majority of the Lower House would frequently be in direct opposition to those of the majority of the Upper House: That when such variance of opinion occurred in the political views of the majorities of the two Chambers, an Address of want of confidence from one House might be met by a vote of confidence from the other House, and the Executive would be left practically uncontrolled: That when such variance in the opinion of the two branches occurred, the responsibility of the Ministry of the day—for the right conduct of all public affairs, Legislative and Execu-

tive, so absolutely essential under the British Constitutional system—would cease, for the time being, as no party Administration could, while such variance existed, command a majority in both bodies, and the measures deemed necessary by Government could only become law by the consent of its political opponents:

That two elective Chambers are utterly incompatible with British Responsible Government on the British system, and that the great power entrusted under that system to the Ministry of the day, could not be safely continued under the relaxed restraint which two elective houses would entail:

That no urgent necessity calls for a change of the constitution of the Legislative Council—that no practical evil exists which such a change would remove—and that there is no practical end now sought to be attained and found unattainable, which such a change would render attainable:

That in consideration of the foregoing, and in view of the rapid, social, and material progress of the Country, which cannot fail to affect the working of any political system, it is not expedient to make any change at present in the organization of the Legislative Council, but it is advisable that means should be taken forthwith to render that Body more efficient under its existing constitution.

Yeas:

Messrs. Badgley, Brown, Burnham, Cauchon, Christie of Gaspè, Dixon, La Terrière, Lyon, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Stevenson, and Street,—17.

Nays:

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Crawford, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Seymour, Shaw, Sherwood, Sicotte, Smith of Frontenac, Stuart, Tache, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—50.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Brown* moved in amendment, That two elective Legislative Chambers are utterly incompatible with British Responsible Government; that the great power committed under that system to the Ministry of the day could not be safely continued with two elective Houses, and would render necessary the imposition of checks on the power of the Executive known to other constitutional systems, but totally inconsistent with British party government; and that in view of the declaration of the majority of this House that some change in the existing constitutional system of this Province ought to be made, it is expedient that the Legislative Council should be abolished;

Yeas:

Messrs. Brown, Cauchon, Jobin, Lyon, Marchildon, McDougall, Murney, Stevenson, and Willson,—9.

Nays:

Messrs. Badgley, Burnham, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Crawford, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Lacoste, Langton, La Terrière, Laurin, Lemieux, Mc Donald of Cornwall, Mackenzie, Malloch, Mattice, Mc Lachlin, Mongenais, Morin, Patrick, Polette, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sherwood, Sicotte, Smith of Frontenac, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Wright of West Riding of York,—58.

And the Question being again proposed, That the said Resolutions be now read a second time:

Mr. *Brown* moved in amendment, That the extensive powers entrusted to the Executive under the system of Government which has obtained in this Province since 1841, cannot be safely continued when "the well understood wishes of the People" shall be expressed by two separate Houses, elected by popular vote of different constituencies and for different terms; and that it is expedient to provide for restraining the powers of the Executive simultaneously with the creation of two elective Houses,—and the same was negatived upon a division.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Brown* moved in amendment, That the said Resolutions be recommitted to a Committee of the whole House, to amend the same, by providing that the electoral divisions into which the Province is to be divided, with a view to representation in the Legislative Council

shall be based upon population without regard to a separating line between Upper and Lower Canada;

Yeas:

Messrs. Brown, Burnham, Fergusson, Gamble, Mackenzie, Malloch, Marchildon, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Street, Willson, and Wright of West Riding of York,—15.

Nays:

Messrs. Badgley, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dubord, Dumoulin, Egan, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, Mc Donald of Cornwall, Mattice, Mc Dougall, Mc Lachlin, Mongenais, Morin, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Sherwood, Sicotte, Stevenson, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, and Wright of East Riding of York,—49.

And the Questions being again proposed, That the said Resolutions be now read a second time:

Hon. Mr. *Sherwood* moved in Amendment, That the Constitution of the Legislative Council is inconsistent with the harmonious and efficient working of the Government and the useful influence it was intended to possess as a Legislative Body. That with a majority created by the Government of the day for securing party measures, it is for most essential purposes but its subservient instrument. That the same majority, upon a change of Parties would make it an obstructive body, opposed to the administration for the time being and the wishes of the people as expressed by their Representatives in Parliament. That the most effectual remedy, therefore, is to be found in the election of that Chamber by the people for a limited period—the Members going out by sections periodically. That thus this body would then be brought nearer to the feelings and would more perfectly reflect the opinions of the country; while the periodical elections would enable the people to correct the inconveniences that occasionally may arise from its composition by an infusion of new Members:

Yeas:

Messrs. Burnham, Gamble, Marchildon, Prince, Seymour, Sherwood, Smith of Frontenac, Willson, and Wright of East Riding of York,—9.

Nays:

Messrs. Badgley, Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, Mc Donald of Cornwall, Mackenzie, Malloch, Mattice, Mc Dougall, Mc Lachlin, Mongenais, Morin, Murney, Patrick, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, and Wright of West Riding of York,—56.

And the Questions being again proposed, That the said Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved in amendment, That the Members of the Legislative Council shall be elected by such of the Electors, owners of a freehold or other estate, as are now qualified to vote at the election of the Members of the Legislative Assembly, the rents, issues, and profits of whose estates respectively shall amount to £10 currency per annum, over and above all incumbrances, and the Electors in Cities and Towns, who are tenants of dwelling houses and who shall respectively pay £30 currency, rent, per annum, on the same conditions and subject to the same restrictions as regards their occupancy and holding as are now provided by law for such class of persons and shall consist of sixty Members, and the Governor shall, by Proclamation, within three calendar months after any Act passed to make the change proposed, divide Upper and Lower Canada respectively into thirty electoral divisions, of as nearly an equal extent as may be found practicable, and to contain as nearly as possible an equal amount of population; and to subdivide each of the same into Wards, in each of which Wards a Poll shall be held at every such election; and each of the said electoral divisions shall elect one Member to the said Legislative Council: but such electoral divisions may be altered by the Legislature of the Province; and the said Governor shall within a reasonable time after such Proclamation is made, issue his writ for an election in each territorial division, and so from time to time at any future General Election or at any election or elections to fill vacancies until otherwise provided for by the Legislature.

Yeas:

Messrs. Burnham, Crawford, Prince, Sherwood, and Smith of Frontenac,—5.

Nays:

Messrs. Badgley, Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond,

Dubord, Dumoulin, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Lacoste, Langton, LaTerrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Malloch, Mattice, McDougall, McLachlin, Mongenais, Morin, Murney, Patrick, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—57.

And the Question being again proposed, That the said Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved in amendment, That the said Legislative Council shall, immediately upon assembling together after its first election, be divided by lot into three classes, consisting of 20 Members each; and the seats of the first class shall be vacated at the end of the *second* year from the date of the issuing of the writs for the first election; the seats of the second class at the end of the *fourth* year, and the seats of the third class at the end of the *sixth* year from the said date; and all Members elected to fill the seats so vacated shall hold their seats for the term of *six* years; but whenever a casual vacancy occurs in the Legislative Council, the person elected to fill the same shall hold his seat for such period only as the Member in whose stead he is elected would have held his seat.

Yeas:

Messrs. Crawford, Prince, Sherwood, and Smith of Frontenac,—4.

Nays:

Messrs. Badgley, Brown, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dubord, Dumoulin, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Lacoste, Langton, LaTerriere, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Malloch, Mattice, McDougall, McLachlin, Mongenais, Morin, Murney, Patrick, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—58.

And the Question being again proposed, That the said Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved an amendment, That the Legislative Council shall be the Judge of the elections and qualifications of its own Members, and may compel the attendance of absent Members, and may, with the concurrence of two thirds of their whole number, expel a Member;—and the same was negatived, upon the same division, as the last preceding amendment;

And the Question being again proposed, That the Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved an amendment, That no Member of the Legislative Council shall take his seat or vote until he has, in the presence of the Governor, or of some person authorized by him, taken an oath or affirmation of allegiance and fidelity to the British Crown;—and the same was negatived upon the same division as the two last preceding amendments.

And the Question being again proposed, That the Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved in amendment, That no person shall be Member of the Legislative Council, unless he is of the age of thirty years, a natural born or naturalized subject of Her Majesty, and is the proprietor of real estate within this Province, of the value of One thousand pounds, or of the yearly value of Two hundred Pounds, over and above all charges thereon;

Yeas:

Messrs. Burnham, Cauchon, Crawford, Mattice, Murney, Sherwood, Smith of Frontenac, Street, Willson, and Wright of West Riding of York,—10.

Nays:

Messrs. Badgley, Brown, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, LaTerrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, McDougall, McLachlin, Mongenais, Morin, Patrick, Polette, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Sanborn, Shaw, Sicotte, Stevenson, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, and Wright of East Riding of York,—51.

And the question being again proposed, That the Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved in amendment, That the Legislative Council when made elective, may choose its own Speaker, and determine the rules of its own proceedings.

Yeas:

Messrs. Badgley, Brown, Burnham, Cauchon, Crawford, Dubord, Fergusson, Gamble, Langton, McDonald of Cornwall, Mackenzie, Malloch, Marchildon, Mattice, Murney, Patrick, Prince, Ridout, Robinson, Rose, Seymour, Shaw, Sherwood, Smith of Frontenac, Stevenson, Street, Terrill, Tessier, Willson, and Wright of West Riding of York,—30.

Nays:

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dumoulin, Egan, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Laurin, Lemieux, McDougall, McLachlin, Mongenais, Morin, Polette, Poulin, Attorney General Richards, Rolph, Sanborn, Sicotte, Stuart, Taché, Turcotte, Valois, Varin, White, and Wright of East Riding of York,—35.

And the question being again proposed, That the Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved in amendment, That when the Legislative Council shall be made elective, it shall be provided that there shall be a meeting of the Provincial Parliament on the first Monday of February in each year, which shall continue its sittings until prorogued by the Governor;

Yeas.

Messrs. Badgley, Brown, Dubord, Gamble, Murney, Prince, Sanborn, Sherwood, and Smith of Frontenac,—9.

Nays:

Messrs. Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Crawford, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Malloch, Mattice, McDougall, McLachlin, Mongenais, Morin, Patrick, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, and Wright of West Riding of York,—53.

And the Question being again proposed, That the Resolutions be now read a second time;

Mr. *Brown* moved in amendment, That the said Resolutions be recommitted to a Committee of the whole House to amend the same, by providing that the Members of the Legislative Assembly shall be chosen for two years, and the Members of the Legislative Council for four years; one half of the said Councillors to retire every second year,—and the same was negatived upon a division.

The Main Question was then agreed to; and the first Resolution being read a second time, was agreed to upon the following division:—

Yeas:

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Crawford, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Seymour, Shaw, Sherwood, Sicotte, Smith of Frontenac, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding, York, and Wright of West Riding, York,—51.

Nays:

Messrs. Badgley, Brown, Burnham, Cauchon, Christie of Gaspé, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Stevenson, Street,—14.

The second Resolution being read a second time;

Hon. Mr. *Morin* moved in amendment, That after the word "divisions" in the second line of the said Resolution, the words "to be hereafter defined by the Provincial Parliament, and" be inserted,—which was agreed to upon a division.

The second Resolution, so amended, was then agreed to upon the following division:—

Yeas:

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Crawford, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Shaw, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Wright of West Riding of York,—46.

Nays:

Messrs. Badgley, Brown, Burnham, Cauchon, Christie of Gaspé, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Sherwood, Smith of Frontenac, Stevenson, Street, Stuart, and Wilson,—18.

The third Resolution, being read a second time, was agreed to upon the following division:—

Yeas:

Messrs. Burnham, Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Lacoste, Langton, McDonald of Cornwall, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Shaw, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin White, Wright of East Riding of York, and Wright of West Riding of York,—40.

Nays:

Messrs. Badgley, Brown, Cartier, Cauchon, Christie of Gaspé, Crawford, Dubord, Jobin, Laurin, Lemieux, Mackenzie, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Sherwood, Smith of Frontenac, Stevenson, Street, Stuart, and Wilson,—24.

The fourth Resolution being read a second time;

Mr. *Cartier* moved in amendment, that the words "who shall have been at any time "previous to such Election, Members of either of the Legislative Councils of Upper or "Lower Canada, or of the Legislative Council of this Province, or Members of either of "the Legislative Assemblies of Upper or Lower Canada, or of the Legislative Assembly of "this Province; and also all subjects of Her Majesty as aforesaid, qualified as above as to "age and residence" in the said Resolution, be left out:

Yeas:

Messrs. Burnham, Cartier, Crawford, Lacoste, Malloch, Mattice, Murney, Ridout, Robinson, Sherwood, Sicotte, Smith of Frontenac, Street, Terrill, Tessier, Willson, and Wright of West Riding of York,—17.

Nays:

Messrs. Badgley, Brown, Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, McDougall, McLachlin, Mongenais, Morin, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Shaw, Stevenson, Stuart, Taché, Turcotte, Valois, Varin, White, and Wright of East Riding of York,—44.

The fourth Resolution was then agreed to, upon the following division:—

Yeas:

Messrs. Cameron, Chabot, Solicitor General Chauveau, Christie of Wentworth, Attorney General Drummond, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Lacoste, Langton, McDonald of Cornwall, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Shaw, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, and Wright of East Riding of York,—36.

Nays:

Messrs. Badgley, Brown, Burnham, Cauchon, Chapais, Christie, of Gaspé, Crawford, Dubord, Jobin, Laurin, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Sherwood, Smith of Frontenac, Stevenson, Street, Stuart, Willson, and Wright of West Riding of York,—24.

The fifth Resolution being read a second time, was agreed to upon the following division:—

Yeas:

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Crawford, Drummond, Dumoulin, Egan, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Prince, Attorney General Richards, Rolph, Rose, Shaw, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding, York,—42.

Nays:

Messrs. Badgley, Brown, Burnham. Cauchon, Christie of Gaspe, Fergusson, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Sanborn, Sherwood, Smith of Frontenac, Stevenson, Street, and Stuart,—19.

The sixth Resolution being read a second time, was agreed to.

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Appendix.

The seventh Resolution being read a second time, was agreed to upon the following division:—

Yeas:

Messrs. Badgley, Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Attorney General Drummond, Dumoulin. Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, McLachlin, Mongenais, Morin, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Taché, Turcotte, Valois, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—35.

Nays:

Messrs. Brown, Burnham, Cartier, Cauchon, Christie of Gaspé, Crawford, Dubord, Lacoste, Malloch, Marchildon, Mattice, McDougall, Murney, Patrick, Polette, Ridout, Robinson, Shaw, Sherwood, Sicotte, Smith of Frontenac, Stevenson, Street, Stuart, Terrill, Tessier, and Varin,—27.

The eighth Resolution being read a second time, was agreed to upon the following division:—

Yeas:

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—44.

Nays:

Messrs. Badgley, Brown, Burnham, Cauchon, Christie of Gaspé, Crawford, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Shaw, Sherwood, Smith of Frontenac, Stevenson, Street, and Stuart,—19.

The ninth Resolution, being read a second time, was agreed to.

On motion of the Hon. Mr. *Morin*, a Select Committee of seven Members was appointed to prepare and report the draught of an Address to Her Majesty, upon the said Resolutions.

The remaining Orders of the Day were postponed till to-morrow.

And the House adjourned.

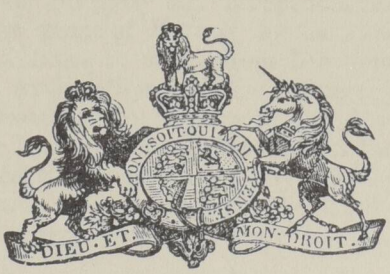
CANADA.

PAPERS

RELATIVE TO

LEGISLATIVE PROCEEDINGS IN CANADA.

Presented to both Houses of Parliament by Command of Her Majesty,
July 1854.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1854.

SCHEDULE.

Date and Number.	SUBJECT.	Page.
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June 22, 1854 (12.) -	Transmitting Speech on proroguing the provincial Parliament, with reasons for the resolution for giving occasion for the delivery of the same - - - - -	5
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PAPERS

RELATIVE TO

LEGISLATIVE PROCEEDINGS IN CANADA.

No. 1.

Copy of a DESPATCH from Governor General the Earl of Elgin and Kincardine to the Duke of Newcastle.

(No. 5.) Government House, Quebec, June 15, 1854.

My Lord Duke, (Received July 3, 1854.)

I have the honour to transmit herewith a copy of the speech with which I opened the session of the Provincial Legislature on the 13th instant, together with a copy of the address in reply presented to me by the Legislative Council, and of my answer thereto.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

The Duke of Newcastle,
&c. &c. &c.

Enclosure 1 in No. 1. Encl. 1 in No. 1.

Honourable Gentlemen of the Legislative Council,
Gentlemen of the Legislative Assembly,

During the recess the province has sustained, I regret to say, serious loss by fire in the destruction of the Houses of Parliament, and of the building which was subsequently secured for the temporary occupation of the Legislature. The best arrangements practicable under the circumstances have been made for your accommodation.

Her Majesty the Queen, our most Gracious Sovereign, having failed in her anxious and protracted endeavours to preserve for her people the blessings of peace, has felt herself called upon, by regard for an ally, the integrity and independence of whose empire have been recognized as essential to the peace of Europe, by the sympathies of her people, with right against wrong, and by a desire to avert from her dominions most injurious consequences, to take up arms in conjunction with the Emperor of the French, for the defence of the Sultan. The manifestations of loyalty to the Sovereign and sympathy with the parent state, which have been so general throughout the province at this conjuncture, will, I am confident be heartily responded to by the Legislature. The cordial co-operation of England and France in this war is well calculated to call forth the sympathies of the inhabitants of a country peopled mainly by the descendants of those two powerful empires.

Having during my recent visit to England been honoured by the Queen's command to endeavour to effect the settlement of various important questions bearing upon the interests of the British North American Provinces, which had been long pending between the Governments of Great Britain and the United States, I proceeded to Washington, where after frank discussion with the authorities of the United States, I was enabled to conclude a treaty which now awaits ratification upon terms which it is my firm conviction will prove in the highest degree advantageous to the colonies generally, as well as to the United States ; a measure to give effect to that treaty will be submitted for your approval.

I will communicate to you a Despatch which I have received from the Secretary of State for the Colonies, with reference to the addresses to the Queen from the two houses

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of the Legislature, on the subject of the constitution of the Legislative Council, transmitted by me at the close of the last session of the Provincial Parliament, in order that they might be laid at the foot of the throne.

I recommend to your consideration the passing of a law for bringing into early operation the Act of last session which extends the elective franchise, in order that constitutional expression of opinion may be obtained as speedily as possible under the system of representation recently established, on the various important questions on which legislation is required.

Gentlemen of the Legislative Assembly,

The public accounts for the past year, and the estimates for the present year, will be submitted to you without delay, and I rely with confidence on your willingness to make the necessary provision for the exigencies of the Government.

The prosperous condition of the revenue may suggest to you the propriety of making such reductions in the tariff as may be compatible with security to the public creditor, and efficiency in the public service.

Honourable Gentlemen and Gentlemen,

During my sojourn in England I was much struck by the proofs which I received from all quarters of increasing interest in Canadian affairs, and I trust that my acquaintance with the province, derived from long residence within it, may have enabled me to render some service, in spreading more widely a knowledge of its resources, and of the feelings of the inhabitants.

Although a state of warfare has a necessary tendency to restrict operations, involving large expenditures of capital, I feel confident that the credit of Canada has attained a position in English opinion which it never before achieved, and that to enable you to retain it nothing is required but prudence in your undertakings, and the maintenance of the high character for fidelity to pecuniary engagements which the province has at all times borne.

Encl. 2 in No. 1.

Enclosure 2 in 1.

To his Excellency the Right Hon. James Earl of Elgin and Kincardine, Knight of the most Ancient and most Noble Order of the Thistle, 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, &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Canada in Provincial Parliament assembled, respectfully thank your Excellency for your gracious speech from the throne at the opening of the present session.

We regret the serious loss which the province has sustained during the recess in the destruction by fire of the Houses of Parliament, and of the building which was subsequently secured for the temporary occupation of the Legislature; and we feel satisfied that the best arrangements practicable under the circumstances have been made for our accommodation.

We assure your Excellency that we do heartily respond to the manifestations of loyalty to our Sovereign and sympathy with the parent state, which have been so general throughout the province at this conjuncture, when Her most Gracious Majesty the Queen, having failed in her anxious and protracted endeavours to preserve for her people the blessings of peace, has felt herself called upon by regard for an ally, the integrity and independence of whose empire have been recognized as essential to the peace of Europe by the sympathies of her people, with right against wrong, and from a desire to avert from her dominions most injurious consequences, to take up arms in conjunction with the Emperor of the French for the defence of the Sultan; and we agree with your Excellency in thinking that the cordial co-operation of England and France in this war is well calculated to call forth the sympathies of the inhabitants of a country peopled, mainly, by the descendants of those two powerful empires.

We learn with pleasure that your Excellency was honoured during your recent visit to England by the Queen's commands to endeavour to effect the settlement of various important questions bearing upon the interests of the British North American Provinces, which had been long pending between the Government of Great Britain and the United States, and that your Excellency accordingly proceeded to Washington, where, after frank discussion with the authorities of the United States, you were enabled to conclude a treaty which now awaits ratification, upon terms which it is your Excellency's firm conviction will prove in the highest degree advantageous to the colonies generally, as well as to the United States. We beg leave to assure your Excellency that any measure to give effect to that treaty, which may be submitted for our approval, will receive our attentive consideration.

Our respectful attention will also be given to the communication by your Excellency of the Despatch which you have received from the Secretary of State for the Colonies, with reference to the addresses to the Queen from the two houses of the Legislature on the subject of the constitution of the Legislative Council, transmitted by your Excellency at the close of the last session of the provincial Parliament, in order that they might be laid at the foot of the throne.

We will also carefully consider the propriety of passing a law for bringing into early operation the Act of last session which extends the elective franchise, in order that a constitutional expression of opinion may be obtained as speedily as possible under the system of representation recently established on the various important questions on which legislation is required.

We learn with satisfaction that your Excellency during your sojourn in England received from all quarters striking proofs of increasing interest in Canadian affairs; and we have no doubt your Excellency's acquaintance with the province, derived from long residence within it, enabled your Excellency to render service in spreading more widely a knowledge of its resources and of the feelings of its inhabitants.

Although a state of warfare has a necessary tendency to restrict operations involving large expenditures of capital, we agree with your Excellency in feeling confidant that the credit of Canada has attained a position in English opinion which it never before achieved, and that to enable us to retain it nothing is requisite but prudence in our undertakings, and the maintenance of the high character for fidelity to pecuniary engagements which the province has at all times borne.

Legislative Council, Wednesday, June 14, 1854.

Resolved,—That the said address be presented to his Excellency the Governor General by the whole house.

Ordered,—That such members of the Executive Council as are members of this house do wait on his Excellency the Governor General humbly to know what time his Excellency will be pleased to appoint to be attended with the said address.

(Attest) J. F. TAYLOR,
Clerk of Legislative Council.

Enclosure 3 in No. 1. Encl. 3 in No. 1.

Honourable Gentlemen,

I THANK you for your loyal address, and I rely on your support in all measures calculated to secure and advance the prosperity of the province.

No. 2. No. 2.

COPY of a DESPATCH from Governor General the Earl of ELGIN AND KINCARDINE to the Duke of NEWCASTLE.

(No. 12.)

Government House, Quebec, June 22, 1854.

MY LORD DUKE, (Received July 10, 1854.)

I HAVE the honour to enclose herewith the copy of a speech which I delivered from the throne this day in proroguing the Parliament of the province, and I beg at the same time to solicit your Grace's attention while I state as succinctly as I can the grounds on which I formed the resolution which has given occasion for the delivery of this speech.

2. It may probably be in your Grace's recollection, that during the course of the last session of the Provincial Parliament, two Acts were passed which had for their object to effect very material changes in the constitution of the popular branch of the Provincial Legislature. The former of these Acts raised the number of parliamentary representatives from 84 to 130: this addition to the House of Assembly being so effected as to equalize to a greater extent than is now the case population and representation. By the terms of the Constitutional Act, an Act of this nature could not become law unless it received in each branch of the Legislature, on the second and third readings, the support of at least two thirds of the members. In the passage of this Act through the Provincial Parliament these conditions were complied with, and having received a notification of this fact by address in the mode prescribed by the Constitutional Act, I assented to it in Her Majesty's name on the 14th June 1853.

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3. The second of the Acts to which I have referred was entitled " An Act " to extend the Elective Franchise, and better to define the Qualifications of " Voters in certain Electoral Divisions, by providing a System for the regis- " tration of Voters," and the intentions of the Act, as stated in the title, were duly carried out in its provisions.

4. While these proceedings were taking place in the Provincial Parliament, the Imperial Parliament passed an Act repealing the Imperial Statute which had regulated, since the year 1840, the distribution of the fund commonly known as the Clergy Reserve Fund of Canada, and leaving the future application of this fund, as a matter of local concern, to the determination of the local Legislature. This important statute having been duly sanctioned by Her Majesty, reached me shortly before the prorogation of the Provincial Parliament.

5. The course which the Provincial Government ought to take at this conjuncture, whether in reference to the measures of constitutional change which had been enacted by the local Parliament, or to the Act respecting the Clergy Reserves which the Imperial Legislature had passed, became necessarily at an early period of the recess the subject of deliberation in the Provincial Cabinet. Some members of this body were strongly pledged to the secularization of the reserves, and it was believed that a proposal to carry out a measure of this description would be supported by a majority in the existing Assembly. After full consideration and discussion, however, my Executive Council arrived unanimously at the conclusion, that apart altogether from the merits of secularization, it would not be consistent with their duty to undertake to legislate upon this subject in the Parliament as then constituted. The Clergy Reserve question was one on which it was notorious that the public mind, in Upper Canada more especially, was much divided, and the imperial statute on the subject had been repealed for the express purpose of facilitating a settlement which should be final and in accordance with the deliberate views and convictions of the people of the province. To attempt, therefore, to settle such a question in a Parliament which had been already declared by its own vote to be an imperfect representation of the people, and by the exercise of what might be deemed the influence of the Government, was a course of proceeding obviously open to serious objection. In these views of the Executive Council I entirely concurred.

6. An immediate dissolution of Parliament was apparently the readiest mode of escape from the perplexities to which I have referred. But here again a difficulty presented itself. In order to give time for the completion of the system of registration which formed part of the measure, the first day of January 1855 had been fixed as the period at which the Act for extending the franchise should come into operation. To give it effect at an earlier time, further legislation was required. It was therefore finally resolved by the Government that the then subsisting Parliament should be allowed to meet again for the purpose of legislating on this and other necessary matters, prepatory to a dissolution, after which the opinion of the Legislature, as constituted under the extended Representation and Franchise Acts, might be taken on those important questions, the settlement of which was anxiously desired by the people of the province.

7. In accordance with this determination, in my speech from the throne which I transmitted to your Grace by the last mail, with my Despatch No. 5 of the 15th instant, I recommended the passing of a law for bringing into early operation the Act of the preceding session which had extended the elective franchise, in order that a constitutional expression of opinion might be obtained as speedily as possible under the system of representation recently established, on the various important questions on which legislation was required, and I invited legislation in the then existing Parliament on two other subjects only; the one of these subjects being the Reciprocity Treaty, to give effect to which it was desirable that an Act of the Provincial Parliament should be passed without delay, and the other the Tariff, in which the prosperous condition of the revenue justified certain reductions.

8. The first amendment to the address was moved by the Honourable Mr. Sherwood, a leading member of the conservative party, who objected to the late period at which the Parliament had been convened. The explanations on this head, however, were deemed sufficient by the majority of the Assembly, and this amendment was accordingly rejected by 40 votes to 29.

Mr. Cauchon, a French Canadian member, then moved, that at the end of the fourth paragraph of the address in answer to the speech delivered at the opening of the session, the following words should be inserted:—" That this House sees " with regret that his Excellency's government do not intend to submit to the " Legislature during the present session a Bill for the immediate settlement of " the seignorial question;" to which amendment, Mr. Hartman, an Upper Canadian member, of the liberal party, moved as an amendment, to leave out all the words after " House," and add the following instead thereof:—" regret that " his Excellency has not been advised to recommend during the present session " a measure for the secularization of the clergy reserves, and also a measure for " the abolition of the seignorial tenure." The ministerial and conservative parties concurred in opposing this motion, which was accordingly defeated by a majority of 54 votes to 16. Mr. Sicotte, another French Canadian member, then moved that the words, " or one for the immediate settlement of the clergy " reserves," should be added to the end of Mr. Cauchon's amendment, and this motion was carried by 42 votes against 29; the conservative members availing themselves of the ambiguity of the word " settlement," to join the party who were censuring the administration for not having introduced during the then session a Bill for secularizing the clergy reserves.

9. It will be obvious to your Grace, from the above statement of facts, that a most embarrassing situation was created by this vote. It pledged the then subsisting Parliament to settle the question of the clergy reserves, and it was carried by a combination of parties holding opposite views with respect to the terms on which the settlement should be effected. It was my decided opinion that no measure on this subject short of a measure of entire secularization could possibly have been carried through that House of Assembly, with the prospect, more especially, of an immediate dissolution hanging over the heads of its members. Against a measure of secularization carried under such circumstances the friends of religious endowments would, I conceived, have had good cause to complain. But if, on the other hand, out of the heterogeneous elements of which the majority was composed, I had been able to form a conservative administration, and with the aid of that administration to pass a measure for perpetuating the endowment, I felt confident that in place of settling this vexed question, I should by so doing only have given the signal for renewed and more violent agitation. The advocates of secularization would never have admitted the permanency of a settlement effected by a Parliament so peculiarly circumstanced, and the ministerial party might reasonably have been expected to assert in opposition the views on this subject for which they had incurred the sacrifice of office. Moreover, the position of the House of Assembly itself, in reference to the point which had been raised, was an anomalous one. On the issue whether or not it was seemly that a certain class of questions should be dealt with before the dissolution, which would bring into operation a more perfect system of popular representation, that body might be said to be a party to the suit. Its verdict, therefore, in the particular case, could hardly be held to carry with it the authority which, under ordinary circumstances, would attach to the decision of the popular branch of the Legislature. It is further to be observed, that the Legislative Council, by the terms of their address in reply to the speech from the throne which I transmitted in my Despatch No. 5, of the 15th instant, had virtually expressed their approval of the policy adopted by the administration.

10. Under these circumstances, when the members of the Executive Council informed me that they were prepared to ask the judgment of the country on the policy of the postponement of the clergy reserve and seignorial tenure questions which they had adopted with my full approval and sanction, I did not think that I should be justified in refusing to act on the advice tendered by them, and to dissolve Parliament for this purpose; and having obtained from the law officers of the Crown a joint opinion in favour of the legality of the course recommended to me, I summoned the House of Assembly to the Council Chamber in the usual manner, and delivered the speech, of which the copy is herewith enclosed.

I have, &c.

The Duke of Newcastle, &c. &c. &c.

(Signed) ELGIN AND KINCARDINE.

Encl. in No. 2.

Enclosure in No. 2.

HONOURABLE GENTLEMEN of the Legislative Council.

Gentlemen of the Legislative Assembly,

WHEN I meet you at the commencement of the present session, I expressed the hope that you would proceed without delay to pass such a law in reference to the period appointed for introducing the amended franchise, as would have enabled me to bring at once into operation those important measures affecting the representation of the people in Parliament, which were adopted by you with such singular unanimity last session. Having been disappointed in this expectation, I still consider that it is due to the people of the province, and most respectful to the decision of the Legislature, that I should take such steps as are in my power to give effect to the law by which the Parliamentary representation of the people is augmented, before calling the attention of Parliament to questions on which the public mind has been long agitated, and the settlement of which it is most desirable to effect in such a manner as will be most likely to secure for it the confidence of the people.

I have come, therefore, to meet you on the present occasion for the purpose of proroguing this Parliament with a view to an immediate dissolution.

No. 3.

No. 3.

Copy of a DESPATCH from Governor General the Earl of ELGIN AND KINCARDINE to the Duke of NEWCASTLE.

(No. 13.)

Government House, Quebec, June 24, 1854.

MY LORD DUKE, (Received July 10, 1854.)

WITH reference to my Despatch, No. 12, of the 22nd instant, I have the honour to enclose herewith a number of the official gazette of the province, containing copies of proclamations, dissolving the provincial Parliament, directing the immediate issue of writs for summoning a new Parliament, and requiring the same to meet on Thursday, the 10th day of August next.

I have &c.

The Duke of Newcastle, &c. &c. &c.

(Signed) ELGIN AND KINCARDINE.

Encl. in No. 3.

Enclosure in No. 3.

(Extract from the *Canada Gazette*, dated Quebec, Saturday, June 24, 1854.)

PROVINCE of CANADA.

Legislative Chambers, Quebec, June 22, 1854.

THIS day, at three o'clock, p.m., his Excellency the Governor General proceeded in state to the chamber of the Legislative Council. The members of the Legislative Council being assembled, his Excellency commanded the attendance of the Legislative Assembly, and that House being present, his Excellency was pleased to deliver the following speech.

[As printed above.]

PROCLAMATIONS.—Province of Canada.

ELGIN and KINCARDINE.

[L. S.]

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

To our beloved and faithful the Legislative Councillors of the Province of Canada, and the Knights, Citizens, and Burgesses elected to serve in the Legislative Assembly of our said province, and to all whom it may concern,—Greeting:

A PROCLAMATION.

WHEREAS we have thought fit, by and with the advice and consent of our Executive Council of our province of Canada, to dissolve the present provincial Parliament of our said province, which stands prorogued to the twenty-ninth day of July next. Now Know Ye, that we do for that end publish this our royal proclamation, and do hereby dissolve the said provincial Parliament accordingly; and the legislative councillors, and the

knights, citizens, and burgesses of the Legislative Assembly are discharged from their meeting and attendance on the said twenty-ninth day of July next.

In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said province to be hereunto affixed: Witness, our right trusty and right well-beloved James, Earl of Elgin and Kincardine, Knight of the most ancient and most noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over our provinces of Canada, Nova Scotia, New Brunswick, and the island of Prince Edward, and Vice Admiral of the same, &c. &c. &c. At our Government House, at our City of Quebec, in our said province, this twenty-third day of June, in the year of our Lord, one thousand eight hundred and fifty-four, and in the eighteenth year of our reign.

By command,
FELIX FORTIER, C. C. Chy.

Province of Canada.

ELGIN and KINCARDINE.

[L S.]

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

To all to whom these presents shall come,—Greeting:

A PROCLAMATION.

WHEREAS we are desirous and resolved, as soon as may be, to meet our people of our province of Canada, and to have their advice in provincial parliament; we do make known our royal will and pleasure to call a provincial parliament, and do further declare that by the advice of our Executive Council, we have this day given orders for issuing our writs in due form, for calling a provincial parliament in our said province, which writs are to bear date on this twenty-third day of June, and to be returnable on the tenth day of August next, except however, the writs for the counties of Saguenay and Gaspé, and for the united counties of Chicoutimi and Tadoussac, which writs will be returnable on the first day of September next.

IN testimony whereof, We have caused these our letters to be made patent, and the great seal of our said province of Canada to be hereunto affixed: Witness, our right trusty and right well beloved cousin James, Earl of Elgin and Kincardine, knight of the most ancient and most noble order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over our provinces of Canada, Nova Scotia, New Brunswick, and the island of Prince Edward, and Vice Admiral of the same, &c. &c. &c. At our government house, in our city of Quebec, in our said province, this twenty-third day of June, in the year of our Lord, one thousand eight hundred and fifty-four, and in the eighteenth year of our reign.

By command,
FELIX FORTIER, C.C. Cy.

Province of Canada.

ELGIN and KINCARDINE.

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

To all to whom these presents shall come—Greeting.

A PROCLAMATION.

KNOW ye, that we being desirous and resolved, as soon as may be, to meet our people of our province of Canada, and to have their advice in Provincial Parliament, do hereby, by and with the advice of our Executive Council of our said province, summon and call together the Legislative Assembly, in and for our said province, to meet at our city of Quebec, in our said province, on Thursday the tenth day of August next, then and there to have conference and treaty with the great men and Legislative Council of our said province.

In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said province of Canada to be hereunto affixed: Witness our right trusty and right well-beloved cousin James, Earl of Elgin and Kincardine, Knight of the most ancient and most noble order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over our provinces of Canada, Nova Scotia, New Brunswick, and the island of Prince Edward, and Vice Admiral of the same, &c. &c. &c. At our Government house, in our city of Quebec, in our said province, this twenty-third day of June, in the year of our Lord, one thousand eight hundred and fifty-four, and in the eighteenth year of our reign.

By command,
FELIX FORTIER, C.C. Cy.

LONDON :
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

PRINCE EDWARD'S ISLAND.

RETURN to an Address of the Honourable The House of Commons, dated 28 February 1854;—*for*,

A "COPY of the SPEECH of His Excellency the LIEUTENANT-GOVERNOR of PRINCE EDWARD'S ISLAND, on the Opening of the present Session of the Legislature, on the 9th day of February 1854."

Colonial Office, 13 March 1854.

FREDERICK PEEL.

SPEECH of His Excellency the LIEUTENANT-GOVERNOR, at the opening of the Legislature, on Thursday, the 9th of February 1854.

Mr. President and Honorable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the House of Assembly:

I FEEL much satisfaction in now meeting the Legislature for the despatch of public business.

Some months after the general election last summer a requisition was addressed to me by several Members of the Assembly, to summon you to meet on an early day, they considering that no time should be lost, in order to exclude by legal enactment departmental officers from occupying seats in the Legislature. I did not think it expedient to accede to that request, because it occurred to me that such a departure from the usual course would have been construed into an admission on my part that evils had arisen demanding an immediate change; for one of your own statutes, passed six years ago, is in force (as it was at the time of the election), defining what are departmental offices, and it provides, "that any Member of the Assembly who shall accept of any such office of profit or emolument shall be incapable of taking or holding his seat in the General Assembly of this Island, unless re-elected after his acceptance thereof."

In regard to the Legislative Council, I do not understand why members of that body should be excluded (if such be really the intention) from participating, as they have hitherto done, in a share of the salaried or departmental offices of Government.

Three years have nearly passed away since I was instructed to introduce what is termed responsible government, in accordance with the often-repeated solicitations of many of Her Majesty's subjects here. Since that time the colony has been prospering, tranquil and contented; and, judging from my intercourse with the people, they are well entitled to the concession they asked for. If, however, they now seek for changes in the constitution, I hope they will be such as may contribute to the welfare of the community at large; for while I feel confident every favourable consideration will be given to the wishes of Her Majesty's loyal subjects, I am equally certain that no Colonial Minister, unless for very cogent reasons, will deem it expedient, at least by Imperial interference, to narrow or diminish the principles of self-government now established in this island. Since its introduction all the Acts which have been passed by the Legislature, with the exception of one (still under consideration), have received the Royal assent; a circumstance, during a period of three years' legislation, which I believe never before occurred in any North American province.

You

You are aware that the Education Bill, which was described at a public meeting by one of your learned judges "as the wisest, the noblest, and the best that ever graced your statute book," came into operation last spring. At that time there were of existing schools about 110; the number contemplated by the Act was 200, all of which have been applied for and recorded in terms of its provisions, and many more are earnestly desired. The Government has secured the services of Mr. Stark, an efficient inspector, thoroughly qualified for the task, and who is also prepared to carry out the views of the Royal Agricultural Society during his visits to the different districts of the country. He comes from the Normal Seminary, in the city of Glasgow, most strongly recommended by Mr. Stow, the philanthropic individual by whose exertions that seminary has attained its eminence, being known in distant quarters of the globe, where the system introduced by him is spreading its beneficial influence. Mr. Stow takes a lively interest in your Christian and benevolent exertions in the cause of education, and has urged on me to call your attention to the importance of perfecting your good work, by the establishment of a small Normal School, under the direction of the inspector, where your teachers would be taught to practise an uniform system of training, which has proved so successful wherever it has been tried. If this can be accomplished (and I believe it can at a moderate expense), this colony, small in extent, will become great in the estimation of all who value the blessings which society must derive from an improved method of training the hearts and minds of the rising generation.

Mr. Speaker and Gentlemen of the House of Assembly:

The oaths appointed by law have been administered to you to-day, in virtue of a commission issued by me in the same form which has been used on all similar occasions, narrating that the high sheriffs have returned all of you duly elected and qualified to serve in the Assembly. I observe, however, that the high sheriff for Queen's County has returned one of the Members for that county, "duly elected, subject to the determination of the House of Assembly on the scrutiny, and of the facts set forth in respect thereof." This is an unusual return, and as such I notice it; its legality is a matter entirely for you to decide.

I am happy to say that the financial state of the colony is very satisfactory. On the 31st January 1850, the balance of the debt against the colony was 28,579 *l.* 11 *s.* 0¼ *d.* On the 31st January last (1854), it was only 3,028 *l.* 11*s.* 6*d.*, a reduction of 25,550 *l.* 19*s.* 6¼ *d.* in four years. In 1849, the revenue was 18,615 *l.*; in 1850, 22,768 *l.*; in 1851, 22,500 *l.*; in 1852, 31,283 *l.*, and last year, notwithstanding the reduction of the duty on tea, it was 35,345 *l.*, including about 2,800 *l.*, assessment imposed by the Education Act. An increase of revenue is a sure indication of the progressive state of the colony, always bearing in mind that Providence has been bountiful in our harvests and other blessings, for which we cannot be too thankful.

The estimates will be submitted for your consideration. I hope they will meet with your approval, and I doubt not you will provide supplies for the public service.

Last year memorials, numerously signed by individuals engaged in the export of juniper knees, were presented to me, complaining of a proposed, almost prohibitory duty on their export. I am sure it will be your inclination to avoid class legislation, and impose no higher duties on any particular article than are required for the welfare, support and credit of the province.

Mr. President and Honorable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the House of Assembly:

In Prince Edward Island unsettled questions have too often occasioned many difficulties. I hope I now allude to the last, the fishery reserves; a subject which has occupied much of the attention of the Government. The late Assembly presented an address to me relative to these reserves. As similar questions, affecting Crown rights, had arisen in some parts of the United Kingdom, it was considered advisable to forward a copy of the Assembly's address to Her Majesty's Government, and

and by a recent despatch from the Duke of Newcastle, his Grace expresses "much satisfaction that this question has been so fully taken in hand by the Government, with a reasonable prospect of a satisfactory issue," and promises all the assistance Her Majesty's Government can at present give, "by consulting the law officers of the Crown in England, respecting the legal steps to be taken to assert the Crown rights." With that view, his Grace required further information, and it has been furnished. When the opinions of the law officers of the Crown are received they will be laid before you, along with various documents connected with the subject. In the meantime, I shall only say, that fulfilling a duty to the public, in protecting the fishery reserves, on which many parties may have ignorantly encroached, it has been the anxious wish of the Government, as it appeared to have been that of the late Assembly, to deal with this question in a just and equitable manner.

I shall have soon to bring under your notice matters of a local nature, among others, the proposed withdrawal of the military; but I shall do so as usual by message; and I will be happy at all times to communicate with you when you may desire it.

PRINCE EDWARD'S ISLAND.

COPY of the SPEECH of His Excellency the LIEUTENANT-GOVERNOR of PRINCE EDWARD'S ISLAND, on the Opening of the present Session of the Legislature, on the 9th day of February 1854.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed,*
14 *March* 1854.

104.

Under 1 *oz.*

588

EMIGRATION.

PAPERS

RELATIVE TO

EMIGRATION TO THE NORTH AMERICAN COLONIES.

(*In continuation of Papers presented* 17*th June* 1853.)

Presented to both Houses of Parliament by Command of Her Majesty,
April 1854.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE.
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1854.

SCHEDULE.

CANADA.

DESPATCHES FROM GOVERNOR-GENERAL THE RIGHT HON. THE EARL OF ELGIN AND KINCARDINE.

Number in Series.	Date and Number.	SUBJECT.	Page.
1	Aug. 10, 1853 (55)	RETURN OF PRICES AND WAGES, DEMAND FOR LABOUR, &c. Forwarding the Chief Emigration Agent's quarterly return, containing information on this subject for the period ending 31st July - -	1
		DESPATCHES FROM LIEUT.-GENERAL ROWAN.	
2	Nov. 24, 1853 (15)	CLAIM OF PROVINCIAL GOVERNMENT ON ACCOUNT OF IMMIGRATION EXPENDITURE. Forwarding a minute of Council and other documents, setting forth the claims of the Provincial Government against the Imperial Treasury, on account of expenses of immigration into Canada in 1847 - - -	8
3	Jan. 13, 1854 (2) -	RETURN OF PRICES AND WAGES, DEMAND FOR LABOUR, &c. Chief Emigration Agent's return for the period embraced between the 1st July and the close of the navigation of the St. Lawrence - -	10
4	Feb. 10, 1854 (8) -	ANNUAL REPORT OF CHIEF AGENT FOR EMIGRATION, 1852 :— - - - -	16
		Comparative statement of emigration, 1852 and 1853. Per-centage of deaths, &c. Average length of voyage. Proportion of foreign emigration. Norwegian immigrants. Of female emigration from Ireland. Wrecks. Complaints relative to ships carrying iron as cargo. New routes for emigrants by Great Western Railway and other lines, &c.	
		Extent of assisted emigration from the United Kingdom. Good conduct of Irish emigrants.	
		Expenditure of the Emigration Department for quarantine, relief of emigrants, &c. Extent of Emigrant Fund realized.	
		Emigration to New York. Extent of mortality, &c.	
		Review of the past year's emigration. Case of the "Fingal." Establishment of the Canada line of steamers.	
		Prospects and demand for labour in 1854.	
		Report of Agent for Upper Canada.	
		Tabular returns, &c. accompanying the above report :—	
		1. Of emigrants embarked, births and deaths on voyage, numbers landed, &c.	
		2. Abstract statement, &c. distinguishing countries and ports whence the emigrants sailed.	
		3. Return of hospital admission, deaths, &c.	
		4. Return of trades and calling of emigrants arrived.	
		5. Comparative statement of emigrants arrived since 1829.	
		6. Return of persons assisted to emigrate, and who received landing money, &c.	
		7. Extracts from notes appended to the Chief Agent's periodical reports of arrivals for 1853.	
		Notice issued for information of emigrants in 1853.	

CANADA.

DESPATCHES FROM THE SECRETARY OF STATE.

Number in Series.	Date and Number.	SUBJECT.	Page.
		(THE DUKE OF NEWCASTLE.)	
1	Jan. 2, 1854 (66) -	ACT TO AMEND AND CONSOLIDATE LAWS RELATIVE TO EMIGRATION AND QUARANTINE. With reference to the effect of this recent enactment on vessels from foreign ports. The Act submitted for Her Majesty's confirmation - - -	41
2	Feb 15, 1854 (73)	IMMIGRATION EXPENDITURE. In reply to Governor-General's Despatch, No. 15, of 24th November, on the subject of the claims of the Provincial Government for expenditure in 1847 - - - - -	41
3	March 2, 1854 (77)	IMPERIAL CONTRIBUTION TOWARDS THE EXPENSE OF IMMIGRATION AGENCY IN CANADA. Intended discontinuance. No further application will be made to Parliament on this account after 31st March, 1855 - - - - -	43

NEW BRUNSWICK.

NEW BRUNSWICK.

DESPATCHES FROM LIEUT.-GOVERNOR SIR E. HEAD

1	May 20, 1853 (38)	ARRIVALS OF EMIGRANT SHIPS. Immigration Agent's report of arrival of 130 railway labourers and their families per "Maid of Erin" - - -	44.
2	May 21, 1853 (40)	Report of arrivals per "Mary Ann." Sickness amongst the children during the voyage - - - -	44
3	June 16, 1853 (44)	Report of arrivals per "Ellen and Margaret," "Garland," "Eudocia," and "Florence" - - -	
		Juvenile emigrants from Cork Foundling Hospital per "Garland" - - - - -	45
		Railway labourers per "Eudocia" - - -	45
4	June 17, 1853 (46)	PROCLAMATION OF PASSENGERS ACT. Length of voyage of vessels carrying emigrants from New Brunswick to other parts of the world - - -	46
5	June 30, 1853 (51)	Report of arrivals per "Charles" and "Patience," the latter vessel (from Londonderry) under the Prussian flag -	46
		Ample employment in the province for labouring men, and at high wages.	
6	July 30, 1853 (53)	Report of arrivals per "Unita," "Merka," "Ocean," and "Middleton," the first (from Youghal) a Wallachian brigantine under the Turkish flag - - -	47
		Number of immigrants arrived during the quarter being 1,655 souls, of whom the greater portion have remained in the province and obtained profitable employment.	
7	Oct. 8, 1853 (63) -	Report of arrivals during the months of August and September. General healthiness on the voyage. Facilities offered to emigrants proceeding to Upper Canada, viâ Portland - - - - - - -	48
8	Nov. 3, 1853 (65)	Report of arrivals per "Eudocia." Superior qualities of the Liverpool packets. Screw steamers building for the emigration trade - - - - - - -	49
		Total number of passengers arrived during the season, 2,858.	

DESPATCHES FROM LIEUT.-GOVERNOR SIR E. HEAD—*continued.*

Number in Series.	Date and Number.	SUBJECT	Page.
9	Dec. 3, 1853 (70) -	Report of arrivals per "Liberia" and "Middleton." Satisfactory result of precautions taken in England before departure - - - - - - -	49
10	Jan. 11, 1854 (1) -	ANNUAL REPORT OF GOVERNMENT EMIGRATION AGENT, St. John's, for the year 1853. Observations on the following subjects :— - - - - Appointment of an Assistant Emigration Officer at St. John's. Number and description of emigrants arrived. Percentage of deaths on the voyage. Increased accommodation for arrivals. No prosecutions under the Passengers Act during the past season. Greater portion of the immigrants of past season have remained in the province. GENERAL PROSPERITY OF NEW BRUNSWICK. Ship-building prosecuted with great activity; commencement of railways on an extensive scale. The high rate of wages and the great demand for labour has caused a considerable influx of persons from the neighbouring colonies. Future prospects for immigrants; facilities offered for reaching New Brunswick; opening of a NEW ROUTE FOR EMIGRANTS TO CANADA by the railway from Portland to Montreal. DISPOSAL OF WASTE LANDS. Necessity for measures for facilitating purchases.	50

DESPATCHES FROM THE SECRETARY OF STATE.

(THE DUKE OF NEWCASTLE.)

1	July 28, 1853 (39)	PROCLAMATION OF PASSENGERS ACT. In reply to Lieut.-Governor's Despatch, No. 46, of 17th June, forwarding Proclamation declaring length of voyage under the provisions of the Act for 1852 - -	53

PRINCE EDWARD ISLAND.

DESPATCHES FROM LIEUT.-GOVERNOR BANNERMAN.

1	Jan. 13, 1854 (1) -	EMIGRATION RETURN, 1853. Transmitted - -	56

APPENDIX.

CANADA.

Number in Series.	SUBJECT.	Page.
1	Cap. 86, 1853 - - - - - - - - - An Act to amend and consolidate the LAWS RELATIVE TO EMIGRATION AND QUARANTINE - - - - -	58
2	Cap. 159, 1853 - - - - - - - - - An Act to amend the Law for the SALE AND SETTLEMENT OF THE PUBLIC LANDS - - - - - - - -	65

CANADA.

Despatches from Governor General the Right Honourable the Earl of Elgin and Kincardine.

No. 1.

COPY of a DESPATCH from Earl ELGIN AND KINCARDINE to the Duke of NEWCASTLE.

(No. 55.)

Government House, Quebec, August 10, 1853.

(Received August 29, 1853.)

MY LORD DUKE,

I HAVE the honour to transmit herewith the chief emigrant agents' Abstract Quarterly Return of the Emigration to this province to the 31st July last.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure 1 in No. 1.

No. 1. ABSTRACT. QUARTERLY RETURN.

EMIGRANTS.

Months composing the Quarter.	Number of Vessels arrived.	Number of Deaths on board or in Quarantine.	Number of Births on Board or in Quarantine.	Gross Number of Emigrants arrived.	Number of Adults.		Number of Agricultural Labourers.
					Male.	Female.	
May, June, and July.	202	123 at Sea; 17 in Quarantine.	47	22,999	8,070	7,309	2,570 Farmers; 4,138 Labourers.
	202	140	47	22,999	8,070	7,309	6,708

continued.

Number of Domestic Servants.		Number of Mechanics and Tradespeople.	Numbers for whom Cost of Passage defrayed by		Number employed on Government Works.	Number assisted out of Public Funds.	Total Amount paid to 30th June.
Male.	Female.		Parochial Funds.	Private Funds.			£ s. d.
129	396	1,151	1,021	54	Nil.	3,128	1,047 2 3
129	396	1,151	1,021	54	Nil.	3,128	1,047 2 3

	£ s. d.
Transport - - - -	997 13 11
Provision - - - -	49 8 4
	£1,047 2 3

July 31, 1853.

A. C. BUCHANAN,
Chief Emigration Agent for Canada.

No. 2.

QUARTERLY RETURN.

PRICES.

RETURN showing the AVERAGE RETAIL PRICES of PROVISIONS and CLOTHING in the Colony of CANADA EAST, in the Quarter ended July 31, 1853.

ARTICLES.	Quantity.	Average Price (in Sterling). £	s.	d.
Bread	per 6 lb. loaf	0	0	7½
Butter	„ lb.	0	0	7
Beef, Mutton, Veal, Pork	„ „	0	0	5
Coals	„ chaldron	0	0	0
Candles	„ lb.	0	0	6
Cheese, American	„ „	0	0	5
Coffee, ground	„ „	0	0	10
Eggs	„ dozen	0	0	6
Flour, fine	„ barrel	0	18	0
Fish, dry Cod	„ cwt.	0	10	0
Do. green	„ „	0	7	6
Firewood	„ cord	0	10	0
Herrings	„ barrel	0	17	6
Milk	„ quart	0	0	3
Oatmeal	„ cwt.	0	9	0
Pepper	„ lb.	0	0	8
Potatoes	„ bushel	0	1	6
Rice	„ lb.	0	0	2½
Soap, yellow	„ „	0	0	3
Sugar, brown	„ „	0	0	4½
Salt	„ bushel	0	1	0
Tea, black	„ lb.	0	1	8
CLOTHING.				
Shirts, Cotton	each	0	2	3
Shirts, Flannel	„	0	4	6
Blankets, Common	per pair	0	10	0
Flannel, for Drawers or Women's Petticoats	„ yard	0	1	6
Cloth, Broad, for Coat or Trousers	„ „	0	7	6
Shoes, strong, for Men	„ pair	0	6	6
Boots, do. do.	„ „	0	12	6
Shoes, do. Women	„ „	0	4	6
Boots, do. do.	„ „	0	8	0

Emigration Department, Quebec,
July 31, 1853.

A. C. BUCHANAN,
Chief Agent.

No. 3.

QUARTERLY RETURN.

WAGES.

RETURN showing the AVERAGE WAGES of MECHANICS and others in CANADA EAST, for the Three Months ended July 31, 1853.

Trade or calling.	Average Wages per Diem without Board and Lodging (in Sterling).	Average Wages per Diem with Board and Lodging (in Sterling).	Average Wages per Annum with Board and Lodging (in Sterling).	Highest and Lowest Rates per Diem without Board or Lodging (in Sterling.)	
				Highest.	Lowest.
	s. *d.*			£ *s.* *d.*	£ *s.* *d.*
Bread and biscuit bakers	5 0	- -	- -	0 6 3	0 4 6
Butchers	5 0	- -	- -	0 6 3	0 4 6
Bricklayers	6 6	- -	- -	0 7 6	0 5 0
Brickmakers	5 0	- -	- -	0 6 3	0 4 6
Blacksmiths	5 0	- -	- -	0 6 3	0 4 6
Curriers	4 6	- -	- -	0 5 0	0 4 0
Carpenters and Joiners	5 0	- -	- -	0 6 3	0 4 6
Cabinet-makers	5 0	- -	- -	0 6 3	0 4 6
Coopers	4 6	- -	- -	0 5 0	0 4 0
Carters with horse and cart	6 6	- -	- -	0 7 6	0 6 0
Cooks, women	Engaged by the month		- -	1 0 0	1 5 0
Dairy women	ditto	ditto	- -	0 16 0	0 12 6
Domestic servants, female	ditto	ditto	- -	0 15 0	0 10 0
Dressmakers and milliners	1 0	- -	- -	0 1 6	0 0 11
Farm labourers	4 0	- -	- -	0 4 0	0 3 6
Gardeners	Engaged by the month		- -	5 0 0	4 0 0
Grooms	ditto	ditto	- -	3 5 0	2 0 0
Millwrights	5 0	- -	-	0 6 0	0 4 6
Millers, engaged by the month	4 6	- -	- -	0 6 0	0 3 9
Painters	5 0	- -	- -	0 6 0	0 4 6
Plasterers	5 0		- -	0 6 0	0 4 6
Plumbers and glaziers	5 0	- -	- -	0 6 0	0 4 6
Printers and bookbinders	Engaged by the month		- -	6 0 0	5 10 0
Quarrymen	5 0	- -	- -	0 5 6	0 4 6
Ropemakers	4 0	- -	- -	0 5 0	0 3 9
Sailmakers	5 0	- -	- -	0 6 6	0 4 6
Sawyers					
Shipwrights and boat-builders	5 0	- -	- -	0 6 3	0 4 6
Shoemakers	4 0	- -	- -	0 5 0	0 3 9
Slaters and shinglers	4 0 or 4*s.* 6*d.* per 1000 shingles				
Stone-masons	6 6	- -	- -	0 8 0	0 6 0
Stone-cutters	6 0	- -	- -	0 7 6	0 5 6
Tailors	3 6	- -	- -	0 4 9	0 3 0
Tanners	3 9	- -	- -	0 4 6	0 3 6
Tin smiths, braziers, &c.	4 0	- -	- -	0 5 6	0 3 9
Wheelwrights	4 0	few employed here		0 6 0	0 4 0
Whitesmiths	4 6				
Charge for board and lodging for mechanics and labourers per week	12 6			0 15 0	0 10 0

A. C. BUCHANAN,

Chief Agent.

No. 4.

1st.—What funds have been placed at your disposal during the past quarter for the relief of emigrants?	1,500*l.*, to meet expenses of emigration from 1st January to 30th June.
2d.—State the description of labour which is in request in the colony?	Labourers bricklayers, stone-masons, blacksmiths, carpenters, and female servants.
3d.—Would the rate of emigration of the last quarter satisfy the existing demand for labour?	No. Great difficulty has been felt throughout this province in procuring labourers, and the demand is still increasing. It is considered, unless the next quarter's emigration exceeds the present, that this inconvenience will continue. Wages in the meantime have considerably advanced.
4th.—State any particulars relative to emigration, the demand for labour, and the means of remunerating it, which you think may be useful?	The emigrants this season have all arrived in good health, and generally free from any complaints. The demand for all descriptions of labourers and mechanics is unprecedented, and great difficulty is experienced in procuring hands. Numerous individuals have visited this port this spring with the view to secure the emigrants, on their landing, to proceed to the public works in Upper Canada and in the western states, where they were guaranteed steady employment at wages, for unskilled labour, of 1 dollar to 1¼ dollar per day. Mechanics, such as bricklayers and stone-masons, get from 2 to 2½ dollars.

Enclosure 2 in No. 1.

No. 2.

QUARTERLY RETURN.

PRICES.

RETURN showing the AVERAGE RETAIL PRICES of PROVISIONS and CLOTHING in the Colony of UPPER CANADA in the Quarter ended July 31, 1853.

ARTICLES.	Quantity.	Average Prices (in Sterling). £	s.	d.
Bread	per 6 lb. loaf	0	0	5
Butter	„ lb.	0	1	0
Beef, Mutton, Veal, Pork	„ „	0	0	3
Coals	„ ton	1	12	6
Candles	„ lb.	0	0	6
Cheese	„ „	0	0	6
Coffee, Ground	„ „	0	0	9
Eggs	„ dozen	0	0	8
Flour, fine	„ barrel	0	0	6
Fish, dry, Cod	„ cwt.	1	0	0
Do. Green	„ „	0	0	0
Firewood	„ cord	0	14	9
Herrings	„ barrel	0	12	6
Milk	„ quart	0	0	2
Oatmeal	„ cwt.	0	16	3
Pepper	„ lb.	0	0	6
Potatoes	„ bushel	0	2	0
Rice	„ lb.	0	0	3
Soap, yellow	„ „	0	0	3
Sugar, brown	„ „	0	0	4½
Salt	„ bushel	0	2	6
Tea, black	„ lb.	0	3	0
CLOTHING.				
Shirts, Cotton	each	0	2	3
Shirts, Flannel	„	2*s.* 6*d.* to 4*s.*		
Blankets, Common	per pair	12*s.* 6*d.* to 15*s.*		
Flannel, for Drawers or Women's Petticoats	„ yard	1*s.* to 2*s.*		
Cloth, Broad for Coat or Trousers	„ „	5*s.* to 15*s.*		
Shoes, strong, for Men	„ pair	7*s.* 6*d.* to 12*s.* 6*s.*		
Boots, do. do.	„ „	10*s.* to 15*s.*		
Shoes, do. Women	„ „	5*s.* to 7*s.* 6*d.*		
Boots, do. do.	„ „	7*s.* 6*d.* to 10*s.*		

A. B. HAWKE,
Chief Emigrant Agent for Upper Canada.

No. 3.

QUARTERLY RETURN.

WAGES.

RETURN showing the AVERAGE WAGES of MECHANICS and others in UPPER CANADA, for the Three Months ended July 31, 1853.

Trade or calling.	Average Wages per Diem without Board and Lodging (in Sterling).	Average Wages per Diem with Board and Lodging (in Sterling).	Average Wages per Annum with Board and Lodging (in Sterling).	Highest and Lowest Rates per Diem without Board or Lodging (in Sterling).	
				Highest.	Lowest.
	£ s. d.	£ s. d.	£ s. d.		
Bread and biscuit bakers	0 5 0	0 3 9	32 10 0		
Butchers	0 4 0	0 3 3	30 0 0		
Bricklayers	0 4 6	0 4 0			
Brickmakers	0 4 0	0 3 9			
Blacksmiths	0 6 3	0 5 0			
Curriers	0 5 0	0 3 9			
Carpenters and joiners	0 6 3	0 5 0			
Cabinet-makers	0 6 3	0 5 0			
Coopers	0 5 0	0 3 9			
Carters, horse and cart	0 8 9	per day.			
Cooks, women	—	—	12 10 0		
Dairy women	—	—	12 10 0		
Domestic servants, female	0 2 6	0 2 0	0 12 6	to 1*l.* a month.	
Dressmakers and milliners	0 2 6	0 2 0			
Farm labourers	0 4 6	0 4 0			
Gardeners	0 4 0	0 3 0	only in summer.		
Grooms	—	—	20 0 0		
Millwrights	0 7 6	0 6 3			
Millers	0 5 0	0 4 0			
Painters	0 6 3	0 5 0			
Plasterers	0 5 0	0 3 9			
Plumbers and glaziers	0 6 3	0 5 0			
Printers and bookbinders	0 5 0	0 3 9			
Quarry men	0 5 0	0 4 0			
Rope-makers	No employment.				
Sail-makers	0 4 0	0 3 9			
Sawyers	0 5 0	0 3 9	per 100 feet.		
Shipwrights and boat builders	0 6 3	0 5 0			
Shoemakers	0 5 0	0 3 9			
Slaters and shinglers	0 6 3	0 5 0			
Stone-masons	0 6 3	0 5 0			
Stone-cutters	0 6 3	0 5 0			
Tailors	0 5 3	0 3 9	by job generally.		
Tanners	0 4 0	0 3 6			
Tinsmiths, braziers, &c.					
Wheelwrights	0 6 3	0 5 0			
Whitesmiths	0 5 0	0 3 9			
Charge for board and lodging for Mechanics and labourers, per week	0 12 6	to 0 15 0	per week.		

Emigrant Office, Toronto,
August 3, 1853.

A. B. HAWKE,
Chief Emigrant Agent for Upper Canada.

No. 4.

1st.—What funds have been placed at your disposal during the past quarter for the relief of emigrants?	395*l.* 19*s.* 3*d.*, expenses of the Emigration Department in Western Canada for the six months ending 30th June.
2d.—State the description of labour which is in request in the colony?	In consequence of the construction of the Northern and Western Railways and other public works, the demand for common labourers, at advanced wages, is and has been unusually great in this section of the province. Mechanics of almost every description—such as masons, bricklayers, blacksmiths, tailors, shoemakers, cabinet-makers, and wheelwrights—are also sure of constant employment and good wages. Agricultural servants are also much wanted.
3d.—Would the rate of emigration of the last quarter satisfy the existing demand for labour?	A much greater number could obtain employment, and as additional works are to commence in the spring, the demand for labour is sure to be greater in 1854 than it has been in any previous year; and the general opinion is that a further advance in wages will take place.
4th.—State any particulars relative to emigration, the demand for labour, and the means of remunerating it, which you think may be useful?	The season up to this time has been very healthy. I know of no better market for labour of all kinds, nor any better means for remunerating it, than that which is furnished by the present outlay on public and private undertakings of almost every description. (Signed) A. B. Hawke, Chief Emigrant Agent for Upper Canada.

Emigrant Office, Toronto,
August 3, 1853.

CANADA.

No. 2.

No. 2.

Copy of a DESPATCH from Lieut.-General Rowan to the Duke of Newcastle.

(No. 15.) Government House, Quebec, November 24, 1853.
(Received December 12, 1853.)
(Answered, No. 73, February 15, 1854, page 39.)

My Lord Duke,

At the request of the Executive Council, I have the honour to bring under your Grace's notice the accompanying approved Minute of Council and other documents, setting forth certain claims of the Provincial Government against the Imperial Treasury on account of expenses attending the immigration into Canada.

Minute of Council. 10th Nov. 1853.
Mr. Cary, 26th Aug. 1853.
Dy. Com. Gen. Robinson. 23d Aug. 1853.

I have, &c.
(Signed) Wm. ROWAN.
Lieut.-General.

His Grace the Duke of Newcastle,
&c. &c. &c.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

Extract from a Report of a Committee of the Honourable the Executive Council on Matters of State, dated 10th November 1853, approved by his Excellency the Administrator of the Government in Council on the 21st same month.

On a communication dated 26th August 1853, from the Deputy Inspector-General, enclosing a statement of the claims of the provincial Government against the Imperial Treasury on account of the expenses attending the immigration into this province in the year 1847, and also for subsequent annual parliamentary grants in aid of the expenses of agencies in superintending the same within the province,

The Deputy Inspector-General states, that by letter from C. E. Trevelyan, Esq., Secretary to the Treasury, bearing date 24th June 1848, and addressed to H. Merivale, Esq., of the Colonial Office, the acknowledged balance due to the province on the immigration expenses of 1847 is therein stated as being in currency - - -	£11,697 16 6
And the amount of the annual parliamentary grant of 1,500*l.* sterling, alluded to in Earl Grey's letter to the Governor-General of the 14th April 1848, in aid of the expenses of emigration to Canada for six years, from 31st March 1847 to 31st March 1853, 9,000*l.* sterling, or currency - - - - - - -	10,950 0 0
Total claimed, currency - -	£22,647 16 6

The Deputy Inspector-General now represents that the debt due by the province to the commissariat chest on all accounts, as noticed in Mr. Trevelyan's letter, being fully paid and satisfied, and all instalments due for interest on provincial debentures and on account of the sinking fund for the present year inclusive being remitted, he submits that the objections that have heretofore existed to the payment of these claims are now removed.

The committee recommend that a statement of the claims be forwarded to Her Majesty's Government.

(Certified) Wm. H. Lee,
Acting C. E. C.

The Hon. the Provincial Secretary,
&c. &c. &c.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

Inspector-General's Office, Quebec,
August 26, 1853.

Sir,

I do myself the honour to enclose a statement of the claims of the provincial Government on the Imperial Treasury on account of the expenses attending the immigration into this province in the year 1847, &c.; also the acknowledgment of Deputy Commissary-General Robinson, that all sums due by the provincial Government to the commissariat chest have been paid, which I am directed to request that you would be pleased to submit for the consideration of his Excellency the Administrator of the Government in Council.

I have, &c.
(Signed) Jos. Cary,
Deputy Inspector-General.

The Hon. A. N. Morin,
Provincial Secretary.

CANADA

Sub-Enclosure 1 in Enclosure 2.

Sub.-Encl. 1 in No. 2.

STATEMENT of the Claims of the Provincial Government of Canada on the Imperial Treasury on account of the Expenses attending the Immigration from the United Kingdom into that Province in the year 1847; as well as for subsequent Annual Parliamentary Grants in aid of the Expenses of Agencies in superintending Immigration within the Province.

Referring to the correspondence of his Excellency the Governor-General with the Colonial Secretary, the Lords Commissioners of the Treasury, &c., particularly to the letter from C. E. Trevelyan, Esq., Secretary to the Treasury, bearing date 24th June 1848, addressed to H. Merivale, Esq., of the Colonial Office, in which the acknowledged balance due to the province on the expenses of the immigration of 1847 is therein stated as being in currency - - - -	£11,697 16 6
And the amount of the annual parliamentary grant of 1,500*l.* sterling, alluded to in Earl Grey's letter to the Governor-General of the 14th April 1848, in aid of the expenses of emigration to Canada for six years, from 31st March 1847 to 31st March 1853, 9,000*l.* sterling, or currency - - - - - - - -	10,950 0 0
Total claimed, currency - -	£22,647 16 6

The debt due by the province to the commissariat chest on all accounts, as noticed in Mr. Trevelyan's letter, being now fully paid and satisfied, and all instalments due for interest on provincial debentures, or on account of the sinking fund for the present year inclusive, being remitted, it is humbly submitted that the objections that have existed to payment of these claims are thus removed.

(Signed) JOS. CARY,
Deputy Inspector-General.

Inspector-General's Office, Quebec,
August 20, 1853.

EXTRACT from a letter from C. E. Trevelyan, Esq., Secretary to the Lords Commissioners of the Treasury, dated 24th June 1848, addressed to H. Merivale, Esq., of the Colonial Office.

Referring to a further payment then being made of 30,000*l.* sterling,

I am further to state that this payment, in addition to those to the Bank of England, and to Messrs. Glynn and Co., amounting together to 28,542*l.* 13*s.* 4*d.*, of which Lord Grey is already apprised by the letters from this department to March 31st, above mentioned, and of 4th and 17th ult., reduce the balance of 82,924*l.* 14*s.* 8*d.* currency, to which the Inspector-General has adverted, to 11,697*l.* 16*s.* 6*d.* currency, and as a considerable debt remains due from the Canadian Government to the commissariat chest, on other accounts, my Lords have to suggest that the Governor-General should be apprised that no further issues in respect of the above balance can be made for the service of the province in this country, and that the attention of the Governor-General should be called to the necessity for providing for the future instalments of interest on the provincial debentures without reliance on such issues.

EXTRACT from a letter from Earl Grey to his Excellency the Governor-General of Canada, dated April 14, 1848.

We are therefore prepared to recommend that Parliament should make provision for the expense which has been incurred, so as to relieve the province entirely from any charge on account of the peculiar misfortunes of 1847, with the understanding that all expenditure henceforward will be borne by the province, except an annual grant of 1,500*l*, also referring to the Inspector-General's suggestion relative to opening roads for settlement.

Enclosure 3 in No. 2.

Encl. 3 in No. 2.

£2,032 7*s.* 5*d.* sterling.

£144 5*s.* 11*d.* ditto.

CERTIFIED that all sums due by the Provincial Government to the commissariat chest, as by statements rendered, dated January 10, and April 21, 1853, have been paid, which include all sums paid on account of the Provincial Government by the commissariat to March 31, 1853, with the exception of certain expenses on account of the transport of the detachment of the 20th Regiment, sent in aid of the civil power in March 1853, proceeding from Longueuil to Sherbrooke and return, and the line of sleighs from Sherbrooke, Coaticooke and return, not yet rendered.

W. H. ROBINSON,
D. C. G.

Commissariat, Canada,
Montreal, August 23, 1853.

CANADA.

No. 3.

No. 3.

Copy of a DESPATCH from Lieutenant-General Rowan to the Duke of Newcastle.

(No. 2.) Government House, Quebec, January 13, 1854.

My Lord Duke, (Received January 31, 1854.)

I have the honour to transmit herewith the emigrant Agents "Abstract Quarterly Return" of emigrants arrived, and of the prices of provisions, clothing, and wages for the period embraced between the 1st of July and the close of the navigation.

I have, &c.
(Signed) W. ROWAN,
Lieutenant-General.

His Grace the Duke of Newcastle,
&c. &c. &c.

Encl. 1 in No. 3.

Enclosure 1 in No. 3.

No. 1. ABSTRACT. Quarterly Return.

Emigrants.

Months composing the Quarter.	Number of Vessels arrived.	Number of Deaths on board or in Quarantine.	Number of Births on board or in Quarantine.	Gross Number of Emigrants arrived.	Number of Adults.		Number of Agricultural Labourers.
					Male.	Female.	
August, September, October, and November.	158	85 at Sea; 15 Quarantine.	11	13,700	4,351	4,239	1,404 Farmers; 2,530 Labourers.
	158	100	11	13,700	4,351	4,239	3,934

(*continued.*)

Number of Domestic Servants.		Number of Mechanics and Tradespeople.	Numbers for whom Cost of Passage defrayed by		Number employed on Government Works.	Number assisted out of Public Funds.	Total Amount paid.
Male.	Female.		Parochial Funds.	Private Funds.			
17	51	517	591	438	Nil.	3,653 Canada East.	£ s. d. 1,787 7 9
17	51	517	591	438	Nil.	3,653	1,787 7 9

	£	s.	d.
Amount paid for Transport -	1,717	4	0
„ „ Provisions -	70	3	9
£	1,787	7	9

December 1853.

A. C. BUCHANAN,
Chief Emigration Agent for Canada.

No. 2.

QUARTERLY RETURN.

RETURN showing the AVERAGE RETAIL PRICES of PROVISIONS and CLOTHING in the Colony of CANADA EAST, in the Quarter ended November 1853.

ARTICLES.	Quantity.	Average Pices (in Sterling).
		£ s. d.
Bread	per 6 lb. loaf	0 0 11
Butter	„ lb.	0 0 8
Beef, Mutton, Veal, and Pork	„ „	0 0 4
Coals	„ ton	
Candles	„ lb.	0 0 10
Cheese	„ „	0 0 8
Coffee, Ground	„ „	0 0 10
Eggs	„ dozen	0 0 10
Flour, Fine	„ barrel	1 10 0
Fish, Dry, Cod,	„ cwt.	0 17 0
Do. Green	„ „	0 12 6
Firewood	„ cord	0 15 0
Herrings	„ barrel	1 0 0
Milk	„ quart	0 0 4
Oatmeal	„ cwt	0 15 6
Pepper	„ lb.	0 0 10
Potatoes	„ bushel	0 2 2
Rice	„ lb.	0 0 3
Soap, Yellow	„ „	0 0 3
Sugar, Brown	„ „	0 0 4
Salt	„ bushel	0 1 4
Tea, Black	„ lb.	0 2 2
CLOTHING.		
Shirts, Cotton	each	0 3 0
Shirts, Flannel	„	0 6 0
Blankets, Common	per pair	0 10 0
Flannel, for Drawers or Women's Petticoats	„ yard	0 1 8
Cloth, Broad, for Coat or Trousers	„ „	0 10 0
Shoes, Strong, for Men	„ pair	0 6 3
Boots, do. do.	„ „	0 10 0
Shoes, do. for Women	„ „	0 4 6
Boots, do. do.	„ „	0 7 6

A. C. BUCHANAN,
Chief Agent.

No. 3.

QUARTERLY RETURN.

WAGES.

RETURN showing the AVERAGE WAGES of MECHANICS and others in CANADA EAST, for the three Months ended November 1853.

Trade or calling.	Average Wages per Diem, without Board and Lodging (in Sterling).	Average Wages per Diem with Board and Lodging (in Sterling).	Average Wages per Annum with Board and Lodging (in Sterling).	Highest and Lowest Rates per Diem without Board or Lodging (in Sterling).						
				Highest.			Lowest.			
	s. d.			£	s.	d.	£	s.	d.	
Bread and Biscuit Bakers,	4 0	- -	- -	0	4	6	0	3	6	
Butchers - - -	4 0	- -	- -	0	4	6	0	3	6	
Bricklayers - - -	6 0	- -	- -	0	8	6	0	5	6	
Brickmakers - - -	5 0	- -	- -	0	6	3	0	4	0	
Blacksmiths - - -	5 0	- -	- -	0	6	3	0	4	0	
Curriers - - -	4 6	- -	- -	0	5	0	0	4	0	
Carpenters and Joiners -	5 0	- -	- -	0	6	3	0	4	6	
Cabinet-makers - -	5 0	- -	- -	0	6	3	0	4	6	
Coopers - - -	4 6	- -	- -	0	6	0	0	4	0	
Carters with horse and cart	7 6	- -	- -	0	9	6	0	6	0	
Cooks, women - -	Engaged by the month		- -	1	0	0	0	17	6	And found.
Dairy women - -	Ditto - ditto		- -	0	15	0	0	12	6	
Domestic servants, female,	Ditto - ditto		- -	0	10	0	0	9	0	
Dress-makers and milliners	Ditto - ditto		- -	0	17	6	0	12	6	
Farm labourers - -	Ditto - ditto		- -	2	10	0	1	15	0	
Gardeners - -	Ditto - ditto		- -	4	0	0	3	10	0	
Grooms - - -	Ditto - ditto		- -	3	0	0	2	10	0	
Millwrights - -	Ditto - ditto		- -	2	10	0	1	15	0	
Millers - - -	Ditto - ditto		- -	2	5	0	1	10	0	
Painters, per day - -	6 0	- -	- -	0	7	6	0	4	6	
Plasterers - -	6 0	- -	- -	0	7	0	0	4	0	
Plumbers and glaziers -	6 0	- -	- -	0	7	6	0	5	0	
Printers and bookbinders -	Engaged by the month		- -	6	0	0	5	10	0	
Quarrymen, per day - -	5 0	- -	- -	0	6	3	0	4	6	
Ropemakers - -	4 6	- -	- -	0	5	6	0	3	9	
Sailmakers - -	5 6	- -	- -	0	6	3	0	5	0	
Sawyers - - -	6 0	- -	- -	0	7	6	0	5	6	
Shipwrights and boat-builders - -	6 0	- -	- -	0	7	6	0	5	6	
Shoemakers - -	4 6	- -	- -	0	6	3	0	4	0	
Slaters and shinglers -	4 6	- -	- -	0	6	0	0	4	0	
Stonemasons - -	6	- -	- -	0	8	6	0	6	3	
Stonecutters - -	6 0	- -	- -	0	7	6	0	5	6	
Tailors - - -	4 0	- -	- -	0	4	6	0	3	9	
Tanners - - -	4 6	- -	- -	0	5	6	0	3	9	
Tin-smiths, braziers, &c, -	5 0	- -	- -	0	6	3	0	4	6	
Wheelwrights - -	4 0	Few employed	- -	0	5	0	0	3	9	
Whitesmiths - -	5 0		- -	0	7	0	0	4	9	
Charge for board and lodging for mechanics and labourers, per week - -	12 6	- -	- -	0	15	0	0	10	0	

A. C. BUCHANAN,
Chief Agent.

No. 4.

1st.—What sums have been placed at your disposal during the past quarter for the relief of emigrants?	1,877*l.* 4*s.* 4*d.*, to meet the expenses of the Emigration Department from the 30th June to the 1st October.
2d.—State the description of labour which is in request in the colony?	Mechanics of all descriptions, labourers, and servants.
3d.—Would the rate of emigration of the last quarter satisfy the existing demand for labour?	The emigrants arrived during the past quarter all found immediate employment on landing, and a scarcity of labour was experienced on the public works until the winter put a check to our out-door labour in this section of the province. In Western Canada there has been little or no cessation of labour, and all disposed can find employment at a small reduction on the summer rate of wages.
4th.—State any particulars relative to emigration, the demand for labour, and the means of remunerating it, which you think may be useful?	I fully anticipate that during the ensuing season of 1854 the demand for labour and the rate of remuneration will equal, if not exceed, that of 1853. Several additional lines of railroads are being put under contract in this section of the province, which will require a large amount both of skilled and unskilled labour.

(Signed) A. C. Buchanan,
Chief Emigration Agent for Canada.

Emigration Department, Quebec,
December 1853.

CANADA.

Encl. 2 in No. 3.

Enclosure 2 in No. 3.

No. 1.

QUARTERLY RETURN.

PRICES.

RETURN showing the AVERAGE RETAIL PRICES of PROVISIONS and CLOTHING in the Colony of UPPER CANADA, in the Quarter ended 30th September 1853.

ARTICLES.	Quantity.	Average Prices (in Sterling). £	s.	d.
Bread	per 4 lb. loaf	0	0	6
Butter	„ lb.	0	1	0
Beef, Mutton, Veal, and Pork	„ „	0	0	3½
Coals	„ ton	1	10	0
Candles	„ lb.	0	0	8
Cheese	„ „	0	0	6
Coffee, ground	„ „	0	0	9
Eggs	„ dozen	0	0	9
Flour, fine	„ barrel	1	5	0
Fish, dry Cod	„ cwt.	1	0	0
Do. green	„ „	0	0	0
Firewood	„ cord	0	16	6
Herrings	„ barrel	0	12	6
Milk	„ quart	0	0	2½
Oatmeal	„ cwt.	0	16	3
Pepper	„ lb.	0	0	6
Potatoes	„ bushel	0	2	6
Rice	„ lb.	0	0	3
Soap, Yellow	„ „	0	0	3
Sugar, Brown	„ „	0	0	4½
Salt	„ bushel	0	3	0
Tea, Black	„ lb.	0	3	0
CLOTHING.				
Shirts, Cotton	each	0	2	3
Shirts, Flannel	„	2s. 6d. to 4s.		
Blankets, Common	per pair	12s. 6d. to 15s.		
Flannel, for Drawers or Women's Petticoats	„ yard	1s. to 2s.		
Cloth, Broad, for Coat or Trousers	„ „	5s. to 15s.		
Shoes, Strong, for Men	„ pair	7s. 6d. to 12s. 6d.		
Boots, do. do.	„ „	10s. to 15s.		
Shoes, do. Women	„ „	5s. to 7s. 6d.		
Boots, do. do.	„ „	7s. 6d. to 10s.		

A. B. HAWKE,
Chief Emigrant Agent for Upper Canada.

No. 2. CANADA.

QUARTERLY RETURN.

WAGES.

RETURN of the AVERAGE WAGES of MECHANICS and others in UPPER CANADA, for the Three Months ended 30th September 1853.

Trade or Calling.	Average Wages per Diem without Board and Lodging (in Sterling).	Average Wages per Diem with Board and Lodging (in Sterling).	Average Wages per Annum with Board and Lodging (in Sterling).	Highest and lowest Rates per Diem, without Board or Lodging (in Sterling).	
				Highest.	Lowest.
	s. *d.*	*s.* *d.*	£ *s.* *d.*		
Bread and biscuit bakers	5 0	3 9	32 10 0		
Butchers	4 0	3 3	30 0 0		
Bricklayers	4 6	4 0			
Brickmakers	4 0	3 9			
Blacksmiths	6 3	5 0			
Curriers	5 0	3 9			
Carpenters and joiners	6 3	5 0			
Cabinet-makers	6 3	5 0			
Coopers	5 0	3 9			
Carters, horse and cart	10*s.* per day				
Cooks, women	- -	- -	12 10 0		
Dairy women	2 6	2 0			
Domestic servants. female	2 6	2 0	12*s.* to 20*s.* per month		
Dressmakers and milliners	2 6	3 0			
Farm labourers	4 6	4 0			
Gardeners	4 0	3*s.* only in summer			
Grooms	- -	- -	20 0 0		
Millwrights	7 6	6 3			
Millers	5 6	4 0			
Painters	6 3	5 0			
Plasterers	6 3	5 0			
Plumbers and glaziers	5 0	3 9			
Printers and bookbinders	5 0	3 9			
Quarrymen	5 0	4 0			
Ropemakers	No employment				
Sailmakers	4 0	3 9			
Sawyers	5 0	3*s.* 9*d.* per 100 feet			
Shipwrights & boat builders	6 3	5 0			
Shoemakers	5 0	3 9			
Slaters and shinglers	6 3	5 0			
Stonemasons	6 3	5 0			
Stonecutters	6 3	5 0			
Tailors	5 0	3*s.* 9*d.* by lot generally			
Tanners	4 0	3 6			
Tin-smiths, braziers, &c.	4 0	3 9			
Wheelwrights	6 3	5 0			
Whitesmiths	5 0	3 0			
Charge for board and lodging for mechanics and labourers, per week	12*s* 6*d.* to 15*s.*				

A. B. HAWKE,
Chief Emigrant Agent for Upper Canada.

No. 3.

1st.—What funds have been placed at your disposal during the past quarter for the relief of emigrants?	201*l.* 2*s.* 11*d.*; viz., 132*l.* 17*s.* 8*d.* expended in transport, and 68*l.* 5*s.* 3*d.*, in provisions during the year 1853.
2d.—State the description of labour which is in request in the colony?	Mechanics of almost every description, such as masons, bricklayers, blacksmiths, tailors, shoemakers, cabinet-makers, and wheelwrights, are sure of constant employment and good wages. Agricultural servants are also much wanted, and common labourers have been paid a dollar per day during the summer.
3d.—Would the rate of emigration of the last quarter satisfy the existing demand for labour?	A much greater number could obtain employment, and as additional public works are to commence in the spring, the demand for labour is sure to be greater in 1854 than it has in any previous year; and the general opinion is, that the present rate of wages will be fully sustained.
4th.—State any particulars relative to emigration, the demand for labour, and the means of remunerating it, which you think may be useful?	The season, up to this period, has been very healthy. I know of no better market for labour of all kinds, nor any better means of remunerating it, than that which is furnished by the present outlay on public and private undertakings.

(Signed) A. B. HAWKE,
Chief Emigrant Agent for Upper Canada.

Emigrant Office, Toronto,
December 19, 1853.

No. 4.

No. 4.

COPY of a DESPATCH from Lieutenant-General ROWAN, administering the Government of Canada, to the Duke of NEWCASTLE.

(No. 8.)

Government House, Quebec, February 10, 1854.

MY LORD DUKE, (Received February 27, 1854.)

I HAVE the honour to enclose herewith the Report of the Chief Agent of Emigration to Canada, for the year 1853.

Dec. 31, 1853, Report and Appendix.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) WM. ROWAN,
Lieut.-General.

Encl. in No. 4.

Enclosure in No. 4.

Office of Her Majesty's Chief Agent for the Superintendence of Emigration to Canada.

SIR, Quebec, December 31, 1853.

I HAVE the honour to submit to your Excellency, for the information of Her Majesty's Government, my annual report of the emigration into this colony during the season of 1853, accompanied by the usual statistical tables.

Table No. 1. A synopsis of the season of emigration will be found in the Appendix. On reference to this table it will be seen that the total number that left Europe was 35,675 steerage and 710 cabin passengers.

There were born on the passage 58, forming a total of 36,443.

The deaths were at sea 208, and in quarantine 32, making the total mortality 240, and leaving 36,203 as the number of emigrants landed in this province from the United Kingdom and the continent of Europe. To this amount must be added 496 persons from the lower provinces; making the total number of persons landed at this port 36,699. This number, when compared with the emigration of 1852, shows a decrease of 2,477, equal to 6½ per cent. in this year's emigration.

The following is a comparative statement of the emigration of the last two years :—

	1852.	1853.
From England - - -	9,276	9,585
„ Ireland - - -	15,983	14,417
„ Scotland - - -	5,477	4,745
„ Germany - - -	5,159	2,400
„ Norway - - - -	2,197	5,056
„ Lower ports - - -	1,184	496
	39,176	36,699

This statement shows that from England and Norway there has been an increase in the number of arrivals of 309 persons on the former and of 2,859 on the latter, or considerably more than double the number from that country during the season of 1852.

From the other countries there is a decrease in the number of emigrants, as follows : from Ireland, of 1,566 ; from Scotland, 732 ; from Germany, 2,759 ; and from the lower ports, of 688.

The emigration from the port of Liverpool may with propriety, as in former years, be classed under the head of Ireland ; and on reference to the passenger lists of the vessels from that port, it will appear the number embarked are natives of—

England - - - -	663
Ireland - - - -	4,555
Scotland - - - -	168
Germany - - - -	735
Holland - - - -	32
Norway - - - -	67
Sweden - - - -	96
Canada - - - -	4
	6,320

The emigration from Europe may therefore be classed as follows, viz. :—

Natives of England - - -	3,928
„ Ireland - - -	18,972
„ Scotland - -	4,913
„ Germany - - -	3,135
„ Norway - - -	5,123
„ Holland - - -	32
„ Sweden - - -	96
„ Canada - - -	4
	36,203

On a further reference to this return, it will appear that the number of vessels engaged in the passenger trade from Europe was 324, measuring 155,673 tons, and navigated by 5,601 seamen.

Of this number 47 were foreign vessels, 16,686 tons, 641 men ; 37 of which came from continental ports, and 10 from the United Kingdom.

Of the whole number of passenger ships, 16 brought exclusively cabin passengers, 110 had not a sufficient number to bring them within the Passenger Act, 56 had less than 100 passengers, 77 under 200, 38 under 300, 15 under 400, 11 under 500, and but one vessel had over 500 passengers, viz., the "Blanche" from Liverpool ; 38 of these vessels made two voyages during the season.

The adult passengers on board the whole number of passenger vessels, 324, were 29,628 ; while these vessels, under the Passenger Act, would have been permitted to carry 72,235, exclusive of their crews. The 131 vessels from England might have legally carried 25,866 adults, passengers, more than the number embarked. The 86 from Ireland, 4,415 ; the 65 from Scotland, 11,701 ; the 28 from Norwegian ports had their full complement to within 596 ; while on board the 14 vessels from Hamburg and Bremen, there were 33 over their legal number, computed according to the Imperial Act.

There has been no law in force in this province regulating the number of passengers on board of foreign vessels, but provision has been made in the Provincial Act, imposing the same regulations on foreign vessels arriving at Quebec as are prescribed in the Imperial Passenger Act which came into force on the 1st day of October 1853.

The average length of passages during the past season shows a considerable increase on that of the season of 1852.

The average number of days from England was 48½, from Ireland 47½, from Scotland 44, from Hamburg and Bremen 51¾, and from Norway 55½. The average from the whole was 48 days against 39, the average during the season of 1852.

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Excess of females from Ireland.

On a further reference being had to this table, it will appear that in the last season the emigration of females from Ireland has preponderated in a remarkable degree over that of males,—being 1,106 female adults more than males, or about 18½ per cent.

This increase of females has, it is very evident, originated from the Poor Unions, coupled with the pecuniary means afforded to other females for joining their husbands, brothers, or male friends already established in the province, and thereby offering the best evidence of their prosperity, and of the improvement of the condition of the emigrants.

A return of the ships and passengers arrived from each port and country, with the deaths on the passage and in quarantine, will be found in table No. 2 in the Appendix.

Table No. 2.

The whole number of deaths among 3,029 passengers from England (excluding the port of Liverpool) was but 4 persons; while among 6,651 persons who sailed from Liverpool, the deaths were 115, equal to 1·72 per cent.

From Ireland, the deaths among 14,452 were 43, or equal to 0·29 per cent. Among 4,754 from Scotland, 17, equal to 0·35; and among 7,499 from continental ports, 61, equal to 0·81 per cent.

It will be observed that the largest mortality from any port was Liverpool; it may, however, be remarked that the number was greatly increased by the arrival of the ship "Fingal" on the 22d of October, on board of which vessel, out of 306 passengers, 34 died on the passage, being equal to 11·11 per cent.

Table No. 3.

Table No. 3 presents the usual General Hospital return, showing the number of emigrant patients admitted for medical relief, with the results at the quarantine establishment, up to its close.

At the Marine and Emigrant Hospital at Quebec to the 1st December, and at the General Hospital at Montreal for the same period, from which it appears that the total number of cases under treatment during the season, in Canada East, was 929, and the total deaths 88.

The mortality, when compared with the year 1852, shows a small increase of 21 persons, viz., 14 at Grosse Isle, 3 at the Marine Hospital, Quebec, and 4 at the General Hospital, Montreal.

The general health of the emigration of the past season may be considered satisfactory. The whole mortality during the passage and at the quarantine station was but 0·65 per cent. on each 100 persons embarked; and, including the cases admitted to the Marine and Emigrant Hospital in this city, and the General Hospital, Montreal, the whole mortality was but 0·81 per cent.

It may not be out of place to remark that the small increase of mortality over that of last year, cannot but in a great measure, if not entirely, be attributed to the unusually protracted passages to which several passenger vessels have been subjected, and thereby necessitating the consumption of alimentary stock and such other comforts as are generally provided for the average period of passage.

Table No. 4.

Table No. 4 contains a return of the adult male emigration, distinguishing the trades and callings as specified in the several passenger lists. The total number of males embarked was 12,421. Of these there appear to have been 1,558 artizans or tradesmen, which is an increase of 1,027 persons of this class over that of last year; farmers and farm servants, 3,974; servants, 146; clerks, 74; and unskilled labourers, 6,667.

Table No. 5.

Table No. 5, shows the amount of emigration landed in the province from the year 1829 inclusively. The total number landed at the port of Quebec since that period has been 772,400, affording an average of 30,896 per year, for 25 years past.

I regret to have to report the total loss of 4 vessels bound to this port during the past season with emigrants on board, and which in one case has been attended with a most melancholy loss of life.

The first vessel was the "Argyle," from Newport, with a cargo of railroad iron. This vessel had fortunately on board but 3 passengers and a crew of 22 men. She foundered at sea on the 20th July, when 8 of the crew were drowned, and 6 afterwards died in the boats from starvation and exposure; one of whom, a young man, was a passenger. The other two (females) reached Newfoundland, and were forwarded to this port by a schooner.

The second vessel was the "Charles Clarke," from Hamburg, having on board 113 passengers. She was wrecked at Trespasse Bay, Newfoundland, on the 27th July; 5 of the passengers were drowned in the act of reaching the shore; the remainder succeeded in reaching St. John's, where they were assisted, and also provided with a passage to this port.

(See Weekly Report, 31st August.)

The third vessel was the "Douglas," from Leith, with 10 passengers. She took fire at sea on the 11th September, and next day was run ashore at Cape Ray. The passengers were all saved, and reached this port by a schooner on the 10th October.

The fourth vessel, the "Annie Jane," from Liverpool, was lost on the 28th September, on the island of Barra, where, out of 334 steerage passengers, only 61 were saved. It is stated that, including crew and cabin passengers, 400 persons were on board of this unfortunate ship, out of which number it has been ascertained that only 102 persons, through great personal exertions, were enabled to save their lives.

This vessel sailed first from Liverpool on the 24th August, with 469 steerage passengers, but having been obliged to put back leaky, about 130 of the passengers left her, and she sailed the second time on the 9th September with the above number. This unfortunate ship was almost altogether loaded with railroad iron, and to the nature of her cargo may in a great measure be attributed the melancholy loss of life.

I have found on board of several of the emigrant vessels during the past season, which had iron as the chief part of their cargo, invariably more or less complaints among the passengers. This may be accounted for by the nature of the freight causing the ship to labour more in heavy weather, and thereby straining so much that the decks and top-sides become leaky, and thus very naturally producing dissatisfaction, and adding greatly to the discomfort of the passengers.

It may be deemed highly necessary and important to impose some regulations on this point; so that vessels conveying passengers should not be permitted to carry over a certain proportion of her cargo of dead weight.

Owing to the prevalence of westerly winds and stormy weather during the months of September and October, several emigrant vessels bound for this port failed to reach their destination, and were obliged to bear up for ports in New Brunswick and the United States. The ship "Huron," from Limerick, with 250 passengers, put into Boston. The "Jenny Johnston," from Tralee, with 153 passengers, succeeded, after being blown twice out of the gulf, in reaching St. Andrew's. Captain Attridge forwarded all such passengers as were destined for Canada to Montreal viâ Portland, United States. The "Albion," from Youghal, with 16 passengers, having found that she could not reach this port, proceeded to St. John's, New Brunswick, and the captain forwarded his passengers from thence to Montreal by the same route.

The "Perseverance," from Dublin, with 141 passengers, is reported as having put back and reaching Cork short of provisions, after being seventy-one days out.

Table No. 6. Pauper emigration.

Table No. 6 furnishes a statement of the number of persons who have received assistance either from their landlords or from parish funds, in aid of their emigration, showing the sums received on landing, by whom remitted, and through whom paid.

From this return it will be seen that 1,480 persons received landing money on arrival at this port, amounting to 1,218*l.* 8*s.* 6*d.* sterling, 798*l.* 8*s.* 6*d.* of which was paid through this department, and 420*l.* by the masters, or through the agents in this city, and 624 appear to have received a free passage only.

From England.

The number from England sent was 76, to whom was paid the sum of 53*l.* on landing, and 46 persons were provided with a free passage.

From Scotland.

From Scotland the number assisted was 351, 332 of whom were Highlanders from the Glengary estate in Inverness-shire. They received a free passage as far as Montreal; they were a fine body of settlers. Their landlord, in addition to giving them a free passage, remitted all their arrears of rent, which I am given to understand was very considerable, and allowed them to realize their stock, and moreover assisted them in bedding, clothes, &c. for the voyage, and each also received ten pounds of oatmeal on leaving the vessel in Quebec. The remaining 19 persons were from Colonsa, in Argyleshire.

From Ireland.

The number aided in the emigration from Ireland was 1,600 souls, 1,404 of whom were sent out by the unions, and received 1,165*l.* 8*s.* 6*d.* sterling on landing here. £792 8*s.* 6*d.* was paid among 864 persons through this department, and 373*l.* paid by the masters or through agents among 540 persons, and 196 persons received a free passage to this port. Of this number 54 were from the unions of Carrickmacross and Tralee, and 142 were sent out by the landlords. Of those sent out by the unions, 1,464, the great majority were single females, and on a reference to the returns I find them classed as follows:—

Male adults - - -	109
Female - - -	1,172
Children - - -	183
	1,464

These parties, with a few exceptions, were orderly and well conducted, and I have great satisfaction in bearing testimony to their correct demeanour. They at once proceeded up the country, the great majority for employment, and others to join relations in the United States. All those who went to the western section of the province were seldom more than a few hours unemployed after their landing, and I have received repeated applications from almost every section of the province, complaining of the scarcity of female servants; and there is not the least doubt but that several thousands of this class could be absorbed annually in this province. It is, indeed, much to be regretted, where the field is so extensive, and the means of access so easy, that parties most interested do not see the benefit which would result in shipping off their numerous poor, and thereby effectually relieving the unions, and removing the present useless portion of their population from idleness to a sphere of usefulness, and furthermore not only benefit themselves, but greatly add to the wealth and prosperity of the country of their adoption.

Foreign.

Of the foreign emigrants, it appears one family of 12 persons by the "Washington" from Hamburg were sent out by the parish of Lichtentunan, in Bavaria. They were provided

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with a passage to this port, and proceeded to relations at Rochester. Also on board the "Charles Chaloner," from Liverpool, there were 18 persons sent out by the town of Leitzenburg, in Holstein; they were forwarded viâ Liverpool, and landed here without means. They were assisted up the country.

Passenger Act.

The Passenger Act has been found to afford all necessary protection to the emigrant. Some few complaints were made during the past season; the only case in which legal proceedings were instituted was against the master of the ship "Blanche," from Liverpool, which resulted in conviction. In the other cases compensation was made to the satisfaction of the parties complaining (as stated in Weekly Report No. 4, which will be seen on reference to page 24 of the Appendix).

Provincial Act.

Under the Provincial Act bonds were required from the master of the ship "Urania," from Cork, for two female passengers who lost their eyesight from an attack of ophthalmia These parties were sent out from the Cork union, and appear to have been suffering from this disease when they embarked. The captain having declined to enter into the bond required by the twelfth clause of the Act, he took the parties back to their union.

Lunatics.

Two emigrants of the past season who apparently landed in this colony in good health, have become lunatics, and are now confined in the Beauport Asylum. Their names are William Linahan, aged twenty-one years, and Mary Devine, aged twenty; the former arrived by the ship "Sultan" from Cork on the 21st June, and was sent to the Marine and Emigrant Hospital on the 26th September, and removed to the Lunatic Asylum on the 7th November.

Mary Devine came out in the ship "Tottenham" from Cork; arrived here on the 10th September, was sent to hospital on the 3d, and transferred to the asylum on the 10th December.

From a recent report of the medical officers of this institution, hopes are entertained of their speedy restoration, particularly in the case of Mary Devine, who, being pregnant, offers after delivery every probabilty of mental health.

Expenditure.

The expenditure of the Emigration Department, including the Quarantine Establishment and the charges connected with the care of the sick, amounts to 9,551*l.* 3*s.* 10*d.* Of this sum there was disbursed for the expenses of the Quarantine Establishment 2,858*l.* 3*s.* 6*d.*, as follows:—

	£	s.	d.	£	s.	d.
Pay of Quarantine Establishment	1,412	14	3			
Supplies to hospital	144	5	7			
Washing	36	7	0			
Cartage	45	12	6			
Firewood	62	4	0			
Stores, boat, &c.	30	10	0			
Provisions to healthy division	51	5	9			
Allowance to Captain Black, ship "Fingal"	82	0	0			
Steamboat service during the season	587	10	0			
Sundries, stationery, advertising, printing, &c.	37	11	6			
				2,490	0	7
Amount expended under the authority of the Board of Works, repairs to hospital buildings, whitewashing, &c.	324	12	1			
Allowance to Roman Catholic and Protestant missionary for keep of horse, &c., 21*l.* 15*s.* 5*d.* each	43	10	10			
				368	2	11
Total expenditure of the Quarantine Establishment				2,858	3	6
Six months' salary of inspecting physician for the port of Quebec, during the season of navigation				311	18	10
Amount of expenditure incurred for the medical cure and treatment of emigrants admitted into the Marine and Emigration Hospital during the year ending 31st December				584	3	9
The balance was disbursed for emigration purposes through the agents of this department, as follows:—						
For the direct relief and assistance of emigrants	4,328	0	9			
For agencies	1,468	17	0			
				5,796	17	9
Total				9,551	3	10

The expenditure of this Department has been as follows:—

Quebec Agency,—					
For transport	2,379	8	3		
„ provisions	71	13	3		
„ other relief	39	8	6		
„ agencies	432	11	2		
				2,923	1 2
Montreal agency,—					
For transport	1,551	17	6		
„ provisions	84	10	4		
„ agencies, &c.	335	15	5		
				1,972	3 3
Toronto agency,—					
For transport	132	17	8		
„ provisions	68	5	3		
„ agency, &c.	700	10	5		
				901	13 4
				£5,796	17 9

The number of persons assisted at the Quebec agency was 6,617 souls, equal to 4,698 adults, at an average cost of 10*s.* 3¼*d.* per adult, viz.:—

		s.	*d.*	
Forwarded to Montreal	2,368 adults, at	2	4½	each
„ Toronto, Hamilton, and ports on Lake Ontario	1,069 „	11	11¼	„
„ Buffalo, Chicago, Milwunkie, &c.	965½ „	25	0	„
„ United States, viâ Lake Champlain	295½ „	19	0	„
	4,698			

Assisted at the Montreal agency,—

		Average *s.*	*d.*	
For Kingston, Toronto, and ports on the river St. Lawrence and Lake Ontario	2,052½ at	9	1	each.
Bytown, and settlements on the Ottawa river	229 „	3	11¼	„
Eastern townships	54 „	7	10	„
Buffalo, and ports on Lake Erie	279½ „	19	7	„
United States, viâ Lake Champlain	370½ „	14	6½	„
4,358 souls	3,985½			

At an average cost of 10*s.* 4¼*d.* each adult.

Of this number there were —

Male adults	458
Female do.	1,517
Children from 3 to 12 years	2,021
„ under 3 years	362
	4,358

In Western Canada the number of persons requiring relief were comparatively few. The chief agent at Toronto reports having assisted 687 souls, equal to 563 adults, with transport, and 2,928 persons received relief in bread, at an average cost of 4*s.* 8*d.* for each adult for transport, and 5¼*d.* for each person assisted with food.

The extent of assistance afforded at the Quebec agency to the emigrants of each country was as follows:—

	Souls.	Adults.
English	178	117
Irish	4,997	3,463
Scotch	39	27½
Foreign	1,403	1,090½
	6,617	4,698

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At Montreal the proportion was as follows :—

	Souls.	Adults.
English - -	32	18½
Irish - - -	3,923	2,690
Scotch - - -	232	155
Foreign - -	171	122
	4,358	2,985½

The number of cases which were examined and relieved at the several agencies of this department during the past season appear to have been 13,903, at an average cost for transport and provisions of 6*s*. 2½*d*.

This statement, when compared with that of last year, shows an increase of 1,178 in the number of persons relieved, and 312*l*. 11*s*. 7*d*. in the amount of expenditure.

The total expenditure in the relief of emigrants by this department in —

	£	*s*.	*d*.
1852 was - -	5,477	6	0
1853 „ - -	5,796	17	9
Increase in 1853 -	319	11	9

A large amount of the expenditure during the past season was caused by the foreign emigration, and principally among the Norwegians.

Norwegian emigrants.

Of the whole Norwegian emigrants of the past season, numbering 5,061 souls, they proceeded direct to the Western States, with the exception of about 200, who were induced to proceed to Hamilton, where they were guaranteed employment on the railroad in the expectation that they might afterwards be induced to settle in the province. A number were also employed on the Richmond railroad, but left as soon as they had realized sufficient money to carry them west, and I am given to understand that but few of those who went to Western Canada will be likely to remain there. These people (whose general habits to severe industrial employment, added to their inurement to a climate similar to that of Eastern Canada, would render their settlement in the province highly desirable) labour under many disadvantages which attend an entire ignorance of our language, and what indeed is much to be regretted is, that as yet there are so few Norwegians settled in Canada, that with even every incitement to settlement, they find it almost impossible to meet with persons sufficiently conversant with their language to guide or direct them in their views and intentions. Under such circumstances it is very natural that they should be desirous of availing themselves of very extensive settlements, already opened and inhabited in the state of Wisconcin by their own countrymen, and where all these people proceeded; but, as many of them had numerous helpless families, and from their ignorance of the language spoken, incapable of obtaining suitable employments, they were provided with a free passage to Milwunkee.

The Germans have generally succeeded better ; a large number of them went to Hamilton to the German settlements, in the district of Waterloo; and it is estimated that fully one half of the German emigration of the past season have become permanent settlers, many of whom were possessed of a considerable amount of capital, and who will, doubtless, prove a valuable addition to the population of that section.

Assistance to foreign emigrants.

The whole number of foreign emigrants assisted at this and the Montreal Ageny was as follows :—

Male adults - - - -	364
Females - - - -	461
Children under 12 years - -	510
„ „ 3 years - -	135
	1,470

Equal to 1,085 adults, at an expenditure of 1,198*l*. 3*s*. 5*d*., equal to about 22*s*. 1*d*. each adult.

Orphans.

Two German children became chargeable in this department during the past season; they were deserted by a woman, supposed to be their mother, who came passenger in the ship "Mary Michison," from Hamburg, in the early part of July. Having placed them in lodgings, and every exertion being made to discover their relations or friends, I, on the close of the navigation, made application and obtained admission for them as orphans into the Protestant Female Orphan Asylum in this city; their names are Bothe, and they are of the age of 5 and 7 years respectively.

The assistance rendered to the emigrants from the United Kingdom were chiefly to the Irish ; a large portion of those relieved were women and children, or helpless families; no adult males were assisted unless suffering from recent sickness.

A large proportion of the women and children were proceeding to join their relations in Western Canada, and the several States in the Union; several poor families who

came this route were proceeding to their relations in Missouri, Kentucky, Tenessee, and New Orleans. They chose this route as their means did not permit their taking shipping to New York or New Orleans; and, having landed here destitute, it was found necessary to forward them, which was generally effected within the range of steamboat travel, either to Cleveland on Lake Erie, or Chicago on Lake Michigan.

The number of letters for emigrants received at this agency, with instructions, during the season, was 364, 110 of which contained money or bank orders to the amount of 292*l.* 8*s.* 9*d.* currency.

Emigrant fund.

The Emigrant Fund of 1853 amounts to 9,760*l.* 5*s.* 0*d.*, constituted by the amount of duty levied under the Provincial Acts, and the sum of 1,500*l.* sterling, the Imperial appropriation for payment of agents' salaries.

The duty realized in the course of the season was as follows:—

	£	s.	d.	£	s.	d.
At Quebec:						
23,741 Adults, at 5*s.*	5,935	5	0			
10,260 Children, at 3*s.* 9*d.*	1,925	12	6			
364 Uncertified, at 7*s.* 6*d.*	136	10	0			
53 „ at 40*s.*	106	0	0			
				8,103	7	6
Less charges for expense of collecting, Custom-house, boat, &c.				250	0	0
At Montreal:						
254 Adults, at 5*s.*	63	10	0			
98 Children, at 3*s.* 9*d.*	18	7	6			
				81	17	6
Net amount of tax received				7,935	5	0
The Imperial appropriation 1,500 sterling, at par				1,825	0	0
				£9,760	5	0

The number of shipwrecked passengers which reached this port during the past season was 125, viz.:—86 adults and 39 children, who would otherwise have been liable to a duty of 28*l.* 16*s.* 3*d.*

The whole amount chargeable on the Emigrant Fund during the past season, amounted to 5*s.* 5½*d.* on each emigrant embarked from Europe, exclusive of children under 1 year, and the actual amount of Emigrant Tax received was nearly equal to 4*s.* 8½*d.* The difference is, however, more than covered by the Imperial grant of 1,500*l.* sterling.

The following is offered as an approximate view of the distribution of emigrants of the past season. There exists no date from which a return of this nature may be compiled with accuracy, and, as Mr. Hawke justly remarks, the revolution which has taken place during the last year or two, in the means and facilities of our inland transport, rendered it impossible to keep any account of the arrivals and departure of emigrants at the principal ports in western Canada that could in any way be strictly depended upon.

On referring to my weekly and semi-monthly reports, I find the estimates therein made of the probable destination of the emigrants to be as follow:—

Total emigration landed at Quebec		36,699
To the United States:		
Emigrants from the United Kingdom	5,557	
Norwegians	4,646	
Germans	1,301	
		11,504
Remaining in Canada		25,195
Which have been disposed of as follows:—		
Proceeded to Western Canada		19,000
„ Bytown and the Ottawa country		1,800
Number of persons absorbed into the population of the Montreal district and Eastern townships, and employed on the public works in that district		2000
Ditto in Quebec, and employed on the Quebec and Richmond railroad		2,395
		25,195

In addition to the number who have proceeded to Western Canada by the route of the St. Lawrence, that Province annually receives a large accession of valuable settlers viâ Boston and New York, routes formerly found practicable only during the season of navigation, but now offering every facility to ingress by the establishment of numerous lines of railroads, all conveying to the Canadian frontier.

Mr. Hawke estimates the number received by this route during the past season at from 4,500 to 5,000 souls; this is altogether independent of the railroad labourers, which the extensive public works now in progress have attracted to Upper Canada, and which, owing to the stoppage of nearly all works of this class in the Western States, caused by the

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depression in the money market, have tended greatly to increase during the autumn, so that I estimate the increase to the population of Upper Canada, independent of this class during the past season, at about 25,000 souls.

From a return of the emigrants at the Port of New York it appears that the number at the close of the year was 284,945, being a decrease on that of 1852 of 14,559, over 9,000 of which was on that from the United Kingdom, which number during the past season was 147,928 against 156,983 in 1852; but the greatest proportionate decrease is on the emigration from Norway, which being in 1852, 1,889, fell during the past year to 377. This may in some measure account for the large increase in number received from that country by this route during the past year.

The decrease in the past season's emigration to this continent was fully ancicipated from the improved condition of the working classes, more particularly in the United Kingdom; and I find, on comparing the decrease among the arrivals at New York with that to this port, that in the former it was equal to 5 per cent., and by the St. Lawrence to 6¼.

I have not been able to ascertain the extent of mortality among the emigration of the past season arriving at New York, as I cannot find that any report of this is ever made public. I observe, from a statement published in a New York paper of the deaths on board 28 emigrant vessels arrived in that port during the month of November, that out of 13,762 passengers, the frightful number of 1,141 is stated to have died on the passage from cholera, equal to 8 per cent., thereby showing a mortality much more severe than that experienced in the emigration to this port during the fatal season of 1847.

The emigration of 1853 has on the whole been satisfactory. They have generally been well clothed and respectable in appearance, and their general health, when the circumstances accompanying long passages are taken into account, may be admitted as satisfactory. I may here again be permitted to revert to the case of the passenger ship "Fingal," in which no less than 34 deaths were reported to have occurred among the emigrants on their passage, including fourteen children. When, however, it is taken into consideration that these unfortunate emigrants had sailed for the second time from Liverpool, the vessel in which they first sailed, the "Joseph Howe," having put into Cork in distress, where she was condemned; that for several weeks from stress of weather they had been reduced to the ship's allowance of food, their own supply having been all expended during the period of their detention; and if, to being weak and ill fed, we have the adjuncts of cold, damp, and stormy weather, it may truly be a matter of surprise that a greater number had not succumbed to disease.

Your Excellency has already been made acquainted with the panic and disquietude which the number of deaths reported to have occurred on board the "Fingal" had excited in the public mind; but the contingency of such a large mortality on board of one single ship, so soon following the accounts of the prevalence of cholera in some of our transatlantic ports, could not, it was reasonable to expect, have operated otherwise; particularly in a country which had already suffered so much by its invasions in 1832, 1834, and 1849.

The judicious measure, however, which was immediately adopted by your Excellency and Council in ordering the vessel to Grosse Isle, for the purpose of quarantine, had the desired effect of at once allaying public anxiety; and soon after, from the report of the Medical Superintendent that no sickness had since manifested itself among the passengers, and that a dietary of fresh provisions and vegetables had completely restored them to their wonted constitutional vigour and health, the citizens became fully assured that nothing prejudicial to the general health could be apprehended from the return of the vessel and the emigrant passengers to this port.

The establishment of the Canada line of steamers has, it may be observed, already been beneficially felt here, by the great increase of cabin passengers from Liverpool during the past season. This field of enterprise, so important to the general interests of the colony, will it is hoped be extended, and amongst other advantages prove the means of diverting and accelerating the tide of trade and travel to its proper and destined course (the St. Lawrence), to obtaining which the energies and resources of our great rival and neighbour have been employed, and not without success; and it is not advancing too much when I observe, that for the emigrant no country offers better guarantees for the successful pursuit of competency and happiness than this.

Its unbounded and, in comparison with the United States, as yet hardly developed resources, the salubrity of its climate, and the liberal character of its institutions are advantages not to be overlooked by transatlantic adventurers, and which, when properly appreciated, cannot but secure a preference over all other destinations.

With reference to the prospect for 1854 I have every reason to anticipate the most satisfactory results. The demand for labour both skilled and unskilled, as well as for farm servants and female domestics, will be very great; and the opinions which I had the honour of expressing in my report of last year, that the colony would offer steady and profitable employment for the labouring classes of the mother country for several years to come, have from the experience of the past year been more than fully confirmed.

The wages of all classes of labour accustomed to railway work, experienced an advance during the early part of the past season, and common labourers received from a dollar to 5*s.* 6*d.* per day, platelayers 7*s.* 6*d.*, masons and bricklayers from 2 dollers to 12*s.* 6*d.*

currency per day; and other trades, such as carpenters, painters, and all classes of workers in iron received a proportionate advance on the rates of previous years.

On a reference to Mr. Hawke's Report, it will be seen, that in Western Canada all emigrants disposed to labour have found employment during the winter months at a smaller reduction on the summer rates of wages.

Blessed with so good a soil and climate as Upper Canada possesses, and favoured by the kindness of a gracious Providence with a long and uninterrupted succession of good harvests, there is no country where the labouring man can find more constant employment and remunerative wages in proportion to the expense of living.

The opening of the Great Western Railway from Hamilton to Detroit, which is to take place during the ensuing month, will doubtless have a very beneficial effect on the travel by this route, the more particularly as it will render the St. Lawrence the most direct and expeditious medium for all emigrants desirous of proceeding to the Western States.

The transhipment and detention from Queenstown to Buffalo round the Falls of Niagara will be saved thereby, and all the dangerous navigation of Lake Erie avoided, and, moreover, what is of the highest importance, 100 miles of distance saved.

The distance from Quebec to Chicago by this route will be 1,048 miles, one half of which will be performed in comfortable steamers, and the remainder by railroad. Actual time of travel about 70 hours.

In forming any estimate of the amount of capital brought into the province by the emigrants of this past year, we have no reliable data, and therefore no means exist by which it could be ascertained with any correctness. The great body of the emigrants are doubtless of the labouring class, and possess little beyond their physical energies. But I am aware that a number of intelligent settlers, who have brought out a considerable amount of capital with them, have settled in Western Canada.

Several importations of valuable stock have taken place during the past season, by gentlemen in Upper Canada, which is a favourable indication of the wealth and progress of the country.

Should the present unsettled state of Europe continue, and result, as it is much to be feared, in a general war, this continent will doubtless receive a large accession of the better classes of emigrants, more particularly from the continent; and, now that Canada has become better known, and that correct conception of its advantages and capabilities are also more extensively diffused, it cannot but greatly benefit by the present unsettled aspect of affairs in Europe.

I have thus endeavoured, in a brief and I hope explicit manner, to bring before your Excellency a review of the past season's transactions of this department.

All which I respectfully submit to your Excellency's favourable consideration.

I have, &c.

(Signed) A. C. Buchanan, Chief Agent.

Emigrant Office,

My Dear Sir, Toronto, 17th December, 1853.

I beg to acknowledge the receipt of your letter of the 10th instant.

The revolution which has taken place during the last year or two in the forwarding business, renders it impossible to keep any account of the arrival and departure of emigrants at this or any other of the principal ports in Upper Canada that could be depended upon. Formerly the Royal Mail line of steamers conveyed nine-tenths of the emigrants, and, as they were regular in their periods of arrival and departure, we could obtain correct returns; but now it is impossible, as the business is done by such a multitude of American and British steamers and propellers, many of which do not touch either at Kingston or Toronto, but proceed direct from Prescott, Ogensburg, to Niagara, Hamilton, or Lewiston, and arrive and depart at all hours both night and day.

At this office we have granted, during the year 1853, 563 full passages, and as two children count as one passenger, we may assume that the number of persons forwarded at the expense of this department amounts to 687. Bread is the only food distributed, and as we have given away 2,196 loaves, and as each adult generally gets one loaf, and children under age half that quantity the total number receiving such relief to this date may be estimated at 2,928.

The number of emigrants during the season who came to Upper Canada, viâ the St. Lawrence, it appears to me can be best ascertained at Quebec or Montreal, as they do not begin to branch off until after they leave these ports. As to the number who proceeded from Upper Canada to the United States, it is more than balanced by the number received from that country, which I estimate at upwards of 4,500. This number does not include the railroad labourers, which our extensive public works have brought to Upper Canada during the past year, hundreds if not thousands of whom will remain, as our next census will undoubtedly show, but is confined to those who landed at New York and Boston during the current year, and proceeded to this section of the Province with the intention of becoming permanent settlers.

As I have before stated in my letters to you, we shall no doubt get many more settlers of this class during the ensuing winter and spring. In fact, every arrival of the steamers

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from Lewiston and Rochester brings more or less. The steamers to these ports continue their trips, whenever the weather will permit, throughout the year.

In my letter of the 8th instant I stated, "that it was rather a slack time with us as "to employment, compared with what it was during the summer, but still work can be "obtained at reasonable wages. Domestic servants are in fact scarce. It is said that "a considerable number of railroad hands will be dismissed during this and ensuing "winter months, and their services will not again be required until April next, when "it is presumed the operations on the Grand Trunk line will commence extensively." I have since been informed, that it is not probable there will be any dismissals if the labourers will consent to work for 3*s*. 9*d*. currency per day during January and February. The next year will, no doubt, be a busy one, and present prospects justify the assertion that there will be abundant employment for masons, bricklayers, carpenters, joiners, blacksmiths, and mechanics of all descriptions, as well as farm and domestic servants and common labourers.

The season has been remarkably healthy, and no complaints have reached this office on any subject; on the contrary, all appear well satisfied, and the amount of money sent home through the banks, especially to Ireland, to assist indigent relations and friends to emigrate, has been unusually great.

I am, &c.
(Signed) A. B. HAWKE,
Chief Emigration Agent for Upper Canada.

APPENDIX.

No. 1.

RETURN of the Number of Emigrants embarked, with the Number of Births and Deaths during the Voyage and in Quarantine; the total Number landed in the Colony, distinguishing Males from Females and Adults from Children, with the Number of Souls from each Country; also the Number of Vessels, Tonnage, and Seamen employed, and the average Length of Passage, during the Season of 1853.

WHENCE.	Number of Vessels.	Average Days on Passage.	Tonnage.	Number of Seamen.	NUMBER EMBARKED.							Births.		Total Souls on board.	DEATHS ON THE PASSAGE.					
					Cabin Passengers.	Adults.		Children. 1 to 14 years.		Infants.	Total Steerage.				Adults.		Children, 1 to 14 years.		Infants.	Total.
						M.	F.	M.	F.			M.	F.		M.	F.	M.	F.		
England	131	48½	72,454	2,587	498	3,370	2,489	1,520	1,314	489	9,182	13	11	9,704	14	16	25	21	20	96
Ireland	86	47½	35,206	1,265	54	4,308	5419	2,148	2,077	446	14,398	3	5	14,460	8	11	11	2	8	40
Scotland	65	44¼	33,566	1,202	153	1,716	1,365	671	622	227	4,601	2	6	4,762	3	3	5	- -	6	17
Continent of Europe :—																				
Germany	14	51¾	3,985	169	- -	969	683	289	294	184	2,419	4	1	2,424	1	2	7	4	9	23
Norway	28	55½	10,462	378	5	1,933	1,507	761	623	251	5,075	7	6	5,093	4	1	13	3	11	32
Lower Ports, &c.	36	- -	- -	- -	21	159	129	94	87	6	475	- -	- -	496	- -	- -	- -	- -	- -	- -
Total	360	48	155,673	5,601	31	12,455	11,592	5483	5,017	1,603	36,150	29	29	36,939	30	33	61	30	54	208

(continued)

WHENCE.	DEATHS IN QUARANTINE.						Total Deaths.	TOTAL LANDED IN THE COLONY.									Grand Total landed in the Colony.
	Adults.		Children, 1 to 14 years.		Infants.	Total.		Adults.		Children, 1 to 14 years.		Total.		Infants.	Total. Steerage.	Cabin Passengers.	
	M.	F.	M.	F.				M.	F.	M.	F.	M.	F.				
England	4	7	7	5	- -	23	119	3,352	2,466	1,488	1,288	4,840	3,754	493	9,087	498	9,585
Ireland	- -	2	- -	1	- -	3	43	4,300	5,406	2,137	2,074	6,437	7,480	446	14,363	54	14,417
Scotland	- -	- -	- -	- -	- -	- -	17	1,713	1,362	666	622	2,379	1,984	229	4,592	153	4,745
Continent of Europe :—																	
Germans	- -	- -	1	- -	- -	1	24	968	681	281	290	1,249	971	180	2,400	- -	2,400
Norwegians	- -	2	1	2	- -	5	37	1,929	1,504	747	618	2,676	2,122	253	5,051	5	5,056
Lower Ports, &c.	- -	- -	- -	- -	- -	- -	-	159	129	94	87	253	216	6	475	21	496
Total	4	11	9	8	—	32	240	12,421	11,548	5,413	4,979	17,834	16,527	1,607	35,968	731	36,699

Deaths on the Passage, equal to 0·56 per cent. Deaths in Quarantine, equal to 0·08 per cent. Total mortality on Number embarked, equal to 0·65 per cent.

Emigration Department, Quebec, December 1853.

A. C. BUCHANAN, Chief Agent.

No. 2.

ABSTRACT STATEMENT of the Total Number of Emigrants embarked, died on the Passage, and in Quarantine, with the Number of Births, and Total Number landed in the Colony, distinguishing the Countries and Ports whence they sailed, during the Season of 1853.

	Number of Ships.	Passengers.		Deaths.		Births.	Landed in Colony.
		Steerage.	Cabin.	Sea.	Quarantine.		
ENGLAND:							
Bideford	5	144	18	1	- -	2	163
Beaumaris	1	- -	19	- -	- -	- -	19
Bristol	7	179	9	- -	- -	- -	188
Carlisle	1	90	- -	- -	- -	- -	90
Cardiff	2	11	- -	- -	- -	- -	11
Dartmouth	2	2	- -	- -	- -	- -	2
Fowey	4	169	- -	- -	- -	- -	169
Falmouth	4	23	12	- -	- -	- -	35
Gloucester	1	2	- -	- -	- -	- -	2
Hull	4	283	7	- -	- -	2	292
Liverpool	58	6,320	331	92	23	16	6,552
London	12	88	51	1	- -	1	139
Maryport	3	51	1	- -	- -	- -	52
Newport	4	26	6	- -	- -	- -	32
Newcastle	4	52	17	- -	- -	- -	69
Plymouth	11	1,462	13	1	- -	3	1,477
Padstow	3	49	1	- -	- -	- -	50
Poole	1	6	- -	- -	- -	- -	6
Southampton	1	196	5	1	- -	- -	200
Sunderland	2	16	- -	- -	- -	- -	16
Torquay	1	13	8	- -	- -	- -	21
	131	9,182	498	96	23	24	9,585
IRELAND:							
Belfast	5	662	- -	1	- -	1	662
Ballina	1	7	- -	- -	- -	- -	7
Cork	14	2,031	6	7	2	1	2,029
Dublin	7	1,155	23	4	- -	- -	1,174
Donegal	1	54	- -	- -	- -	- -	54
Galway	2	9	- -	- -	- -	- -	9
Limerick	27	4,939	14	16	- -	1	4,938
Londonderry	2	318	- -	1	- -	1	318
New Ross	11	3,299	5	7	1	3	3,299
Newry	1	193	1	- -	- -	- -	194
Sligo	3	434	- -	3	- -	- -	431
Tralee	2	317	- -	- -	- -	- -	317
Westport	2	250	- -	1	- -	1	250
Waterford	7	714	5	- -	- -	- -	719
Youghal	1	16	- -	- -	- -	- -	16
	86	14,398	54	40	3	8	14,417

	Number of Ships.	Passengers.		Deaths.		Births.	Landed in Colony.
		Steerage.	Cabin.	Sea.	Quarantine.		
SCOTLAND:							
Aberdeen	6	631	41	1	- -	- -	671
Ardrossan	2	34	- -	- -	- -	- -	34
Banff	1	2	- -	- -	- -	- -	2
Dundee	3	30	4	- -	- -	- -	34
Greenock	4	433	5	6	- -	2	434
Glasgow	42	2,790	103	8	- -	5	2,890
Leith	1	14	- -	- -	- -	- -	14
Montrose	2	176	-	2	- -	- -	174
Skye	1	338	- -	- -	- -	1	339
Stromness	2	142	- -	- -	- -	- -	142
Troon	1	11	- -	- -	- -	- -	11
	65	4,601	153	17	- -	8	4,745
CONTINENT OF EUROPE:							
Bremen	2	335	- -	2	- -	1	334
Hamburg	12	2,084	- -	21	1	4	2,066
Arundel	1	- -	5	- -	- -	- -	
Christiana	8	1,924	- -	13	2	2	1,911
Drammen	3	699	- -	16	3	2	682
Grimstadt	1	7	- -	- -	- -	- -	7
Holmestrand	2	334	- -	1	- -	4	337
Krageroe	5	1,128	- -	1	- -	2	1,129
Ostensior	2	169	- -	1	- -	2	170
Porsgrund	1	253	- -	- -	- -	- -	253
Starunger	2	370	- -	- -	- -	- -	370
Tweedistrand	2	177	- -	- -	- -	1	178
Tonsberg	1	14	- -	- -	- -	- -	14
	42	7,494	5	55	6	18	7,456
LOWER PORTS:							
New Brunswick, Nova Scotia, and St. John's, Newfoundland	36	475	21	- -	- -	- -	496
RECAPITULATION:							
England	131	9,182	498	96	23	24	9,585
Ireland	86	14,398	54	40	3	8	14,417
Scotland	65	4,601	153	17	- -	8	4,745
Germany	14	2,419	- -	23	1	5	2,400
Norway	28	5,075	5	32	5	13	5,056
Lower Ports	36	475	21	- -	- -	- -	496
	360	36,150	731	208	32	58	36,699

Emigration Department, Quebec,
December 1853.

A. C. BUCHANAN,
Chief Agent.

No. 3.

RETURN of the Number of Admissions to Hospital, Discharges, and Deaths of Emigrants arrived during the Season of 1853.

	Remaining.	Admissions.	Discharges.	Deaths.
Grosse Isle Hospital - - - - -		278	246	32
Marine and Emigrant Hospital, Quebec - -	28	330	268	34
General Hospital, Montreal - - -	19	321	280	22
	47	929	794	88

Emigration Department, Quebec,
December 1853.

A. C. BUCHANAN,
Chief Agent.

No. 4.

RETURN of the Trades and Callings of the Emigrants arrived at Quebec and Montreal during the Season of 1853.

Trades.	No.	Trades.	No.
Bakers - - - -	35	Brought forward - -	878
Butchers - - - -	21	Saddlers and Harness Makers -	15
Braziers, Plumbers, and Tinworkers -	11	Clerks - - - -	74
Bookbinders and Printers - -	21	Sail-makers - - -	1
Bricklayers and Masons - -	172	Sawyers - - - -	5
Cabinet Makers and Turners - -	16	Shoemakers - - -	154
Carpenters - - - -	322	Smiths - - - -	199
Cart and Wheel Wrights - -	15	Stone-cutters - - -	17
Coachmakers - - -	2	Tailors - - - -	176
Coopers - - - -	9	Watch and Clockmakers - -	9
Curriers and Tanners - -	2	Wool and Flax Dressers - -	3
Dyers - - - - -	1	Weavers - - - -	51
Engineers - - - -	40	Unenumerated - - -	84
Gardeners - - - -	19	Farm and Agricultural Labourers -	3,974
Hatters - - - -	2	Labourers - - -	6,667
Millers and Millwrights - - -	48	Servants - - - -	146
Miners - - - - -	119	Ship Carpenters - - -	2
Moulders and Foundrymen - -	3		
Painters and Glaziers - - -	15	Deaths at Sea - - 30	12,455
Paper-makers - - -	1	Ditto in Quarantine - - 4	
Rope-makers - - - -	4	—	34
Carried forward - -	878	Total - - -	12,421

Emigration Department, Quebec,
December 1853.

A. C. BUCHANAN,
Chief Agent.

No. 5.

COMPARATIVE STATEMENT of the Number of Emigrants arrived at the Ports of Quebec and Montreal since the Year 1829 to 1853 inclusive.

	1829 to 1833.	1834 to 1838.	1839 to 1843.	1844 to 1848.	1849.	1850.	1851.	1852.	1853.	Total.
England -	43,386	28,624	30,813	60,453	8,980	9,887	9,677	9,276	9,585	210,681
Ireland -	102,264	54,898	74,981	112,192	23,126	17,976	22,381	15,983	14,417	438,218
Scotland -	20,143	10,998	16,289	12,767	4,984	2,879	7,042	5,477	4,745	85,324
Continent of Europe.	15	485	- -	9,728	436	849	870	7,256	7,456	27,095
Lower Ports	1,889	1,346	1,777	1,219	968	701	1,106	1,184	496	10,686
	167,697	96,351	123,860	196,359	38,494	32,292	41,076	39,176	36,699	772,004

Emigration Department, Quebec,
December 1853.

A. C. BUCHANAN,
Chief Agent.

No. 6.

RETURN of the Number of Persons who appear to have received Assistance to Emigrate; also showing the Number who received Landing Money, through whom, and by whom paid, during the Year 1853.

Date.	Vessel.	Whence.	No. received Free Passage only.	No. received Landing Money, with a Free Passage.	By whom Assisted.	Paid by Emigrant Department in Sterling.	Paid by Agents, &c. in Sterling.
						£ s. d.	£ s. d.
May 26	Washington	Hamburg	12	-	Parish.	—	—
„	Urania	Cork	-	99	Cork Union	74 11 0	—
„	Jane Black	Limerick	-	138	Athlone	138 0 0	—
„	Onwards	Liverpool	47	-	Colonel Wanderford.	—	—
May 28	Prince Regent	Hull	40	-	Parish.	—	—
May 29	Rose	Plymouth	-	13	Ditto	- -	5 0 0
May 31	New Brunswick	Dublin	-	101	Londonderry Union	91 0 0	—
„	Ditto	Ditto	-	89	Carlow	85 15 0	—
„	Ditto	Ditto	27	-	Carrickmacross.	—	—
„	Ava	Southampton	-	41	Parish	- -	30 0 0
June 4	William and Joseph.	Limerick	7	-	Landlords.	—	—
June 12	Crescent City	Liverpool	-	56	Ballyshannon Union	56 0 0	—
June 15	Electric	Bideford	6	-	Parish.	—	—
June 21	Sultan	Cork	-	100	Cork Union	76 2 6	—
June 25	Albion	Ditto	-	2	Foundling School	3 0 0	—
June 29	Thyatira	Dublin	-	53	Tullamore Union	- -	53 0 0
„	Ditto	Ditto	37	-	Mr. Wandsworth.	—	—
June 30	Coolock	Ditto	-	28	Kildysart Union	- -	28 0 0
July 8	Victoria	Ditto	-	138	Naas Union	- -	128 10 0
Aug. 4	Kingston	Cork	-	6	Newcastle Union	- -	6 0 0
„	Ditto	Ditto	9	-	Marquis of Lansdowne.	—	—
Aug. 13	Rosina	Glasgow	1	-	Parish.	—	—
Aug. 15	Odessa	Dublin	-	100	Mullingar	100 0 0	—
Sept. 3	Ch. Chalmer	Liverpool	19	-	Leitzenberg, Germany.	—	—
„	Allan Kerr	Glasgow	18	-	Landlord, Argyleshire.	—	—
Sept. 5	St. Lawrence	Cork	42	-	Lord Erskine.	—	—
Sept. 6	Primrose	Limerick	-	55	Mount-Bellew Union	53 0 0	—
„	Ditto	Ditto	-	7	Croom Union	5 0 0	—
„	Mihichi	Liverpool	-	6	Chatham Union	6 0 0	—
Sept 7	Sillery	Skye	332	-	Mr. M'Donald.	—	—
„	Eliza Keith	Cork	-	104	Parsonstown Union	104 0 0	—
Sept. 8	Pero	Ditto	27	-	Tralee Union.	—	—
Sept. 10	Johns	Plymouth	-	9	Parish	- -	7 0 0
Sept. 22	Queen Victoria	Ditto	-	7	Ditto	- -	5 0 0
Sept. 27	Jessy	Limerick	-	3	Croom Union	1 0 0	—
Sept. 28	Glenlyon	New Ross	-	315	New Ross Union	- -	157 10 0
Oct. 24	Fingal	Liverpool	-	10	Strabane Union	5 0 0	—
			624	1,480	£	798 8 6	420 0 0

RECAPITULATION.

	England.		Ireland.		Scotland.		Foreign.	
	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.
		£ s. d.		£ s. d.				
Parish Funds	76	53 0 0	1,404	1,165 8 6	—	—	—	—
Free Passage only	46	- -	196	- -	351	—	31	—
Total	122	53 0 0	1,600	1,165 8 6	351	—	31	—

Emigration Department, Quebec,
December 1853.

A. C. BUCHANAN,
Chief Agent.

CANADA.

EXTRACTS from the Notes appended to the principal Reports of Arrivals of Passenger Ships at the Ports of Quebec and Montreal in the Season of 1853.

No. 1.

From the 1st to the 31st May.

6,514 souls landed at this port from the opening of the navigation to the 31st May, being a decrease, when compared with the corresponding period of 1852, of 896 souls; 6,381 were classed as steerage passengers and 133 as cabin.

They landed in good health, although many of the vessels have made unusually long passages for the season, the average being 43 days.

The deaths on the passage were eighteen: males two, females three, children eight, and infants five.

The male adults were classed in the passenger list as follows:—

Farmers - - - -	662
Labourers - - -	1,149
Mechanics - - -	306
Servants - - -	109
	2,226

The emigrants from England (which number, exclusive of those from Liverpool, about 1,300 souls) were chiefly farmers and agricultural labourers, with a party of Cornish miners and navvies; the farmers proceeded to Upper Canada, the miners to the Western States, and the navvies obtained employment on the Richmond railroad.

Those from Liverpool were nearly all Irish and of the labouring class; a number were proceeding to join friends, and others for employment.

On board the "Ava," from Southampton, there were 78 persons who were aided in their emigration, forty-one souls, equal to thirty-three adults, also received landing money, amounting to 30*l.* sterling; the remainder were respectable farmers proceeding to Upper Canada, and a few to the Western States.

The emigrants direct from Irish ports were all of the labouring class; among them were 316 paupers, viz.—

99 females	from the Cork union	were paid	15*s.* sterling on landing.
101 „	Edenderry	„	20*s.* „ „
89 females and boys	Carlow	„	20*s.* „ „
27 „	Carrickmacross	„	nil.

Of the party from the Cork union, seven were left at Grosse Isle, suffering from ophthalmia, two of whom were reported by the medical officer as quite blind.

The captain of the "Urania" having declined to enter into the necessary bond required by the Provincial Passenger Act, decided to take them back to their union; thirteen more of the same party have been sent to hospital in this city and to that in Montreal, labouring under the effects of the same disease; the other parties were in excellent health, and looked clean and tidy.

On receiving their landing money, such as would not accept of employment here were sent up the country under the care of this department; a number went to their relations in the United States.

The agent at Toronto reports that all who had reached that section of the country were immediately employed. The twenty-seven girls from the Carrickmacross union stated that they were to have received 10*s.* sterling each on landing; no instruction whatever had reached this department respecting them. From having stated that they were destitute and without the means of procuring lodgings, they received assistance: eight obtained employment in this city and neighbourhood, the remainder were sent up the country. A report of their case has been made and forwarded to the guardians of the Carrickmacross union.

The emigrants from Scotland were respectable tradesmen and farmers; 104 were mechanics, principally connected with railroad work. On board the "Robert Burns" some valuable stock was imported by a gentleman near Toronto, consisting of sheep and pigs.

Of the foreign emigrants 277 were Germans and 250 Norwegians; the latter all proceeded direct to Chicago; twenty-six of the Germans were employed on the Richmond railroad, about fifteen miles from Quebec, and fourteen proceeded to friends in the Waterloo districts (they possessed capital), and 234 went to their friends in the Western States.

The opinion expressed during the winter as to the scarcity of labourers this season has been fully realized, and the scarcity seems much greater than anticipated. Applications are coming in from all sections of the province for labourers and mechanics; wages for the former one dollar, and for masons and stonecutters 2 to 2½ dollars are paid per day in cash; the demand is still increasing, and not likely to be satisfied by any supply of emigrants which may be received this season.

The number of persons assisted from the several vessels in this return was 357, all females and childrne, who have come out to join their relations in this province and the Western States, at an outlay of 100*l.* 2*s.* 4*d.*

The emigration to this port during the month of May has been very satisfactory, no complaints of any kind have been made, and the emigrants speak favourably of the treatment which they received during the voyage.

Enclosed is the printed notice issued by this department, showing routes and rates of inland transport for 1853.

FOR THE INFORMATION OF EMIGRANTS.

Passengers are particularly cautioned on no account to part with their contract tickets to the Master or any other party whatsoever, without communicating with the Emigrant Office.

There is nothing of more importance to emigrants, on arrival at Quebec, than correct information on the leading points connected with their future pursuits. Many, especially single females and unprotected persons in general, have suffered much from a want of caution, and from listening to the opinions of interested and designing characters, who frequently offer their advice unsolicited. To guard emigrants from falling into such errors, they should, immediately on their arrival at Quebec, proceed to the office of the chief agent for emigrants, where persons desirous of proceeding to any part of Canada will receive every information relative to the lands open for settlement, routes, distances, and expenses of conveyance; where also labourers, artizans, or mechanics will be furnished, on application, with the best directions in respect to employment, the places at which it is to be had, and the rates of wages.

Emigrants are entitled by law to remain on board the ship forty-eight hours after arrival; nor can they be deprived of any of their usual accommodations and berthing during that period, and the master of the ship is bound to disembark them and their baggage free of expense, at the usual landing place, and at reasonable hours, as may be seen in the following extract from the Provincial Passenger Act:—

NOTICE to Captains of Passenger Vessels.

"And whereas inconvenience and expense are occasioned by the practice of masters of ships carrying passengers, anchoring at great distances from the usual landing places in the port of Quebec, and landing their passengers at unreasonable hours: Be it therefore enacted, That all masters of ships having passengers on board shall be held, and they are hereby required to land their passengers and their baggage free of expense to the said passengers, at the usual public landing places in the said port of Quebec, and at reasonable hours, not earlier than six of the clock in the morning, and not later than four of the clock in the afternoon; and such ships shall, for the purpose of landing their passengers and baggage, be anchored within the following limits in the said port, to wit: the whole space of the River St. Lawrence, from the mouth of the River St. Charles to a line drawn across the said River St. Lawrence, from the flag-staff on the citadel on Cape Diamond at right angles to the course of the said river, under a penalty of 10*l.* currency, for any offence against the provisions of this section."

Any offence against this section will be rigidly enforced.

Small capitalists in search of cleared farms are invited to call at this office, where they will be furnished with the descriptions of a number of farms in various stages of improvement, situated in different sections of the province, many of which combine the advantages of being in the neighbourhood of churches, schools, post offices, grist and saw mills; and, from their vicinity to Quebec and Montreal, the highest market-price may always be obtained for any surplus produce.

On the route from Quebec to their destination, they will find many plans and schemes offered to their consideration; but they should disregard such statements, unless well satisfied of their correctness. On all occasions when emigrants stand in need of advice, application should be made to the Government agents, who will gratuitously furnish every requisite information.

Ample notice having now been given, as well in Great Britain and Ireland as in Canada, that an Act has been passed by the Legislature, in which it is expressly stipulated that the emigrant tax levied under its authority should be applied *only* to the relief of destitute sick emigrants, all parties are therefore distinctly informed that no relief whatever will be afforded out of this fund, unless in cases of sickness.

Agents have been stationed at the following ports:—Quebec, Montreal, Toronto, and Hamilton,—who will furnish emigrants with advice as to routes, distances, and rates of conveyance, and give them information respecting the Crown and other lands for sale in their respective districts, as well as direct emigrants in want of employment to places where they will be most likely to obtain it.

CAUTION against Refusing Employment.

It is of the greatest importance that emigrants should be disabused of the very erroneous ideas which they almost all entertain as to the remuneration they will receive for their labour on arrival in this country. They should bear in mind that for the first season, and

until they become acquainted with the labour of the country, their services are worth little more than one-half of those rendered by experienced labourers. Many have been offered advantageous engagements and permanent employment on their first arrival, which they refused, preferring to proceed, in hopes of better wages; but in this very many are disappointed. Six dollars to eight dollars per month, with board and lodging, is as much as farmers will or can afford to give to newly arrived emigrants. Good hands, after a year's residence, will generally command from ten dollars to fourteen dollars per month.

A large number of labourers are now required on the several railroads in course of construction in this province, viz.:—

The Quebec and Richmond Railroad - - -	100 miles.
The Montreal and Portland Railroad - - -	31 „
The Prescott and Bytown Railroad - - -	54 „
The Toronto and Simcoe Railroad - - -	66 „
The Great Western, from Hamilton to Windsor - -	180 „

Wages from 4*s.* 6*d.* to one dollar per day.

Wanted at Toronto 5,000 men on the Toronto and Sarnia section of the Grand Trunk of Railway. The highest wages will be given to masons, bricklayers, and labourers.

Emigrants proceeding to the Eastern Townships, especially the populous and flourishing villages—Drummondville, Kingsey, Shipton, and Melbourne, and the county-town of Sherbrooke—will proceed by the regular steamer to Montreal, and thence by the St. Lawrence and Atlantic Railroad from Longueuil to Sherbrooke, 103 miles. This district, for its healthfulness, cheapness of land, facility of access, and manufacturing, agricultural, and commercial capabilities, is particularly deserving of the notice of emigrants of every class; and where there is a constant demand for mechanics and labourers of every description, especially farm servants.

Mr. S. M. Taylor, the agent of the British American Land Company, Montreal, will furnish intending settlers with full information, and to whom emigrants proceeding to this section of the province are recommended to apply.

Bytown and the Ottawa River Settlements.

To Emigrants requiring Employment or seeking Locations for Settlement.

Owing to the diversion of the route of emigrants proceeding to the west from the Ottawa and Rideau Canal route to that of the St. Lawrence, but a few emigrants have proceeded during late years to that section of the country; consequently, labourers are now much wanted, and the rates of wages have consequently increased.

The lumber trade of the Ottawa, which annually requires from 25,000 to 30,000 men, is now, owing to the increased demand for that great staple of the country, about to be much extended; and as almost all those who transact this business are largely engaged in farming, a most favourable opportunity is now offered to emigrants to proceed to that section of the country: good, active men will get, the first year, from 2*l.* to 3*l.* per month, with their board; and, after they have become acquainted with the work of the country, and acquired the necessary skill, they will be competent to earn the highest wages, from 3*l.* 10*s.* to 4*l.* per month, or from 35*l.* to 40*l.* per annum.

Crown lands, and those belonging to private individuals, can be obtained on more reasonable terms than in any other section of the province; and farmers receive the highest cash prices for all the surplus produce they may have to dispose of.

Route from Montreal to Bytown, by steamer daily, 129 miles; Bytown to Aylmer, by land, 9 miles; Aylmer to Sand Point, by steamer, 45 miles; Sand Point to Castleford, by steamer, 8 miles; Castleford to Portage-du-Fort, 9 miles; Portage-du-Fort to Pembroke, by land and water, 33 miles.

Emigrants should remain about the towns as short a time as possible after arrival. By their proceeding *at once* into the agricultural districts, they will be certain of meeting with employment more suitable to their habits; those with families will also more easily procure the necessaries of life, and avoid the hardships and distress which are experienced by a large portion of the poor inhabitants in our large cities during the winter season. The Chief Agent will consider such persons as may loiter about the ports of landing to have no further claims on the protection of Her Majesty's agents, unless they have been detained by sickness or some other satisfactory cause.

Mr. Conlan, the sub-agent at Montreal, will furnish the best advice and information as to the routes, rates of passage, &c. from that port; also as to the demand for employment existing in the district.

ROUTES, DISTANCES, AND RATES OF PASSAGE FROM QUEBEC.

FROM QUEBEC TO MONTREAL, 180 MILES, BY STEAMERS, EVERY DAY, AT FIVE O'CLOCK; THROUGH IN 14 HOURS.

	Stg.	Cy.
By the Royal Mail Packets - -	2*s.* 0*d.*	2*s.* 6*d.*
By Tait's Line - - -	1 6	1 10½

FROM MONTREAL TO TORONTO, HAMILTON, BUFFALO, AND OTHER PORTS ON LAKES ERIE AND MICHIGAN:

Daily by the Royal Mail Line at 9 o'clock A.M.

	Distances. Miles.	Deck Fare in Stg.	Cy.
From Montreal to Cornwall - -	78	4*s.*	5*s.* 0*d.*
„ „ Williamsburg -	104		
„ „ Matilda - -	112	6*s.*	7*s.* 6*d.*
„ „ Prescott - -	127		
„ „ Brockville - -	139		
„ „ Kingston - -	189	8*s.*	10*s.* 0*d.*
„ „ Cobourg - -	292		
„ „ Port Hope - -	298		
„ „ Bond Head -	313		
„ „ Darlington - -	317	12*s.*	15*s.* 0*d.*
„ „ Whitby - -	337		
„ „ Toronto - -	367		
„ „ Hamilton - -	410		
„ „ Niagara and Lewiston -	457	14*s.*	17*s.* 6*d.*
„ „ Buffalo, by railroad - -	489	18*s.*	22*s.* 6*d.*

Passengers by this line tranship at Prescott to the Lake steamers.

Daily by the American Line, at 1 o'clock P.M.

	Miles.	Stg.	Cy.
From Montreal to Ogdensburg -	138	6*s.*	7*s.* 6*d.*
„ „ Cape Vincent -	190	8*s.*	10*s.* 0*d.*
„ „ Sacket's Harbour	242	12*s.*	15*s.* 0*d.*
„ „ Oswego - -	286	12*s.*	15*s.* 0*d.*
„ „ Rochester - -	349	16*s.*	20*s.* 0*d.*
„ „ Lewiston - -	436	14*s.*	17*s.* 6*d.*
„ „ Buffalo - -	467	18*s.*	22*s.* 6*d.*

Passengers by this line tranship at Ogdensburg to the Lake steamers for Oswego and Buffalo, and at Cape Vincent to the steamer for Toronto and Hamilton.

The passengers for both lines embark at the Canal Basin, Montreal, and arrive at Hamilton and Buffalo in 48 hours.

Passage from Quebec to Hamilton - - 17*s.* 6*d.*
„ „ Buffalo - - 25*s.* 0*d.*

FROM BUFFALO TO PORTS ON LAKES ERIE, MICHIGAN, &c., EVERY EVENING, AT NINE O'CLOCK, BY THE MICHIGAN CENTRAL RAILROAD LINE.

	Miles.	Stg.	Cy.
From Buffalo to Cleveland, on Lake Erie, by steamer -	194	4*s.*	5*s.* 0*d.*
„ „ Sandusky, do. - -	254	4*s.*	5*s.* 0*d.*
„ „ Detroit, direct, do. -	260	8*s.*	10*s.* 0*d.*
„ „ Chicago, by railroad	530	12*s.*	15*s.* 0*d.*
„ „ Do. by steamer, via Lake Huron and Michigan -	1,075	12*s.*	15*s.* 0*d.*

Passage from Quebec to Chicago, 32*s.* sterling, or 8 dol.

Passengers for Cincinnati or St. Louis land at Sandusky, and proceed by railroad.

Steamers leave Kingston daily for the Bay of Quinte and the River Trent, calling at Picton, Adolphustown, Belleville, and other landing places in the Bay.

From Toronto steamers leave daily for Port Dalhousie, the entrance of the Welland Canal, and for Hamilton, calling at Port Credit, 15 miles; Oakville, 25 miles; Wellington Square, 37 miles; and Hamilton, 43 miles.

Steamers leave Toronto daily for Niagara, Queenston, and Lewiston; passage, 3*s.* 9*d.* At Lewiston the rail cars leave twice a day for Buffalo; fare, 5*s.*

Freight steamers carry passengers from Montreal to Kingston for 5*s.* each adult. To Toronto and Hamilton, 10*s.* cy., or 8*s.* stg.

OTTAWA RIVER AND RIDEAU CANAL.

From Montreal to Bytown and Places on the Rideau Canal, by Steam daily, through to Bytown in 12 hours.

Leaves Montreal every morning at 8 o'clock.

	Distance. Miles.	Deck Passengers. Stg.	Cy.
From Montreal to Carillon - -	54	3*s.*	3*s.* 9*d.*
„ „ Grenville - -	66	4*s.*	5*s.* 0*d.*
„ „ L'Orignal - -	73		
„ „ Bytown - -	129	6*s.*	7*s.* 6*d.*
„ „ Kemptville - (Rideau Canal.)	157		
„ „ Merrickville - (Rideau Canal.)	175		
„ „ Smith's Falls - (Rideau Canal.)	190		
„ „ Oliver's Ferry (Rideau Canal.)	199	8*s.*	10*s.* 0*d.*
„ „ Isthmus - - (Rideau Canal.)	216		
„ „ Jones' Falls - (Rideau Canal.)	226		

Passengers proceeding to Perth, Lanark, or any of the adjoining settlements should land at Oliver's Ferry, 7 miles from Perth.

ROUTE TO THE UNITED STATES.

Emigrants proceeding to any of the following States of the American Union, viz.—*Maine, New Hampshire, Massachusetts, Connecticut, Vermont, New York,* and *Pennsylvania.*

BY THE CHAMPLAIN AND ST. LAWRENCE RAILROAD COMPANY.—Mr. W. A. MERRY, Secretary.

Office on the Wharf, opposite the Steamboat Landing, Montreal.

To Boston - - 16*s.* sterling; 20*s.* currency.
To New York - 12*s.* „ 15*s.*

MONTREAL AND NEW YORK RAILROAD COMPANY.—Mr. J. FARROW, Secretary.

Office at the Railroad Terminus, St. Antoine Suburbs; and Mr. HOLT, Agent—*Office, Great St. James Street.*

To Boston - - 16*s.* sterling; 20*s.* currency.
To New York - 12*s.* „ 15*s.* „

Trains of the above company leave Montreal daily for New York and Boston, through in 14 hours.

100 lbs. of luggage allowed each passenger free; all over that quantity will be charged extra.

NEW BRUNSWICK.

The best and most expeditious route is by the St. Lawrence and Atlantic Railroad, from Montreal to Portland; thence by steamer which leaves for St. John's, New Brunswick, every Monday and Wednesday evening, at 8 o'clock.

Route.	Stg.	Cy.
From Quebec to Montreal, by steamer -	2*s.*	2*s.* 6*d.*
„ Montreal to Portland, by railroad -	16*s.*	20*s.* 0*d.*
„ Portland to St. John's, by steamer -	16*s.*	20*s.* 0*d.*
	34*s.*	42*s.* 6*d.*

Throughout these passages children under twelve years of age are charged half-price, and those under three years are free,

The gold sovereign is at present worth 24*s.* 4*d.* cy.; the English shilling, 1*s.* 3*d.*; and the English crown-piece, 6*s.* 1*d.*

CAUTION TO EMIGRANTS.

Emigrants should exercise caution when paying their passage, and, when in any doubt, apply at once to this Office, where they will receive every advice and protectton.

The agents now in Quebec authorized to book passengers are —

For the Royal Mail Line . . . Mr. A. SAMUELS, } Office—on Napoleon
„ American Line . . . . Mr. G. H. CHURCH, } Wharf.

Emigrants only proceeding to Montreal will find it better not to take tickets, but pay their passage to the captain of the steamer they proceed by, as it will save trouble and prevent mistakes.

Emigrants on arriving at Buffalo, if proceeding further, will, on application to Mr. J. Movius, agent of the Michigan Central Railroad Company, receive correct advice and direction as to route.

Emigration Department, Quebec, 27th July, 1853.

A. C. BUCHANAN,
Chief Agent.

No. 2.

From the 1st to the 11th June.

2,218 emigrants during the period in this return, all landed in good health; the deaths during the passage were about 10, chiefly children. The male adults are classed as follow :—

Farmers - - -	238
Labourers - - -	336
Mechanics - - -	228
Servants - - -	2
	804

About one half are foreigners, principally Norwegians; they appear to be a fine healthy body of emigrants.

About 100 were induced to proceed to Hamilton for employment, but expressed their intention of afterwards settling in the Huron Tract. They were provided with recommendations from Mr. Christie, M.P.P., to influential parties in that section of the province, and if they can be induced to remain, they will doubtless become valuable settlers, and thereby form a nucleus, and be the means of attracting thereto further parties of their countrymen.

The remainder, about 700, went to Milwaukie; the Germans, 200 in number, proceeded to Hamilton and the Western States; English and Scotch have chiefly proceeded to Upper Canada. A number of mechanics from Glasgow are employed in Montreal.

Of the emigrants from Ireland, about one half were going to the United States. A good many are employed on the Quebec and Richmond Railway.

A few families have been assisted, chiefly females and children, proceeding to join their friends.

No. 3.

From the 12th to the 18th June.

The emigrants during the past week have all landed in good health, notwithstanding their long passages, which average over 50 days.

A large number have emigrated for the purpose of joining their friends in Upper Canada and the United States.

The foreign emigrants, 400 in number, are all Norwegians, and have proceeded to the Western States. 56 young women in the "Crescent City," sent out by the Ballymahon Union, were smart, tidy-looking girls; they received 20*s.* sterling each on landing here, and they all proceeded direct to Toronto, where their services are much required, and where they will all do well.

The emigrants per "Jenny Johnston," from Tralee, were all very poor, a large proportion of them were women and children, emigrating to join their friends and relations; a considerable number required assistance from this department, to enable them to proceed to their destination.

All able-bodied men and disposed to work obtained immediate employment in th city and neghbourhood, at wages from 4*s.* 6*d.* to a dollar per day.

The English and Scotch emigrants were respectable in appearance, and many of them in comfortable circumstances. They went direct to Western Canada, save a small number to the Western States.

By the ship "Arran," from Liverpool, there was a party of 99 Germans. A few are employed here, and the remainder proceeded to Hamilton and the Western States.

No. 4.

From the 21st June to the 2d July.

5383 emigrants have landed here since the 21st June; they have arrived in good health; nearly two-thirds are native Irish, a large portion of whom were proceeding to friends and relations in the United States. 60 full passengers by the "Amazon," from Cork, had engaged their passage in that city direct for Boston and New York, having been able to come this route (owing to the opening of the railway communication between Montreal and these cities), for less money than proceeding direct by sea.

The increased tax on emigrants arriving at New York will, no doubt, tend materially to encourage this branch of our trade; emigrants are now conveyed from this city to Boston, in from 24 to 30 hours, for 18*s.* sterling, and to New York for 14*s.* sterling each adult.

There have been some complaints by the passengers by the "Blanche," from Liverpool, as to irregularity in the issue of provisions, and deficiency in quantity; the case was heard before the sitting magistrates, and judgment was given in favour of the passengers, and the

matter was finally settled by the captain, to their satisfaction, by the latter paying the costs of suit, and allowing 5*s.* to each of his passengers, the value of provisions short issued. There were also complaints made by the passengers by the "Huron," "Quebec Packet," and "Susan," all from Limerick, for subsistence money, and for inferior quality of oatmeal.

These vessels were chartered by Mr. Gleeson, passage broker, in Limerick, and it appears that the oatmeal put on board for the use of the passengers was, on the top of the bags, of fair quality, but on removing the small quantity of good meal, the rest of the bag was found to be very inferior and unfit for use without being sifted; it was not in fact "oatmeal," but a mixture of barley and seeds. The provisions having been inspected by the proper officer at Limerick, and the captain having offered to compensate the passengers, I did not deem it necessary to proceed further against them. The master of the "Huron" paid his passengers from 7*s.* 6*d.* to 15*s.* each adult, being the amount of subsistance money due as specified by the tickets. The "Susan" at from 5*s.* to 7*s.* 6*d.* each, part of which was claimed for subsistence money; and the master of the "Quebec Packet" allowed his passengers 2*s.* 6*d.* each, as compensation for the bad quality of the oatmeal. A special report of these vessels has been forwarded to the Government Emigration Officer at Limerick, with the view to cause inquiry into the facts.

Labourers and mechanics, such as masons, bricklayers, and carpenters, are much inquired for. 5,000 men are now wanted on the Toronto and Sarina Railroads, wages one dollar per day. Agents are here from Chicago and Cincinnati wishing to engage several thousand men, wages 6*s.* 3*d.* per day; and as an inducement, they offer a passage to Chicago, to be repaid out of their first wages. Daily applications are received from almost every section of the province for agricultural labourers and female servants, which I find it impossible to supply.

No. 5.

From the 2d to the 16th July.

2,748 emigrants landed at this port between the 2d and 16th instant, more than half of whom were foreigners, chiefly Norwegians; all of whom proceeded direct to the Western States. A few of the Germans proceeded to Hamilton, to the German settlements in that section of the province.

On board the "Victoria," from Dublin, there were 138 sent out from the Naas Union. They received 1*l.* each adult, on landing here. A few remained about the city, but the greater part proceeded up the country; some to friends and relations in the United States.

Labourers and servants are still in great request, and the emigrants are fully employed at high wages; and in the country settlements the farmers are suffering serious inconvenience from the difficulty of finding hands to secure their crops.

The emigrants on board the several ships included in this return, have all landed healthy, and all speak favourably of the treatment they received during the period they were on board ship.

No. 6.

From the 16th to the 31st July.

The emigrants arrived during the period embraced in this return, have all landed in good health, and free from complaints.

The emigrants from Glasgow, 487, were all respectable intelligent settlers, and, with the exception of about 50, proceeded direct to Toronto and Hamilton.

The Norwegians, 616, all went direct to Chicago and Milwaukie. A few of the Germans proceeded to Hamilton, the remainder to Buffalo and Chicago.

Those from England were chiefly from Liverpool. On board the "Ann Kenny" and "Salem" there were 69 English, 7 Scotch, 417 Irish, and 238 foreigners. A few of the Irish were employed about the city, the remainder proceeded to Upper Canada and to the United States. The foreigners nearly all went to Chicago.

A number were very poor, and were chiefly women and children proceeding to join friends in Western Canada and the United States.

They were forwarded on their route at the expense of this department. The Irish emigrants, from Belfast and Londonderry, were respectable in appearance, and nearly all went to Upper Canada.

I annex a comparative statement of the arrivals at this port to the 31st July in 1852 and 1853, from which it will appear that there is a decrease in the emigration of this season of 2,615 souls:—

CANADA.

COMPARATIVE STATEMENT of Passengers arrived at the Port of Quebec to the 31st July 1852 and 1853.

From whence.	1852.	1853.	Increase.	Decrease.
England - - -	6,227	5,764	- -	463
Ireland - - - -	9,943	8,937	- -	1,006
Scotland - - -	3,531	2,154	- -	1,377
Norway - - -	1,561	3,864	2,303	—
Germany - - -	3,626	1,976	- -	1,650
Lower Ports - - -	726	304	- -	422
	25,614	22,999	2,303	4,918
				2,303
Total decrease in 1853 - - - -				2,615

No. 7.

From the 31st July to the 20th August.

5,528 emigrants have landed at this port during the period embraced in this return. They landed in good health, with the exception of a few by the "Lady Hobart," from Liverpool, who were suffering from smallpox. Five deaths occurred on the passage, and 67 were detained in quarantine. A young woman, named Kavanagh, was reported by the medical superintendent as insane. Captain Clarke has decided to take her home to her friends, in preference to giving the necessary bonds required by law.

The emigrants from Irish ports, 2,061 souls, were all of the labouring class, and show a large preponderance in the number of females and children.

The proportions were as follow:—

Male adults - - - - -	542
Females - - - - - -	733
Children - - - - -	738

A large number of the females and children had emigrated to join friends, the greater part of whom required assistance.

291 adults and 290 children were assisted with free passages from this office.

Of 1,038 emigrants from the port of Liverpool,

902 were Irish,
74 „ English,
3 „ Scotch,
59 „ Germans.

Of this number, 147 adults and 112 children were forwarded to their friends.

The foreign emigrants number 744, 576 of whom were Norwegians; they all proceeded to the Western States. 168 were Germans, 98 of whom went to Strasbourg and Waterloo settlements; and the remainder (70) went to friends in the Western States.

A large number of Norwegians were poor, and 186 were assisted from this to reach Milwaukie.

The emigrants from Scotland were generally respectable farmers and mechanics, and all proceeded to Upper Canada, chiefly to Toronto and Hamilton. On board the "Odessa," from Dublin, there were 100 girls from the Mullingar Union, who received 20*s.* sterling, equal to 24*s.*/4*d.* currency, through this office, on landing.

Their appearance was much in their favour. I could only induce 44 of them to proceed to Toronto, all of whom, I have since heard, were hired the day after they arrived; and that ten times that number would be absorbed without difficulty.

Labourers and mechanics of all classes are much wanted throughout the western section of the province, and their services are eagerly sought after as soon as they arrive.

The same demand exists in this section; and all disposed to remain here can obtain profitable employment so soon as they leave the ship.

No. 8.

From the 21st to the 31st August.

The emigrants included within this return have all landed in good health, and free from complaints. They have chiefly emigrated to join their friends in Upper Canada and in the United States.

104 persons from the wreck of the "Charles Clarke," from Hamburg, arrived in the brig "Escape," from St. John's, Newfoundland. A subscription was made in St. John's for their relief, amounting to 122*l.* 15*s.* 3*d.*; 67*l.* 10*s.* was distributed in cash among them, and 55*l.* 5*s.* 3*d.* expended in clothing, &c.

The parties, on arrival here, were forwarded to Hamilton, free; 49½ adults proceeded to friends in the Waterloo settlements, and the remainder, equal to 35½ adults, proceeded to Buffalo on their route to the west.

No. 9.

From the 31st August to the 17th September.

3,698 emigrants landed at this port, from the 3rd to the 17th instant, in good health, but 9 persons out of this number were sent to hospital at the quarantine station; and from the last return, dated 17th instant, but 3 persons were remaining in hospital, 2 of whom have since been discharged. Of the whole number over two-thirds are Irish, a large proportion of whom are females and children, and the great majority are emigrating to join friends and relations. The proportion of females and children to male adults is over 2 to 1.

The adult females have been somewhat increased by a party of 156 girls from the Mount-Bellew and Parsonstown Union.

These were paid 1*l.* sterling on landing here, and, with the exception of about 20, they were directed to Toronto and Hamilton, in which quarter their services are much wanted, and where they would all find immediate employment.

The chief agent for Canada West reports that of a party of 44 girls, forwarded to him during the month of August, the whole were engaged the day after their arrival; and that if ten times their number were landed in the morning, they could be similarly disposed of before sundown. He also reports a great scarcity of labourers, and that carpenters, masons, and bricklayers are much wanted.

On board the "Sillery," from Skye, there were 332 persons sent out from the Glengary estate. They were a fine healthy body of emigrants. They received a free passage as far as Montreal, and were allowed each 10 lbs. oatmeal on leaving the ship; and, owing to the increasing demand for labourers of all descriptions throughout the province, they cannot fail to do well.

The Norwegian emigrants, per "Hector," all proceeded to Wisconsin. A number of families were very poor, and unable to proceed without assistance; and as they had large helpless families depending onthem, and relations in Wisconsin, they were provided with a free passage to Chicago at 32*s*. 6*d*. each adult.

The whole number of persons assisted from the several vessels in this return, were 387 adults, 332 children, and 51 infants, equal to 553 adults; these were all females and children, with the exception of a few men with large families.

No. 10.

From the 17th September to the 1st October.

The emigrants included in this return have all landed in good health. The greater portion of them have come out to join their relations, who in many instances have sent them the necessary means for doing so; but few of the men could be induced to remain here for employment, although much wanted, and wages one dollar per day.

315 paupers from the New Ross Union came out in the "Glenlyon." They received 10*s*. sterling each from the captain.

About 100 proceeded to join relations in the States.

On board the "Jessy," from Limerick, there were a large number of families, women and children, emigrating to join their relations in West Canada and the Western States; and who, from being quite destitute of means to proceed, were forwarded at the expense of the emigrant funds.

No. 11.

From the 1st October to the 6th November.

The emigrants arrived during the month of October have landed in good health, with the exception of those on board the "Fingal" from Liverpool, among whom thirty-four deaths occurred previous to arrival.

The greater part of the passengers by this vessel were transferred from the "Joseph Howe," which vessel had sailed from Liverpool on the 12th August, but, having put into Cork in distress, she was condemned, her passengers landed and sent back to Liverpool, from whence they sailed a second time on the 5th September, in the "Fingal;" but, owing to this detention, the stores of many of the poor families were expended, and, being thereby without the means for necessarily renewing their stock, they became altogether dependent upon the ship's allowance. To this cause, added to a long and stormy voyage, may in a great measure be attributed the sickness and mortality; as, immediately on being landed at Grosse Isle, where they were detained a few days to wash their clothes, they were allowed a wholesome nourishing diet, and during these few days of detention no further cases of disease appeared among them.

CANADA.

The great majority of these passengers were Irish families coming out to friends. One poor woman, with four children, was going to her husband in New Orleans. Several other families were going to relations in Virginia, Kentucky, and Missouri.

Of 30 families found necessary to be assisted, there were but 12 male adults over 14 years, with 66 women and 70 children.

A number of the steerage passengers by the "Sarah Sands," and all those by the "Jane Glassin," from Liverpool, had originally been on board the ill-fated "Annie Jane," but left that vessel on her having put back to Liverpool.

They are mechanics and navvies coming out under engagements to Messrs. Jackson and Co. From 40 to 50 persons of the same class were on board the "Fingal."

The ships arrived during the past month have all had long and stormy passages.

The "Nordlyset," from Christiana, arrived on the 9th instant; 86 days' passage; all well.

The following vessels, with emigrants, sailed in the early part of September for this port; viz.:—

1st. "Jenny Johnston," Tralee, with 158 passengers, put into St. Andrew's, N.B., and landed her passengers;

2d. "Huron," from Limerick, with 271 passengers, put into Boston on the 7th instant;

3rd. "Perseverance," from Dublin, with 141 passengers;

4th. "Lavinia," from Waterford, with 47 passengers.

Labour of all descriptions continues in great demand throughout the province, and all the emigrants landed are fully and profitably employed.

Despatches from the Secretary of State.

No. 1.

No. 1.

Copy of a DESPATCH from the Duke of Newcastle to the Officer administering the Government of Canada.

(No. 66.)

Sir, Downing Street, January 2, 1854.

I have had under my consideration the Act* passed by the Legislature of Canada, to amend and consolidate the laws relating to emigrants and quarantine.

* This Act is printed in the Appendix to the present Paper.

I observe that the 5th section enacts that any vessel from any port whatever, arriving in the province, having on board, or having had on board at any time during the voyage more than one adult passenger to every twelve superficial feet of the deck, or more than one person, including the master, crew, and cabin passengers, for every two tons, shall incur certain penalties for each passenger constituting such excess. The apparent intention of this clause is to extend to emigrant vessels from other than the ports of the United Kingdom the limits as to space contained in the Imperial Passengers Act, which provides that ships from the United Kingdom may carry one passenger to twelve superficial feet only when they take a medical man, and that when not provided with a medical man the legal space shall be enlarged to 14 superficial feet. The effect of the provincial enactment would therefore be, in one class of cases, to allow vessels from foreign ports to arrive with a larger number of passengers on board than would be allowed by the Passenger's Act, and as this difference between the two laws may have escaped the notice of the Canadian Legislature, I have to instruct you to call the attention of your council to the point, and in the meantime the Act will be submitted for Her Majesty's confirmation.

I have, &c.

(Signed) NEWCASTLE.

The Officer administering the Government,
&c. &c. &c.

No. 2.

No. 2.

Copy of a DESPATCH from the Duke of Newcastle to the Officer administering the Government of Canada.

(No. 73.)

Sir, Downing Street, February 15, 1854.

I received and communicated to the Treasury your Despatch, No. 15,* of the 24th of November last, transmitting certain claims by the Provincial Government against the Imperial Treasury, on account of expenses attending immigration to Canada.

* Page 9.

The claims were, first, 9,000*l.* sterling for arrears of the annual sum of 1,500*l.* voted by Parliament towards expense of Immigration Agency in Canada, the arrears being for six years up to the 31st of March 1853; and secondly, 11,697*l.* currency, as a balance due to the province on the immigration expenses of 1847.

The Lords Commissioners of the Treasury had already ordered payment of 7,500*l.* for arrears of the allowance for agency. I enclose a letter by which you will see that their Lordships have now ordered payment of the further sum of 1,500*l.* which will discharge the claim of the province on this head up to the 31st of March 1853.

February 8, 1854.

With regard to the other claim for a balance due for the emigration expenses of 1847, you will perceive that their Lordships cannot intimate any decision without first communicating with the Commissariat officer, by whom all the accounts connected with this service have been adjusted.

In the meanwhile, I must take this opportunity of apprizing you that it is not considered that application can continue to be made to Parliament for

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assisting the province of Canada to support its immigration agency. A very large sum is expended annually upon the establishment necessary in this country for securing the departure of emigrants in the manner best calculated to ensure their safety and their good health on the voyage, and I cannot doubt that the Canadian Government will feel it only fitting to maintain on its own side of the water the establishments requisite for the proper reception and distribution of the people who arrive in Canada.

I have, &c.
(Signed) NEWCASTLE.

The Officer administering the Government,
&c. &c. &c.

Encl. in No. 2.

Enclosure in No. 2.

SIR, Treasury Chambers, February 8, 1854.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to request that you will state to the Duke of Newcastle, with reference to your letter dated 23d ultimo, that the payment of 7,500*l.* on account of Emigration Agency in Canada having been made for five years, according to the request contained in the papers transmitted from Canada by Deputy Commissary General Robinson in June last, the further sum of 1,500*l.* is now payable, and their Lordships will instruct Mr. Robinson to pay that amount to the Provincial Government to complete the sum due for six years to 31st March 1853, out of the balance remaining unissued upon the grant for Emigration Services, in which this charge is provided for.

I am further to state that my Lords were under the impression that the claims of the Government of Canada upon British funds, in respect of expenses incurred on account of emigration in 1847, had been already liquidated, and they are unable to reply to his Grace's observation upon that subject without first communicating with Deputy Commissioner General Robinson, by whom all the accounts connected with this service have been adjusted.

The sum of 17,422*l.* 6*s.* 8*d.*, which remained unappropriated upon the grant of 1848, was last year returned to Parliament as a saving, and there are now no funds at their Lordships' disposal from which a further issue could readily be made.

I have, &c.
(Signed) C. E. TREVELYAN.

Herman Merivale, Esq.,
&c. &c.

No 3.

No. 3.

COPY of a DESPATCH from the Duke of NEWCASTLE to the OFFICER ADMINISTERING the Government of Canada.

(No. 77.)

SIR, Downing Street, March 2, 1854.

WITH reference to my Despatch, No. 73, of the 15th ultimo, acquainting you that Parliament could not continue to be asked for a contribution towards the expense of Emigration Agency in Canada, I have the honour to acquaint you that in order to prevent any inconvenience in the financial year now about immediately to commence, the usual item of 1,500*l.* for this service will be inserted in the estimate for the twelvemonth ending on the 31st of March 1855, but that after that date no further application on this account can be submitted to Parliament.

I have, &c.
(Signed) NEWCASTLE.

The Officer administering the Government,
&c. &c. &c.

NEW BRUNSWICK.

NEW BRUNSWICK.

Despatches from the Lieutenant-Governor.

No. 1.

No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir E. HEAD to his Grace the Duke of NEWCASTLE.

(No. 38.)

Government House, Fredericton, May 20, 1853.

MY LORD DUKE, (Received June 7, 1853.)

I HAVE the honour to transmit herewith for your Grace's information the return of the ship "Imperial," together with the report of Her Majesty's Emigration Agent at Saint John, dated Saint John, May 11, 1853.

I am, &c.
(Signed) EDMUND HEAD,
Lieut.-Governor.

His Grace the Duke of Newcastle,
&c. &c. &c.

Encl. in No. 1.

Enclosure in No. 1.

SIR, Government Emigration Office, St. John, May 11, 1853.

I HAVE to report the arrival of the packet ship "Imperial," from Liverpool, with 266 passengers, and enclose a ship return.

There were 130 railway labourers and their families in this ship, sent out by Messrs. Sykes and Co., the contractors for the line of railway from St. Andrew's to Woodstock. All these were forwarded to St. Andrew's this morning by steamer "Maid of Erin," chartered for the purpose. They are an uncommonly fine set of people, chiefly from the north of England.

I have, &c.
(Signed) M. H. PERLEY,
H. M. Emigration Officer.

The Hon. J. R. Partelow.
&c. &c.

No. 2.

No. 2.

COPY of a DESPATCH from Lieut.-Governor Sir E. HEAD to his Grace the Duke of NEWCASTLE.

(No. 40.)

Government House, Fredericton, N.B., May 21, 1853.

MY LORD DUKE, (Received June 7, 1853.)

I HAVE the honour to transmit herewith for your Grace's information the ship return of the barque "Mary Ann," together with the report of Her Majesty's Emigration Agent at Saint John, dated Saint John, May 17, 1853.

I am, &c.
(Signed) EDMUND HEAD,
Lieut.-Governor.

His Grace the Duke of Newcastle,
&c. &c. &c.

Encl. in No. 2.

Enclosure in No. 2.

SIR, Government Emigration Office, St. John, May 17, 1853.

I HAVE to report the arrival of the barque "Mary Ann," from Londonderry, with 225 passengers, for which vessel a ship return is enclosed.

There were eight cases of measles on the voyage, of which disease two children died. Two children were born on the voyage, one of which only lived two days.

Two families, with children convalescing from measles, were landed on Partridge Island, for observation and purification, and the rest of the passengers came into port. Nearly one-fourth of them left for Boston this morning to join their friends there, who furnished the means of bringing them from Ireland.

There are now three small vessels on the voyage from the south of Ireland, having on board in all 290 passengers, of whom only 130 are males above the age of 14 years.

I am not informed at present of any other passengers from the United Kingdom for this province.

I have, &c.
(Signed) M. H. PERLEY,
H. M. Emigration Officer.

The Hon. J. R. Partelow.
&c. &c.

NEW BRUNSWICK.

No. 3.

No. 3.

Copy of a DESPATCH from Lieut.-Governor Sir Edmund Head to the Duke of Newcastle.

(No. 44.) Government House, Fredericton, New Brunswick, June 16, 1853.

(Received July 4, 1853.)

My Lord Duke,

I have the honour to forward copies of two letters from Her Majesty's Emigration Officer at St. John, announcing the arrival at that part of four vessels with passengers; namely, the "Ellen and Margaret," "Garland," "Eudocia," and "Florence." 9th & 10th June 1853.

I also transmit herewith the usual ship returns for these vessels.

I have, &c.

(Signed) EDMUND HEAD,

Lieut.-Governor.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure 1 in No. 3.

Encl. 1 in No. 3.

Sir, Government Emigration Office, St. John, June 9, 1853.

I have the honour to report the arrival of three vessels with passengers, named in the margin, and enclose a ship return for each.

No. 3. Garland, Cork - 99
„ 4. Eudocia, Liverpool 331
„ 5. Florence, Cork - 84
Total - - 514

Among the passengers by the "Garland," were 19 boys from the Foundling Hospital at Cork. For 16 of these I have agreed with competent tradesmen who take them as apprentices until 21, the other three are in the Hospital.

With reference to these boys, I will forward a separate and special report hereafter when the arrangements respecting them are completed.

The railway labourers in the "Eudocia" are sent out by Messrs. Sykes and Co., and will be forwarded to St. Andrew's by steamer to-day.

The whole of this party of men, women, and children are an uncommonly fine set of people.

I have, &c.

(Signed) M. H. Perley,

Her Majesty's Emigration Officer.

The Hon. J. R. Partelow,
&c. &c.

Enclosure 2 in No. 3.

Encl. 2 in No. 3.

Sir, Government Emigration Office, St. John, June 10, 1853.

I have the honour to report the arrival the the barque "Ellen, and Margaret" from Cork with 101 passengers, and enclose a ship return.

Many of these passengers have been sent for by friends and relatives here, and the rest will probably remain here owing to the high rates of wages and present demand for labour.

I have, &c.

(Signed) M. H. Perley,

Her Majesty's Emigration Officer.

The Hon. John R. Partelow,
&c. &c.

No. 4.

No. 4.

Copy of a DESPATCH from Lieut.-Governor Sir Edmund Head to the Duke of Newcastle.

(No. 46.) Government House, Fredericton, New Brunswick, June 17, 1853.

(Received July 4, 1853.)

My Lord Duke,

(Answered, No. 39, July 28, 1853, page 53.)

I have the honour to transmit for your Grace's information a copy of a Proclamation I have caused to be published in this colony in pursuance of the Imperial Act relating to the carriage of passengers by sea. Such Proclamation was drafted by the Emigration Officer at St. John, Mr. Perley, and revised by the law officers of the Crown.

I have, &c.

(Signed) EDMUND HEAD,

Lieut.-Governor.

His Grace the Duke Newcastle,
&c. &c. &c.

NEW BRUNSWICK.

Encl. in No. 4.

Enclosure in No. 4.

By his Excellency Sir EDMUND WALKER HEAD, Baronet, Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c.

A PROCLAMATION.

WHEREAS by an Act of the Imperial Parliament made and passed in the 15th and 16th years of the reign of Her present Majesty, entitled "An Act to amend and consolidate the Laws relating to the Carriage of Passengers by Sea," it is provided that it shall be lawful for the Governor of any of Her Majesty's Possessions abroad by Proclamation, to be by him from time to time issued for that purpose to declare what shall be deemed, for the purposes of the said Act, the length of the voyage of any ship carrying passengers from such possessions to any other place whatsoever; and also what articles of food and provisions may be substituted for those named in the said Act, and what medicines, medical instruments, and other matters shall be deemed necessary for the medical treatment of the passengers during such voyage.

Now, therefore, under the power and authority in me vested by the said Act of Parliament, I do hereby proclaim and declare that the length of the voyage of a "passenger ship," proceeding from this province to the undermentioned places shall be determined by the following scale, that is to say:

If the ship be propelled by sails alone—

To Western Australia	120 days.
To any other of the Australian Colonies	140 „
To the Western coast of America north of the Equator, and the Islands adjacent thereto	180 „

If the ship be propelled wholly by steam engines of not less power than after the rate of twenty horses to every 100 registered tons, or by such steam engines in aid of sails—

To Western Australia	85 days.
To any other of the Australian Colonies	90 „
To the Western Coast of North America, north of the Equator, and Islands adjacent thereto	90 „

And I do hereby further proclaim and declare that the supply of medicines, medical instruments, and other matters necessary for the medical treatment of the passengers during the said several voyages shall be regulated in accordance with the 40th section of the said Act, and shall be provided pursuant thereto in every respect.

Given under my hand and seal, at Fredericton, the first day of June, in the Year of our Lord One thousand eight hundred and fifty-three, and in the Sixteenth year of Her Majesty's reign.

By his Excellency's command,
(Signed) J. R. PARTELOW.

No. 5.

No. 5.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Duke of NEWCASTLE.

(No. 51.) Government House, Fredericton, New Brunswick, June 30, 1853.

MY LORD DUKE, (Received July 18, 1853.)

I HAVE the honour to enclose copies of two letters from the Emigration Officer at Saint John, reporting the arrival at that port of two vessels from Youghal and Londonderry with passengers.

The usual "ship returns" are also enclosed in this Despatch.

I am, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) EDMUND HEAD.

Encl. 1 in No. 5.

Enclosure 1 in No. 5.

SIR, Government Emigration Office, St. John, 13 June, 1853.

I HAVE to report the arrival of the "Charles" from Youghal with 92 passengers, and enclose a ship return.

The passengers lately arrived have nearly all remained in the province, and especially the labouring men, for whom there is ample employment at high wages.

There are now on the voyage for this port four vessels, viz.: two Norwegian vessels, from Londonderry, one Austrian vessel from Youghal, and one Irish vessel from Cork

bringing in all about 450 passengers. These passengers with those by Messrs.. Reed's packet ships from Liverpool, will comprise nearly all the emigration for the rest of the season.

I have, &c.
(Signed) M. H. PERLEY,
Her Majesty's Emigration Officer.

The Honourable J. R. Partelow,
&c. &c. &c.

Enclosure 2 in No. 5.

Encl. 2 in No. 5.

SIR, Government Emigration Office, St John, June 18, 1853.

I HAVE to report the arrival of the barque "Patience" from Londonderry with 145 passengers, and enclose a ship return.

The "Patience" belongs to Ullaborg in Russian Finland, and came into por under the flag of Russia. The captain speaks good English, as do several of the crew, the rest Russ only.

I have rarely seen a passenger vessel enter port in so cleanly a condition as the "Patience." The passengers stated that they were treated with the greatest care, kindness, and attention by the captain and all his crew, and that there was not an angry word during the voyage.

I have, &c.
(Signed) M. H. PERLEY,
Her Majesty's Emigration Officer.

The Honourable J. R. Partelow,
&c. &c. &c.

No. 6.

No. 6.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Duke of NEWCASTLE.

(No. 53.) Government House, Fredericton, New Brunswick, July 30, 1853.

(Received August 15, 1853.)

MY LORD DUKE,

I HAVE the honour to transmit copies of three letters from the Emigration Officer at the port of St. John, addressed to the Provincial Secretary, reporting the arrival of four vessels at that port with passengers. 1st, 9th, and 23d July.

The usual ship returns enclosed in these letters are also forwarded with ths Despatch.

I am, &c.,
(Signed) EDMUND HEAD.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure 1 in No. 6.

Encl. 1 in No. 6.

SIR, Government Emigration Office, St. John, July 1, 1853.

I HAVE to report the arrival of the Wallachian brigantine "Minta," under the Turkish flag, with 81 passengers, from Youghal, and enclose a ship return.

Although this vessel only came into port last night, yet several of the labouring men were engaged and went to work this morning at a dollar a day.

The emigrants landed here during the quarter ended yesterday are as follow :—

	Males.	Females.
Adults - - - -	740	483
Between fourteen and one year - -	197	174
Under one year - - - -	31	30
Totals - -	968	687

In all 1,655 souls. Of these, fully three-fourths have remained in the province and obtained profitable employment.

The emigration during the rest of the season will be chiefly confined to Messrs. Reed's monthly line of Liverpool packet ships, which offer superior accommodation and advantages.

I have, &c.
(Signed) M. H. PERLEY,
H. M. Emigration Officer.

The Honourable John R. Partelow,
&c. &c. &c.

NEW BRUNSWICK.

Enclosure 2 in No. 6.

Encl. 2 in No. 6.

SIR, Government Emigration Office, St. John, July 9, 1853.

I HAVE to report the arrival of the Norwegian barque "Merker," from Londonderry, with 130 passengers, and brigantine "Ocean," from Cork, with 72 passengers, for which ship returns are enclosed.

All these passengers landed in good health and will probably remain here, there being abundance of employment and good wages.

I have, &c.
(Signed) M. H. PERLEY,
H. M. Emigration Officer.

The Honourable John R. Partelow,
&c. &c. &c.

Encl. 3 in No. 6.

Enclosure 3 in No. 6.

SIR, Government Emigration Office, St. John, July 23, 1853.

I HAVE to report the arrival of the packet ship "Middleton" from Liverpool, with 247 passengers, all in good health, and enclose a ship return.

A portion of these passengers are railway labourers going to Saint Andrew's; the rest persons intending to settle in the province, having been sent for by friends.

I have, &c.
(Signed) M. H. PERLEY,
H. M. Emigration Officer.

The Honourable John R. Partelow,
&c. &c. &c.

No. 7.

No. 7.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Duke of NEWCASTLE.

(No. 63.) Government House, Fredericton, N.B., October 8, 1853.

MY LORD DUKE, (Received October 24, 1853.)

22d Sept. 1853. I HAVE the honour to transmit copy of a letter from Her Majesty's Emigration Officer at Saint John, enclosing "ship returns" for seven vessels which have arrived at that port with emigrants on board since his last report.

The passengers by all these vessels appear to have landed in an unsually healthy and satisfactory state.

I have, &c.
(Signed) EDMUND HEAD.

His Grace the Duke of Newcastle,
&c. &c. &c.

Encl. in No. 7.

Enclosure in No. 7.

SIR, Government Emigration Office, St. John, September 22, 1853.

I HAVE the honour to state that the following ships, with passengers, have arrived at this port since my last report:—

August	17,	Ship	"Liberia,"	Liverpool,	110 souls.
„	20,	Barque	"Sarah,"	Cork,	133 „
„	23,	Barque	"Mary Ann,"	L'Derry,	229 „
Sept.	12,	Brigantine	"Amandee,"	Westport,	61 „
„	13,	Ship	"Essex,"	Liverpool,	59 „
„	19,	Brig	"Guardian,"	Galway,	69 „
„	19,	Ship	"Imperial,"	Liverpool,	78 „
			Total	- -	739

The three vessels in August arrived during my absence, the vessels in September since my return.

I am happy in being able to report that there was no sickness in any of these vessels, and not a single death on the voyage. At this moment there is not one emigrant at the Quarantine station.

Only a few of the passengers now reported have gone to the United States. A few families have proceeded to Montreal, having come by this route. From the facility by which Montreal can now be reached from here, viâ Portland, it is not at all unlikely that

emigrants for Upper Canada may hereafter land here in considerable numbers, as they will save both time and money by doing so, instead of going to Quebec. NEW BRUNSWICK.

I have, &c.
(Signed) M. H. PERLEY,
Her Majesty's Emigration Officer.

The Honourable John R. Partelow,
&c. &c. &c.

No. 8. No. 8.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Duke of NEWCASTLE.

(No. 65.) Government House, Fredericton, November 3, 1853.
(Received November 21, 1853.)

MY LORD DUKE,

I HAVE the honour to transmit a copy of a letter addressed by Her Majesty's Emigration Officer at Saint John to the Provincial Secretary, enclosing a "ship return" of the packet ship "Eudocia," lately arrived at that port with passengers. 19th October 1853.

I have, &c.
(Signed) EDMUND HEAD,
Lieut.-Governor.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure in No. 8. Encl. in No. 8.

Government Emigration Office, St. John, October 19, 1853.

SIR,

I HAVE the honour to report the arrival of the packet ship "Eudocia" from Liverpool with ninety-nine passengers, and enclose a ship return.

These Liverpool packets are very superior vessels, and the passengers have excellent provisions with ample accommodation.

This line has been so successful that the owners have been encouraged to contract for two iron screw steamers to be built in the Clyde at the cost of 45,000*l.* sterling each, the one to be delivered in July and the other in October next.

The whole number of passengers landed at this port the present season is 2,858, of whom more than 2,000 have remained in the province.

The demand for labour, however, still continues, and female servants are in great request.

I have, &c.
(Signed) M. H. PERLEY,
Her Majesty's Emigration Officer.

The Hon John R. Partelow,
&c. &c. &c.

No. 9. No. 9.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Duke of NEWCASTLE.

(No. 70.) Government House, Fredericton, New Brunswick, December 3, 1853.
(Received December 20, 1853.)

MY LORD DUKE,

I HAVE the honour to enclose a copy of a letter from Mr. Perley, the Emigration Officer at St. John, announcing the arrival of the ships "Liberia" and "Middleton." 1.

The latter vessel experienced heavy weather, and had a very long and tedious passage.

The ship returns for these vessels will explain the condition in which they reached the colony.

It is highly gratifying to see that the precautions taken in England, and the praiseworthy conduct of the owners and officers of the "Middleton" have brought the ship out under very unfavourable circumstances with the loss of only two infants. Such a result is the more striking, when compared with the frightful mortality which is reported in the papers to have occurred on board

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many of the emigrant ships on their passage to the ports of the United States at the very same time.

I have, &c.
(Signed) EDMUND HEAD,
Lieut.-Governor.

His Grace the Duke of Newcastle,
&c. &c. &c.

Encl. in No. 9.

Enclosure in No. 9.

Government Emigration Office, St. John,
December 1, 1853.

SIR,

I HAVE the honour to report the arrival of the packet ship "Liberia" and
Nov. 21 & 22. "Middleton" with passengers, and enclose the usual ship return for each.

I have never seen a vessel arrive (unless a wreck) whose sails and rigging were so thoroughly dilapidated as those of the "Middleton.' Her hull must have been uncommonly strong to have stood what she appears to have encountered.

They are engaged for three years by the Messrs. Jackson and Co., at wages varying from 35*s.* to 36*s.* sterling per week, and they go on to-morrow by Portland to Richmond in Lower Canada.

I have, &c.
(Signed) M. H. PERLEY,
Her Majesty's Emigration Officer.

The Hon. J. R. Partelow,
&c. &c. &c.

Sub-Encl. to Encl. in No. 9.

Sub-Enclosure to Enclosure in No. 9.

Extract from "Ship Return."

"The 'Liberia' is one of Messrs. Reed's comfortable packet ships. Food and water
" good and abundant. The emigrants in excellent condition on arrival."

* * * * *

"The 'Middleton' is one of Messrs. Reed's line of packets. This vessels encountered
" very severe gales, and was greatly damaged in sails and rigging. The quality of food
" was good; but owing to the severity of the weather and violent tossing of the ship,
" some of the water casks were stove, and the sugar was damaged. For a few days
" there was no sugar, and but half allowance of water, for which deficiency Messrs. Reed
" paid each passenger a sum of money which was perfectly satisfactory. The passengers
" were all in good health."

No 10.

No. 10.

COPY of a DESPATCH from Lieut.-Governor Sir EDMUND HEAD to the Duke of NEWCASTLE.

(No. 1.)

Government House, Fredericton, N.B.,
January 11, 1854.
(Received January 31, 1854.)

MY LORD DUKE,

I HAVE the honour to enclose the report of Mr. Perley, Emigration Officer at St. John, which will, I trust, be found satisfactory.

I may state that I have appointed Mr. Thomas M'Avity to act as assistant Emigration Officer under Mr. Perley, as I am informed it will be convenient to have a person in that capacity.

The concluding sentences of Mr. Perley's report relating to the mode of disposing of Crown lands have not escaped my attention.

The difficulty adverted to by him arises from the obligations of the Civil List Act, which requires as a general rule that land should be sold only at public auction.

I have more than once brought the matter before my Council and suggested that an Act should be obtained enabling the Government to put up tracts of land, surveyed without any special application, at a certain upset price, and if no advance on the price should be offered at public sale, afterwards to dispose of lands once so offered by private contract at a minimum rate.

This is I believe the course adopted with advantage in some other colonies.

I have, &c.
(Signed) EDMUND HEAD.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure in No. 10.

Encl. in No. 10.

To his Excellency Sir Edmund Head, Baronet, Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c.

May it please your Excellency,

I HAVE the honour to submit herewith the annual abstract of immigration to New Brunswick for the year 1853.

1. The whole number of immigrants arrived in the province during the year was 3,762, being an increase on the year 1852 of 1,597 souls.

In 1853 - 3,762
„ 1852 - 2,165
Increase - 1,597

2. There has been very little sickness among the emigrants that arrived in this province during the past year. The whole number of deaths on the voyage and in quarantine was less than one-third of one per cent. on the numbers embarked. The deaths were chiefly among infants and adults affected with chronic complaints of long standing.

3. Much has been done the past season to improve the buildings, offices, and accommodations generally at the quarantine station at this port, under the direction of Mr. Thomas M'Avity, the efficient superintendent of Partridge Island. I have often had occasion to mention the kindness and skill of Dr. Harding, the resident physician, and I now have to add that these, combined with his long experience and active habits, and the general improvements at the quarantine station, render it every way efficient, and comfortable for any reasonable number of immigrants that may be landed there.

4. During the past season I have had no occasion to institute proceedings under the "Passengers Act." The new Act, which came into force on the 1st October 1852, has worked well. Where deficiencies in the supply of provisions have occurred either from accident or misapprehension, the deficiency has been made good on my representation. In one case (that of the packet ship Middleton), the passengers, 291 in all, where short of some articles during the latter part of the voyage, owing to sea-damage. The owners requested me to name the amount to be paid to the passengers as compensation, after hearing their statement. I fixed upon a sum which was perfectly satisfactory to all parties, and the owners instantly paid each passenger his amount in my presence.

5. The firmness with which the "Passengers Act" was enforced at this port in former years in every case of wilful violation, has had an excellent effect. In every prosecution which I have instituted since my appointment to office in 1843, a conviction has been obtained, and sometimes very large penalties. In consequence of this and the marked improvements in the late "Passengers Act," prosecutions are now rarely necessary, full compensation being generally obtained by my interference or request.

6. At least three-fourths of the immigrants of the past season have remained in the province. Fully one-half of all that arrived were English and Scotch, chiefly railway and agricultural labourers and their families. The number from Ireland was much smaller than usual. With the exception of those who came to join friends here, many of the Irish immigrants proceeded to the United States, their passages being paid by friends resident there. A few Norwegians landed in June last at Shediac, with the view, it was understood, of obtaining information respecting the Gulf coast of this province, to be communicated to their countrymen in Norway. These, and a very few passengers landed at Miramichi, constitute all the immigration in that part of the province during the past year. At St. Andrew's, 447 passengers were landed during the year, chiefly labourers for the St. Andrew's and Quebec Railway, the rest bound to Canada but driven in there by stress of weather, being too late in the season for Quebec. The latter were forwarded to Montreal, viâ Portland; and with respect to these, Captain Jones, the assistant emigration officer at St. Andrew's, has made a special report, which is herewith submitted.

7. I have great gratification in being able to report, that the past year has been marked by greater prosperity among all the industrial classes, and in every branch of business, than has ever before been enjoyed since New Brunswick became a colony. The prices of the staple exports of the country, timber and deals, have advanced to rates which are highly remunerative. The number of saw-mills driven either by steam or water power is constantly on the increase. Ship building has also been prosecuted with great activity, and, to an extent heretofore unparalleled. The vessels built are of much larger size than formerly, and, owing to the high character New Brunswick ships have obtained abroad for speed and durability, their price has become greatly enhanced. The harvest of 1853 was good, except a short crop of hay, and some damage to potatoes from the old disease. The actual commencement of railway construction on an extensive scale, has opened up new and profitable sources of employment. Altogether business is in a healthy state, and the province is rapidly advancing in every respect.

8. Besides the immigration from Europe, very considerable numbers of persons have entered the province from the neighbouring colonies of Nova Scotia and Prince Edward Island, and from elsewhere, attracted by the demand for labour, and high rates of wages; still the supply of labour has fallen far short of the demand. The farmers have perhaps suffered more than any other class, from an inadequate supply of agricultural labourers and female domestics. In the towns there has also been great scarcity of female servants, and a supply of these is now very much needed. Boys from twelve to eighteen years of age are greatly in demand throughout the province, by tradesmen, farmers, and mechanics

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9. During the coming season almost any number of unskilled labourers may be certain of finding steady employment at three shillings and sixpence to four shillings sterling per day. Masons, joiners, house and ship-carpenters, bricklayers, and millwrights will also find ready employment at five shillings to eight shillings sterling per day, the highest rates being given to ship-carpenters and millwrights.

10. Great facilities for reaching New Brunswick are now presented by the semi-monthly line of large class packet ships at present plying between Liverpool and this port, to which it was proposed to add during the coming season, two powerful iron screw steam ships, of 1,700 tons burthen each, now building, if the owners are assured of certain aid from the province.

11. The opening of the railway from Portland to Montreal, has created a new line of traffic for emigrants from Europe bound to Canada through this port of St. John. The voyage from the United Kingdom here may be stated at ten days less than to Quebec, besides avoiding all the dangers of the Gulf and River St. Lawrence. From hence to Montreal viâ Portland, the time at present is thirty-five hours only, which it is proposed to reduce by placing two more large and powerful steamers on the route to Portland, so that one may leave here every day for that place, and thus prevent the least delay. This mode of reaching Canada will also be advantageous in the spring, as passengers arriving here in March or April may be permanently located there, long before ships can possibly reach Quebec by the St. Lawrence; and they may also join their friends in that province quite comfortably, late in the season, long after the navigation of the St. Lawrence has closed. From the arrangements now in progress, there is every reason to believe, that next season passengers from the United Kingdom for Montreal will reach that place, viâ St. John much more speedily than by Quebec, at no greater expense, if not more cheaply.

12. I beg once more to bring under your Excellency's consideration, the difficulties and delays attending the acquisition of Crown lands in this province by intending settlers, and I earnestly beg that some mode may be adopted for obviating these difficulties, which I am well assured have deterred, and are deterring many persons of the best class from becoming purchasers and settlers.

Which is respectfully submitted.

The Right Honourable Sir Edmund Head, &c. &c. &c.

(Signed) M. H. Perley,
H. M. Emigration Officer for New Brunswick.

Government Emigration Office,
St. John, New Brunswick,
January 9, 1854.

Sub-Enclosure to No. 10.

Abstract Return of Immigration to New Brunswick during the Year 1853.

Quarters.	Whole No. of Vessels arrived.	Deaths on Board or in Quarantine.	Births on Board or in Quarantine.	Adults.		Between 14 Years and 1 Year.		Under 1 Year.		Totals.		Whole No.
				M.	F.	M.	F.	M.	F.	M.	F.	
Quarter ended March 31	1	—	—	8	4	1	1	—	—	9	5	14
„ June 30 -	19	8	2	844	514	208	183	32	31	1,084	728	1,812
„ Sept. 30 -	15	1	—	427	379	187	179	25	27	639	585	1,224
„ Dec. 31 -	12	3	3	341	153	103	92	13	10	457	255	712
Totals - -	46	12	5	1,620	1,050	499	455	70	68	2,189	1,573	3,762

RECAPITULATION.

	Males.	Females.
Adults - - - -	1,620	1,050
Between 14 years and 1 year - -	499	455
Under 1 year - - - -	70	68
Totals - -	2,189	1,573

In the whole, Three thousand seven hundred and sixty-two souls.

(Signed) M. H. Perley,
H. M. Emigration Officer for New Brunswick.

Government Emigration Office,
St. John, New Brunswick,
December 31, 1853.

Despatches from the Secretary of State.

No. 1.

COPY of a DESPATCH from the Duke of NEWCASTLE to Lieut.-Governor Sir EDMUND HEAD, Bart.

(No. 39.)

SIR, Downing Street, July 28, 1853.

I HAVE received your Despatch, No. 46, of the 17th June forwarding copy of a Proclamation which you had issued under the provisions of the Passengers Act for 1852, declaring the length of the voyage of vessels carrying emigrants from New Brunswick to other parts of the world, &c., fixing the dietary and medicines, &c. to be supplied.

I have laid this Proclamation before the Queen, and I am commanded to signify to you Her Majesty's confirmation of the same.

You will observe that under the terms of the 85th clause of the Act of Parliament, it will be necessary that you should transmit authenticated copies of this Proclamation to the Governors of any Colonies in which you consider it likely that proof will require to be given of the same.

I have, &c.

Lieut.-Governor Sir Edmund Head, &c. &c. &c. (Signed) NEWCASTLE.

PRINCE EDWARD ISLAND

PRINCE EDWARD ISLAND.

Despatches from Lieutenant-Governor Bannerman.

No. 1.

No. 1.

Copy of a DESPATCH from Lieut.-Governor Bannerman to the Duke of Newcastle.

(No. 1.) Government House, Prince Edward Island,
My Lord Duke, January 13, 1854.

I have the honour to transmit to you a return relating to emigration for the year 1853, as required by Lord Stanley's Circular Despatch of the 22d of March, 1845.

I have, &c.

The Duke of Newcastle, (Signed) A. BANNERMAN.
&c. &c. &c.

Encl. in No. 1.

Enclosure in No. 1.

A Return of Emigrants, Prince Edward Island, January 1, 1854.

England.	Ireland.	Scotland.
16	36	10

Amount of emigrant tax levied under Act 15 Vict. c. 11. at the rate of 12s. for 19, and 8s. on 43.

James Warburton, Colonial Secretary.

APPENDIX.

APPENDIX.

APPENDIX, No. 1.

(No. 1185.) CAP. 86.

An Act to Amend and Consolidate the Laws relative to Emigrants and Quarantine.

WHEREAS it is expedient to repeal the several Acts now in force respecting emigrants, and to consolidate those provisions thereof which have been found effective and expedient, with such amendments as experience hath shown to be requisite: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assemby of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, an Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, that the Act passed in the twelfth year of Her Majesty's reign, and intituled an Act to repeal certain Acts therein mentioned, and to make further provision respecting emigrants, and the Act passed in the session held in the thirteenth and fourteenth years of Her Majeaty's reign, and intituled an Act to encourage emigrants from Europe to the United States to use the St. Lawrence route, and the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, and intituled an Act to provide for the commutation of certain bonds required under the Emigrant Act, and the Act passed in the session last aforesaid, and intituled an Act to amend the Emigrant Act, by reducing the tax on emigrants coming into this province, and for other purposes, shall be and the said Acts are hereby repealed, except as to any duty payable or penalty incurred under them or any of them; but no Act repealed by them or any of them shall revive by reason of their repeal.

II. And be it enacted, That there shall be raised, levied, and collected a rate or duty payable in the manner herein-after prescribed by the master or person in command of every vessel arriving in the port of Quebec or in the port of Montreal from any port of the United Kingdom or of any other part of Europe, with passengers or emigrants therefrom, and such rate or duty shall be five shillings currency for every adult passenger or emigrant, and three shillings and ninepence for every other passenger or emigrant between the ages of one and fourteen years, who shall have embarked from any port in the United Kingdom under the sanction of Her Majesty's Government, ascertained by a certificate from one of the officers of Her Majesty's Customs at the port at which such vessel shall have cleared or from any other port in Europe with the sanction of the Government of the country to which such port belongs, ascertained by certificate of the proper authority at such port, and seven shillings and sixpence currency for every passenger or emigrant who shall have embarked without such sanction: and such rate or duty shall be paid by the master or person in command of such vessel, or by some person on his behalf, to the collector of Customs at the port in this province at which such vessel shall be first entered, and at the time of making such first entry, which shall contain on the face of it the number of passengers actually on board the vessel; and no such entry shall be deemed to have been validly made or to have any legal effect whatsoever, unless such rates or duties be so paid as aforesaid: Provided always, that no child under the age of one year shall be reckoned among the number of passengers; and provided also, that any draft, order or other document made or signed by any person in the United Kingdom aforesaid, duly empowered to that effect by Her Majesty's Government, and directed to Her Majesty's Commissary-General or other officer having charge of the military chest in this province, and authorizing the payment to the collector of Customs aforesaid, of the rate or duty which would otherwise be payable by the master of any vessel for any emigrant or any number of emigrants on board such vessel, shall be taken and accepted by the collector as payment of the rate or duty payable on such emigrant or emigrants, and the sum mentioned in such order shall thereafter be received by such collector and paid over and applied in the same manner as other money raised under the authority of this Act.

III. And whereas masters of vessels are in the practice of embarking passengers after the vessel has been cleared and examined by the proper officer at the port of departure, and without delivering lists of such additional passengers to some officer to whom by law the same ought to be delivered, for the prevention and punishment of such practice: Be it enacted, that for every passenger not included in the list of passengers by any vessel sailing from a port in Her Majesty's dominions, delivered to the collector of Customs at the port of departure, or at the port where such additional passenger may have been embarked, or at the port at which such vessel may have touched after the embarkation of such passenger, the master or person in command of such vessel shall, in addition to the rate or duty payable as aforesaid, and at the same time and under the same penalties, pay to the collector of Customs at the port of Quebec or Montreal, at whichsoever the said vessel shall be first entered, the sum of forty shillings currency for each passenger so embarked as aforesaid and not included in one of the said lists.

IV. And be it enacted, that no master or person having the command of any vessel arriving in either of the ports last mentioned shall permit any passenger to leave such vessel until he shall have delivered to the collector of customs at such port a certified and correct passenger list in the form herein-after mentioned, nor until such list shall have been certified to be correct, and a certificate of such correctness and a permission to allow his passengers to leave the vessel, and a receipt for the duties payable by him under the provisions of this Act, shall have been given to him by the said collector of customs, under a penalty of not less than five pounds and not exceeding twenty-five pounds currency, to be paid by such master or person having the command of the vessel, for every passenger leaving the same contrary to the provisions of this Act: Provided always, that the said list shall contain the name of each head of a family being a passenger on board such vessel, his profession or trade, his country and the place of his destination, and the number of adult persons and children belonging to his family on board such vessel, and the name of each person not belonging to any family, with the like particulars of country, trade, profession, and destination.

V. And be it enacted, that if any vessel from any port or place on the continent of Europe, or from any other port or place out of Her Majesty's dominions, shall come within the limits of this province having on board or having had on board at any time during her voyage any greater number of passengers than one adult passenger for every twelve clear superficial feet on the lower or platform deck of such vessel appropriated to the use of such passengers and unoccupied by stores or other goods not being the personal luggage of such passengers, or having on board or having had on board at any time during her voyage a greater number of persons (including the master and crew and the cabin passengers, if any) than in the proportion of one person for every two tons of the tonnage of such ship, calculated in the manner used for ascertaining the tonnage of British ships, the master of such vessel shall thereby incur a penalty of not less than two pounds nor more than five pounds for each passenger or person constituting such excess: Provided always, that for the purposes of this section, each person of or above the age of fourteen years shall be deemed an adult, and two persons above the age of one year and under the age of fourteen years shall be reckoned and taken as one adult; and provided also, that this section shall not apply to any vessel arriving in this province before the first day of October one thousand eight hundred and fifty-three.

VI. And be it enacted, that the master of any passenger vessel shall, within twenty-four hours after such vessel shall arrive in the port of Quebec or of Montreal, and before any entry of such vessel shall be allowed, deliver to the collector of customs, at the port at which such vessel shall be entered a correct list, in the form of the Schedule A to this Act, of all the passengers on board such vessel at the time of her departure from the port or place whence she shall have cleared or sailed for this province, and a true statement of the other particulars mentioned in the said form, under a penalty upon such master of five pounds for each day during which he shall neglect so to deliver such list after the expiration of such twenty-four hours, and of two pounds for each passenger whose name shall be omitted in such list.

VII. And be it enacted, that in addition to the particulars herein-before required in the list of passengers to be delivered on each voyage by the master of any vessel carrying passengers and arriving in either of the ports of Quebec or Montreal to the collector of customs at such port, the master shall report in writing to the said collector the name and age of all passengers embarked on board of such vessel on such voyage who shall be lunatic, idiotic, deaf and dumb, blind, or infirm, stating also whether they are accompanied by relatives able to support them; and in case any such master or person having the command of any such vessel shall omit or neglect to report the particulars herein specified, or shall make any false report in any such particulars, he shall incur a penalty of not less than five pounds and not exceeding twenty-five pounds currency for every such passenger in regard to whom any such omission or neglect shall have occurred or any such false report or statement shall be made, for which penalty the owner or owners of every such vessel shall also be liable jointly and severally, and which may be sued for and recovered as herein-after provided.

VIII. And be it enacted, that the said report shall further contain the name, age, and last place of residence of any person who may have died during the passage of such vessel, and shall specify whether such passenger was accompanied by relatives or other persons, and the names of such relatives or other persons who were entitled to take charge of the monies, goods, and effects which may have been left by such passenger; and if there shall have been no such relatives or other persons entitled to take charge of the same, then the said report shall fully designate the quantity and description of such property, whether money or otherwise, which shall have been left by such passenger; and the said master or person in command of any such vessel shall pay over and fully account for the same to the collector of customs for the port at which the said vessel may be entered; and the said collector of customs shall thereupon grant unto such master a receipt for all such monies, goods, or effects as may be so placed in his hands by such master, which receipt shall contain a full description of the nature or amount thereof; and in case any master or person in command of any such vessel shall neglect or refuse to make such report, or to pay over and account for any such monies, goods, or effects, as required by this section, he shall incur a penalty of not less than five pounds and

APPENDIX.

not exceeding two hundred and fifty pounds currency for every such case of neglect or refusal.

IX. Provided always and be it enacted, that nothing in this Act contained shall prevent the master or person having the command of any vessel from permitting any passenger to leave the vessel at the request of such passenger before the arrival of the vessel in the harbour of Quebec, but in every such case the names of the passengers who shall so leave shall be entered in the manifest on the list of emigrants made out at the time of the clearing of the vessel from the United Kingdom or other part of Europe as aforesaid, and shall be certified under the signatures of the passengers so leaving the vessel; and if the number of passengers remaining on board on the arrival of the vessel in the harbour of Quebec do not correspond with that mentioned in such manifest, after deducting the number who shall have so left the vessel, the master or person having the command of such vessel shall incur a penalty of five pounds currency for each passenger not found on board or entered on the manifest as having left the vessel as aforesaid.

X. And be it enacted, that every pilot who shall have had charge of any vessel having passengers on board, and shall know that any passenger has been permitted to leave the vessel contrary to the provisions of this Act, and shall not within twenty-four hours after the arrival of such vessel in the harbour to which he shall have engaged to pilot her inform the collector of customs at such place that a passenger or passengers has or have been so permitted to leave the vessel, shall incur a penalty not exceeding five pounds currency for every passenger with regard to whom he shall have wilfully neglected to give such information.

XI. And be it enacted, that every passenger on board any vessel arriving in the harbour to which the master or person in command of such vessel shall have engaged to convey him shall be entitled to remain and keep his baggage on board such vessel during forty-eight hours after her arrival in such harbour, and every such master who shall compel any passenger to leave his vessel before the expiration of the said term of forty-eight hours shall incur a penalty of not exceeding five pounds currency for every passenger he shall so compel to leave his vessel; nor shall any master or person in command of such vessel remove or cause to be removed, before the expiration of the said forty-eight hours, any berthing or accommodation used by his passenger, under like penalty, except with the written permission of the medical superintendent at the quarantine station.

XII. And be it enacted, that it shall be the duty of the medical superintendent at the quarantine establishment in this province, forthwith after the arrival thereat of any vessel carrying passengers, to examine into their condition, and for that purpose the said medical superintendent, or such other competent person or persons as may be thereunto appointed, shall have authority to go on board and through any such vessel, and to inspect the said list of passengers, and the bill of health, manifest, log book, or otherwise of the said vessel, and, if necessary, to take extracts from the same; and if, on examination, there shall be found among such passengers any lunatic, idiotic, deaf and dumb, blind or infirm person not belonging to any emigrant family, and any such person shall, in the opinion of such medical superintendent, be likely to become permanently a public charge, the said medical superintendent shall forthwith report the same officially to the collector of customs at the port of Quebec or of Montreal, at whichsoever the vessel is to be first entered, who shall require the master of such vessel, in addition to the rate or duty payable for the passengers generally, to execute jointly and severally with two sufficient sureties a bond to Her Majesty in the sum of seventy-five pounds currency for every such passenger so specially reported, conditioned to indemnify and save harmless this province, or any municipality, village, city, town, or county, or charitable institution within the same, from any expense or charge which shall or may be incurred within the space of three years from the execution of the said bond for the maintenance and support of any such passenger; and the said sureties shall justify before and to the satisfaction of the said collector, and by their oath or affirmation (which such collector is authorized to administer) shall satisfy him that they are respectively residents in this province, and each worth double the amount of the penalty of such bond over and above all their debts and liabilities, personal and real: Provided always, that it shall be optional with the master of such vessel either to enter into such bond jointly and severally with sufficient sureties, as aforesaid, or to pay to the collector of customs who might otherwise require such bond such sum of money as the chief emigration agent at Quebec (under any general instructions he may receive from the Governor) shall have fixed in that behalf as being just and equitable and sufficient to indemnify the province, or any municipality, village or city, town or county, or charitable institution within the same, against the risk of expense for the care, support, and maintenance of such passenger or passengers during the then next ensuing three years; and the money so paid shall form part of the Emigrant Fund.

XIII. And be it enacted, that in case any passenger in respect of whom any bond shall have been given as aforesaid, shall at any time within three years from the execution thereof, become chargeable upon this province, or upon any municipality, village, city, town, or county, or upon any charitable institution within this province, the payment of such charge or expense incurred for the maintenance and support of such passenger shall be provided for out of the moneys collected on and under such bond, to the extent of the penalty therein contained or such portion thereof as shall be required for the payment of such charges or expenses.

XIV. And be it enacted, that if the master of any vessel on board of which such passenger, specially reported as aforesaid, shall have been carried, shall neglect or refuse to execute the said bond, or to pay the sum which he may as aforesaid pay instead of giving such bond, forthwith after the said ship shall have been reported to the said collector of customs, such master shall incur a penalty of one hundred pounds currency, and the said vessel shall not be cleared on her return voyage until the said bond shall have been executed or the said sum paid, nor until the said penalty shall have been paid, with all costs which shall have been incurred on any prosecution for the recovery thereof.

XV. And be it enacted, that after any such bond as aforesaid shall have been executed, the collector of customs shall transmit the same to the receiver general of this province, to be by him kept and held, during the said period of three years from the execution of the said bond, or until the payment of the penalty therein mentioned (if incurred) shall be enforced; and for the purpose of ascertaining the necessity of such enforcement, it shall be the duty of the chief emigration agents, in Upper and Lower Canada, upon representation made to either of them, as the case may be, in their respective portions of the said province, to ascertain the right and claim to indemnity for the maintenance and support of any such specially reported passenger, and to report the same to the governor of this province through the provincial secretary, and the said report shall be final and conclusive in the matter, and shall be evidence of the facts therein stated, and the said penalty, or so much thereof as shall be from time to time sufficient to defray the expense incurred for the maintenance and support of any passenger for whom the said bond was given as aforesaid, shall be prosecuted for and recovered by suit or information in Her Majesty's name, in any court in this province having jurisdiction in civil cases to the amount for which such suit or information shall be brought.

XVI. And whereas inconvenience and expense are occasioned by masters of vessels carrying passengers anchoring at great distances from the usual landing places in the port of Quebec, and landing their passengers at unreasonable hours: Be it therefore enacted, that all masters of vessels having passengers on board shall be held, and they are hereby required to land their passengers and their baggage free of expense to the said passengers, at the usual public landing places in the said port of Quebec, and at reasonable hours, not earlier than six of the clock in the morning, and not later than four of the clock in the afternoon; and such vessels shall for the purpose of landing their passengers and baggage, be anchored within the following limits in the said port, to wit: the whole space of the river Saint Lawrence from the mouth of the river Saint Charles to a line drawn across the river Saint Lawrence, from the flag-staff on the citadel on Cape Diamond, at right angles to the course of the said river, under a penalty of ten pounds currency for any offence against the provisions of this section.

XVII. And whereas great inconvenience and expense are also occasioned to emigrants by steamers from Quebec, taking passengers from on board emigrant vessels, and proceeding directly up the river without returning to the wharf at Quebec: Be it therefore enacted, that if any steam vessel bound for any place beyond the limits of the port of Quebec upwards, shall go alongside of any vessel lying in the stream or elsewhere than at a wharf within the harbour of Quebec, and receive any passenger or passengers from such vessel, or shall receive any passenger or passengers while such steam vessel is elsewhere than at some wharf in or adjoining the city of Quebec,—such steam vessel shall after receiving such passenger or passengers, return to and remain at some wharf in or adjoining the said city during at least two hours before proceeding on her voyage, and shall during that time be provided with gangways and proper conveniences by which the passengers may pass from the said steam vessel to the shore, and back to the said steam vessel, with their families, goods and effects, under a penalty of ten pounds currency, upon the master of such steam vessel for any offence against the provisions of this section: Provided always, that it shall be lawful for such steam vessel to proceed on her voyage within the said two hours, if the master thereof shall obtain from the chief emigration agent at Quebec, a written permission to that effect.

XVIII. And whereas it is expedient to repeal the Acts now in force for compelling the performance of quarantine in certain cases and for preventing the introduction of infectious and contagious diseases into this province: Be it therefore enacted, that the Act of Parliament of the late province of Lower Canada, passed in the thirty-fifth year of the reign of King George the Third, and intituled, An Act to oblige ships and vessels coming from places infected with the plague or any pestilential fever or disease, to perform quarantine and to prevent the communication thereof in this province, and the Act of the Parliament of this province, passed in the twelfth year of Her Majesty's reign, and intituled, An Act to amend the Quarantine Act, shall be and are hereby repealed, except as regards any offence committed or penalty incurred under either of them before the passing of this Act, with regard to which they shall remain in force.

XIX. And be it enacted, that the Governor in Council shall have full power and authority from time to time to make such regulations as he shall think proper for enforcing compliance with all the requirements of this Act, and for ensuring the due performance of qurantine, by and in respect of vessels, passengers, and goods coming into the port of Quebec, to which he shall think it right for the preservation of the public healt hthat such regulations should apply, and for the thorough cleansing and disinfecting of such vessels, goods and passengers, so as to prevent as far as may be possible the introduction or dis-

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semination of disease into or in this province, and from time to time to revoke, alter, or amend such regulations or any of them, and to make others in their stead; and such regulations shall have the force of law during such time as they shall respectively remain unrevoked unless they be respectively limited to be in force only during a certain time or at certain times or seasons, in which case they shall have the force of law during the time and at the times and seasons during or at which they shall have been limited to be in force; and by such regulation it shall be lawful for the Governor in Council to require the master or person in charge of every vessel coming up the river St. Lawrence from below the quarantine station at Grosse Isle, except only such vessels as shall be therein designated and referred to as excepted, to bring such vessel to anchor at such place at the said quarantine station as shall be designated in the said regulations, and to report such vessel in writing to such officer at the said station as shall be designated for that purpose in such regulations, with all such particulars relative to the same and to the voyage, passengers and cargo thereof, as shall be required by such regulations or by any officer duly authorized under them to require the same, and to allow the proper officer to visit and inspect such vessel and every part thereof, and the passengers and crew and the cargo and other articles on board the same, and to answer truly all questions which shall be asked of him touching the same, and to send on shore at the said station and at such places there as shall be pointed out by the officer thereunto authorized by the said regulations, any or all of their passengers, crew, cargo, or other articles on board such vessel, as the said officer may think necessary for preventing the introduction of contagious or infectious disease, and to allow such passengers, crew, cargo, and other articles, and also the vessel itself, to remain so long at the said station and at such places thereat respectively, and to be so treated, cleansed, and purified as the said officer shall think necessary for the purpose aforesaid; and by such regulations it shall be lawful for the Governor in Council to assign to the several officers and persons to be employed at the said quarantine station, such powers and duties as may be necessary for carrying the said regulations and this Act fully into effect, and to declare that any such officer or person shall by virtue of his office or employment, be a justice of the peace or a constable or peace officer for Grosse Isle and the said quarantine station, and for such space around the same as shall be described in such regulations, and such officer shall accordingly be such justice of the peace or peace officer whether he be otherwise qualified or not; and by such regulations the Governor in Council may impose fines not exceeding one hundred pounds in any case, on persons contravening the same, and may provide that the offender shall be imprisoned until such fine be paid, and may direct that no vessel shall be entered or cleared at the port of Quebec or of Montreal, until all the requirements of such regulations shall be fully complied with, and may direct that any person, vessel or thing, who or which shall have passed or departed from or been removed from the said quarantine station, before all the requirements of such regulations shall have been complied with in respect of such person, vessel or thing, or without the written permission of the officer empowered to authorize such passing or departure, may be compelled to return or be carried back to the said station, and by force if necessary.

XX. And be it enacted, that the quarantine establishment at Grosse Isle shall consist of a superintendent of emigration, and a medical superintendent, with such medical assistants, hospital stewards, matrons, nurses, police force and other officers and servants as the Governor in Council shall deem necessary, and as the Governor shall appoint, and who shall receive such salaries, compensation, or allowances as the Governor in Council shall think proper; and it shall be lawful for the Governor to appoint a medical officer at Quebec to board, visit, and inspect such vessels in the harbour of Quebec, and to perform such other duties and to have such powers as the Governor in Council shall by any regulations to be made as aforesaid direct and appoint, and any such regulations shall be held to be included in those which the Governor in Council is empowered to make by the next preceding section, all the provisions whereof shall apply to them, and such medical officer shall receive such salary or compensation as the Governor in council shall think proper.

XXI. Provided always and be it enacted, that no regulation made under either of the next foregoing sections, and affecting others than the officers and persons employed in carrying this Act into effect or under the provisions thereof, shall have the force of law, unless and until it shall have been published in the official Gazette of this province at least twice, and there be an interval of at least six days between each such publication.

XXII. And be it enacted, that all the expenses to be incurred in carrying the provisions of this Act into effect, or under the provisions thereof, shall be paid out of the monies levied under the authority of this Act.

XXIII. And be it enacted, that all and every the rates or duties, penalties or forfeitures imposed or declared under the authority of this Act, shall be a special lien upon the vessels by reason whereof such monies shall have become payable, and the master whereof shall have become liable in such penalty, and may be enforced and collected by the seizure and sale of the ship, her tackle or furniture, under the warrant or process of the justices or court before whom the same may have been sued for and recovered, and shall be preferred to all other liens or hypothecations, except mariners' wages.

XXIV. And be it enacted, that the monies levied under the authority of this Act shall be paid, by the collector of customs by whom they shall have been received, into the hands of the receiver-general, for the purposes herein-after mentioned.

XXV. And be it enacted, that the monies raised, levied, and received under the authority of this Act, shall be applied by such officers or persons and under such rules and regulations as the Governor of this province shall appoint and make from time to time for that purpose, as well in defraying the expenses of carrying this Act into effect and those of forwarding destitute emigrants to their place of destination and in otherwise aiding, relieving, and providing for them, as in defraying the expenses of medical attendance and examination of destitute emigrants on their arrival; and that it shall be lawful for the Governor in Council to apply any surplus which may now or shall hereafter remain out of the said monies or those raised under the Acts hereby repealed, after defraying the expenses aforesaid, in aid of any charitable institution affording relief to destitute emigrants and their children.

XXVI. And be it enacted, that all penalties imposed by this Act or by any regulation to be made by the Governor in Council under the provisions of this Act, and not exceeding twenty pounds in amount, shall be sued for by any collector of customs or by the chief emigration agent at the port of Quebec or of Montreal, and recovered with costs on the oath of one credible witness other than the prosecutor, in a summary manner, before any two justices of the peace in the city of Quebec or in the city of Montreal; and such justices may commit the offender to the common gaol of the district until such penalty and costs shall be paid; and all penalties so imposed as aforesaid and exceeding the sum of twenty pounds, may be recovered by civil action by any such officer as aforesaid on like evidence in any court of competent jurisdiction; and one moiety of every such penalty shall belong to Her Majesty, her heirs and successors, and shall be paid into the hands of the receiver-general to be applied to the purposes to which the other monies levied under the authority of this Act are hereby appropriated, and the other moiety shall belong to the prosecutor: Provided always, that every offence against the provisions of this Act or any regulation made under the authority thereof, the penalty imposed for which by this Act or any such regulation, shall exceed the sum of ten pounds, shall be a misdemeanor punishable by fine or imprisonment or both, in the discretion of the court before which the offender shall be convicted.

XXVII. And be it enacted, that upon complaint being made in any case over which two justices have jurisdiction as aforesaid, before any one justice of the peace, he shall issue a summons requiring the party offending or complained against to appear on a day and at an hour and place to be named in such summons, and every such summons shall be served on the party offending or complained against, or shall be left at his place of residence or business, or on board any vessel to which he may belong; and either upon the appearance or default to appear of the party offending or complained against, it shall be lawful for any two or more justices to proceed summarily upon the case, and either with or without any written information, and upon proof of the offence or of the complainant's claim, either by confession of the party offending or complained against, or upon the oath of at least one credible witness other than the prosecutor (which oath such justices are hereby authorized to administer), it shall be lawful for the justices to convict the offender, and upon such conviction to order the offender or party complained against, to pay such penalty as is imposed by this Act, or by any such regulation as aforesaid, according to the nature of the offence, and also to pay the costs attending the information or complaint, and if forthwith upon such order the monies thereby ordered to be paid, be not paid, the same may be levied, together with the costs of the distress and sale, by distress and sale of the goods and chattels of the party ordered to pay such monies, the surplus, if any, to be returned to him upon demand; and any such justices may issue their warrant accordingly, and may order also such party to be detained and kept in safe custody until return can conveniently be made to such warrant of distress, unless such party shall give security to the satisfaction of such justices for his appearance before them on the day appointed for such return, such day not being more than three days from the time of taking such security; but if it shall appear to such justices by the admission of such party or otherwise, that no sufficient distress can be had whereon to levy the monies so adjudged to be paid, they may, if they think fit, refrain from issuing such warrant of distress in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the justices, or to any two or more of such justices, then such justices shall, by warrant, cause the party ordered to pay such monies and costs as aforesaid, to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such monies and costs ordered to be paid and such costs of distress and sale as aforesaid, be sooner paid and satisfied: Provided always, that such imprisonment in the case of a master of any vessel shall not discharge the said vessel from the lien or liability attached thereto by the provisions of this Act.

XXVIII. And be it enacted, that no conviction or proceeding under this Act shall be quashed for want of form, or be removed by appeal or *certiorari*, or otherwise, into any of Her Majesty's superior courts of record within this province; and no warrant of commitment shall be held void by reason of any defect therein, provided it be thereby alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

XXIX. And be it enacted, that every person to whom shall be entrusted the expenditure of any portion of the moneys hereby appropriated, shall make up detailed accounts

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of such expenditure, showing the sum advanced to the accountant, the balance (if any) remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the receiver-general, and that every such account shall be supported by vouchers therein distinctly referred to by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the thirty-first day of December in each year during which such expenditure shall be made, and shall be attested before a justice of the superior court or a justice of the peace, and shall be transmitted to the officer whose duty it shall be to receive such account, within fifteen days next after the expiration of the said periods respectively.

XXX. And be it enacted, that the due application of the monies received for the public uses of the province under the authority of this Act, shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, and in such manner and form as Her Majesty, her heirs and successors shall direct; and that a detailed account of all such monies shall be laid before the several branches of the Provincial Legislature within the first fifteen days of the then next session thereof.

XXXI. And be it enacted, that the word "master," whenever used in this Act, shall be held to apply to any person in command of a vessel; the word "vessel" shall include all ships, vessels, or craft of any kind carrying passengers; the word "passengers" shall apply to all passengers as well as to emigrants usually and commonly known and understood as such, and not to troops or military pensioners and their families, who are carried in transports or at the expense of the Imperial Government; the word "quarantine" shall apply to Grosse Isle, or other places at which such quarantine shall be directed to be performed; and any word importing the singular number shall include a plurality of persons or things, unless there be something in the context inconsistent with such interpretation.

SCHEDULE A.

Particulars relative to the VESSEL.

Vessel's Name.	Master's Name.	Tonnage.	From what Port or Place.	Total Number of Superficial Feet in the several Compartments set apart for Passengers other than Cabin Passengers.	Total Number of Adult Passengers, exclusive of Master, Crew, and Cabin Passengers, which the Vessel can legally carry.	Where bound.

Names and Description of PASSENGERS.

Port of Embarkation.	Names of Passengers.	Adults.		Children between 1 and 14.		No. of Infants not over 1 Year.	Profession, Occupation, or Calling of Passenger.	Nation or Country of Birth.	Port at which Passengers have contracted to be landed.	Any further Particulars, as Deaths, &c.
		Age.		Age.						
		M.	F.	M.	F.					

SUMMARY.

—	Number of Souls.	Number of Adults to which they are equal under the Provincial Act.
Adults - - - -		
Children between 1 and 14 - -		
Infants not over 1 - - -		
Total - -		

I hereby certify that the above is a correct description of the [*description of vessel, as ship, brig, &c.*] [*name of vessel*], and a correct list of all the passengers on board the same at the time of her departure from [*place from whence she came*], and that all the particulars therein mentioned are true.

Date 185 *Signature of Master.*

I hereby certify that the foregoing is a true copy of a Bill passed by the Legislative Council and Legislative Assembly of Canada, and assented to by his Excellency the Governor-General, on Friday, the Twenty-second day of April, One thousand eight hundred and fifty-three.

Clerk of Legislative Council.

APPENDIX, No. 2.

(No. 1,258.) CAP. 159. Appendix, No. 2.

An Act to amend the Law for the Sale and the Settlement of the Public Lands.

WHEREAS it is expedient to amend the law concerning the sale and settlement of the public lands: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, An Act to re-unite the provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, that the Act passed in the session held in the fourth and fifth years of Her Majesty's reign, intituled, An Act for the disposal of public lands, and the Act passed in the twelfth year of Her Majesty's reign, and intituled, An Act to amend an Act therein mentioned and to make other provisions for the management and disposal of the public lands, and to limit the period for making free grants, shall be and the said Acts are hereby repealed, together with so much of any other Act or law as may be inconsistent with this Act.

II. Except as herein-after provided, no free grant of public land shall be made to any person whomsoever.

III. Any claim or claims to land arising out of any Act hereby repealed, or out of and under the authority of any order in council or other regulation of the Government heretofore or now in force, shall be adjudged and determined by the Governor, by and with the advice of the Executive Council, or by the Commissioner of Crown Lands in cases or classes of cases referred to his decision by the Governor in Council: provided always, that hereafter no claim for land not now actually located, shall be entertained whether arising from militia, united empire loyalists, or military rights.

IV. The Governor in Council may from time to time fix the price per acre of the public lands, and the terms of settlement and payment.

V. It shall not be lawful for any county or resident agent for the sale of public lands within his division, directly or indirectly to purchase any land which such agent shall be appointed to sell as aforesaid, and if such agent shall offend in the premises he shall forfeit his office.

VI. It shall be lawful for the Commissioner of Crown Lands to issue, under his hand and seal, to any person wishing to purchase and become a settler on any public land, an instrument in the form of a licence of occupation, and such settler may take and occupy the land therein mentioned and described, subject to the terms and conditions specified in such licence, and may maintain actions or suits in law or equity against any wrong-doer or trespasser as fully and effectually as he could or might do under a patent from the Crown, and the said licence of occupation shall be *primâ facie* evidence of possession by the settler or his recognized assignee for the purpose of any such action or suit; and every settler or his assignee, upon the fulfilment of the terms and conditions of his licence, shall be entitled to a deed in fee for the land comprised therein, which deed shall, upon his application, be transmitted to him free of expense.

VII. It shall be the duty of the Commissioner of Crown Lands for the time being, to keep a book for the entry, at the option of the parties interested, of the particulars of any assignments made as well by the original nominee, purchaser or locatee, as also by any subsequent assignee or assignees, of any such claim on lands heretofore located or hereafter purchased in respect thereof, such assignment or assignments being first produced or exhibited to the Commissioner aforesaid, together with an affidavit of the due execution thereof, sworn before any justice of the peace, who is hereby fully authorized to administer the oath in this behalf, and such affidavit shall truly express the time of the execution of such assignment or assignments, and thereupon it shall be the duty of the said Commissioner to cause the material parts of every such assignment to be entered or registered in such book of entry or registry, and to endorse on every such assignment a certificate of such entry or registration; and every such assignment so entered or registered shall be valid against any one of a previous date or execution, but not then entered or registered; and in all cases of such assignments being duly registered, it shall and may be lawful that the patent issue in the name of such assignee or assignees; provided always, that in case the subscribing witness or witnesses to any such assignment

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shall be deceased, or shall have left the province, it shall and may be lawful for the said Commissioner to register any such assignment upon the production of an affidavit or affidavits proving the death or absence of such witness or witnesses, and proving also the handwriting of such witness or witnesses.

VIII. The duties imposed upon the Commissioner of Crown Lands by the preceding section of this Act, for the registration of assignments of located claims, shall be held to extend to the registration of assignments of claims heretofore located or located hereafter ; and all assignments of such locations in Lower Canada executed before notaries, or before one notary and two witnesses, shall be deemed sufficient, and shall be registered accordingly : Provided always, that all such assignments shall be unconditional ; provided also, that all Commissioners for taking affidavits in the superior courts of law either in Upper or Lower Canada, shall have the same power and authority for administering oath in matters relating to the crown, clergy, and school lands, as are now exercised by justices of the peace.

IX. Notwithstanding anything in this Act contained, it shall and may be lawful for the Governor of this province, with the advice of the Executive Council, to appropriate as free grants any public lands in this province to actual settlers, upon or in the vicinity of any public roads in any new settlements which shall or may be opened through the lands of the Crown, under such regulations respecting such settlements as shall from time to time be made and declared by the Governor of this province in Council: Provided always, that no free grant shall exceed one hundred acres.

X. It shall be lawful for the Governor, by and with the advice of the Executive Council, to set apart and appropriate such of the said public lands as shall be deemed expedient to be so set apart and appropriated for the site of market places, gaols, court houses, places of public worship, burying grounds, schools, and for other like public purposes, and at any time before the issue of letters patent therefor, to revoke such appropriation and setting apart as may seem expedient, and to make free grants for the purposes aforesaid, the trusts and uses for which the grants shall be made being expressed in the letters papent granting the lands therein specified: Provided always, that no such grant for any such purpose shall be for a greater quantity of land than ten acres for every one of the purposes aforesaid, in any one instance in which, or for any one occasion for which land shall be granted as aforesaid.

XI. It shall be lawful for the Governor in Council, if he shall be satisfied that any such settler, or his recognized assignee, has been guilty of fraud, or has violated any of the terms or conditions of his licence of occupation, to revoke such licence, and resume the land therein mentioned and dispose of the said land, as if such license had never been issued ; and no claim in equity by any settler, or the assignee of any settler shall be pleadable in any court against a forfeiture and revocation under this Act, but the settler shall be deemed and taken to be as against the Governor in Council, or Commissioner of Crown Lands, or any person claiming under the said Commissioner a mere tenant-at-will.

XII. When any settler or other person shall refuse or neglect to deliver up possession of any land after the revocation by the Governor in Council of the licence of occupation as aforesaid, it shall be lawful for the Commissioner of Crown Lands to make or cause to be made an application to the county judge of the county, or to a circuit judge in the circuit in which the land lies, for an order in the form of a writ of ejectment or of *habere facias possessionem*, and the said judge upon proof to his satisfaction that the land in respect of which the application is made was held under a licence of occupation, and that such licence has been revoked by the Governor in council, shall and may grant an order upon the settler or persons in possession, to deliver up the same to the commissioner of crown lands, or his agent, and such order shall have the same force and effect as a writ of *habere facias possessionem*, and the sheriff shall and may receive such order and execute the same in like manner as he would receive and execute the said writ in an action of ejectment or petitory action.

XIII. In all cases where claims to locations of land have been forfeited under any order in Council or which may hereafter be declared forfeited by order in Council, it shall and may be lawful for the Crown to resume such land under this Act, in manner and form aforesaid ; and such land, when so resumed, shall be subject to the provisions of this Act, and be disposed of accordingly : Provided always, that the Governor in Council may, upon the special merits of any case extend a right of pre-emption to the original locatee, his heirs or assignees, upon such terms and for such price as to him may seem just under the circumstances of the case, or when such forfeiture shall be discovered to have been on an erroneous report, then it shall be lawful to re-grant such lot to the original locatee, his heirs or assigns.

XIV. It shall be lawful for the Governor in Council to reserve out of the proceeds of the school lands in any county, a sum not exceeding one-fourth of such proceeds, as a fund for public improvements within the county, to be expended under the direction of the Governor in Council, and also to reserve out of the proceeds of unappropiated Crown lands in any county a sum not exceeding one-fifth, as a fund for public improvements within the county, to be also expended under the direction of the Governor in Council : Provided always, that the particulars of all such sums, and the expenditure thereof, shall be laid before Parliament within the first ten days of each session ; provided always, that not exceeding six per cent. on the amount collected, including surveys, shall be

charged for the sale and management of lands forming the common school fund, arising out of the one million of acres of land set apart in the Huron tract.

XV. It shall be lawful for the Governor in Council from time to time as he shall deem expedient to declare that the provisions of this Act or any of them shall extend and apply to the Indian lands under the management of the Chief Superintendent of Indian affairs, and the said Chief Superintendent shall, in respect to the lands so declared to be under the operation of this Act, have and exercise the same powers as the Commissioner of Crown Lands may have and exercise in respect to Crown Lands.

XVI. The Commissioner of Crown Lands shall cause lists of the crown, school, and clergy lots for sale in the several townships in Canada, to be made out from time to time, and advertised and exhibited in such manner as he may deem most advisable for giving general information on the subject.

XVII. The Governor may from time to time appoint, during pleasure, all such agents as he shall find necessary to carry out the provisions of this Act and the orders in Council made under it, which agents shall be paid in such manner and at such rates as the Governor in Council may direct.

XVIII. Whenever a patent has been or may hereafter be erroneously issued or which shall contain any clerical error, misnomer, or wrong description of the land thereby granted or intended to be granted, the Governor in Council may upon the report of the Commissioner of Crown Lands, (there being no adverse claim,) direct the defective patent to be cancelled and a correct one to be issued in its stead, which said corrected patent shall relate back to the date of the one so cancelled, and shall have the same legal effect as if it had been issued at the date of such cancelled patent.

XIX. In all cases in which grants or letters patent have issued or may hereafter issue for the same land inconsistent with such other through error or mistake, and in all cases of sales or appropriations of the same land inconsistent with each other, the Governor in Council may order a new grant equivalent to the land of which any grantee or purchaser may thereby be deprived: Provided always, that no such claim shall be entertained unless it be preferred within five years after discovery of the error.

XX. In all cases wherein by reason of false survey any grant, sale, or appropriation of land has been or may be found to be deficient, the Governor in Council may order a free grant equal in value to the ascertained deficiency: Provided always, that no such claim shall be entertained unless application was or shall be made within five years from the discovery of such deficiency, nor unless the deficiency is equal to one-tenth of the whole quantity described to be contained in the particular lot or parcel of land granted.

XXI. It shall and may be lawful for the Court of Chancery in Upper Canada, and for the Superior Court in Lower Canada, upon action, bill, or plaint to be exhibited in either of the said courts respecting grants of land situate within their jurisdiction, and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Courts shall respectively order, in all cases wherein patents for lands have or shall have issued through fraud or in error or mistake or improvidence, to decree the same to be void; and upon the registry of such decree in the office of the provincial registrar, such patents shall be deemed void and of none effect to all intents and purposes whatsoever; and that the practice and proceeding in court, in such cases, shall be regulated by orders to be from time to time made and issued by the said courts respectively; and any action or proceeding commenced under the twenty-ninth section of the Act intituled "An Act for the Disposal of Public Lands," may be continued under this section, by which the provisions of the said twenty-ninth section are re-enacted, and which, for the purpose of any such action or proceeding, shall be construed as merely continuing in force the said twenty-ninth section.

XXII. All affidavits required under this Act may be taken before the judge or clerk of any County or Circuit Court, or any justice of the peace, or any commissioner for taking affidavits or agent of the commissioner of Crown lands.

XXIII. The Governor in Council shall require from the Commissioner of Crown Lands and from every agent appointed under him, security for the due performance of his duty: Provided always, that all securities heretofore given under any Act hereby repealed, shall nevertheless continue valid and in full force.

XXIV. The Commissioner of Crown Lands shall transmit in the month of January in each year to the registrar of every county or registration district and secretary-treasurer of any municipality in Lower Canada, a list of the clergy and crown lands heretofore or hereafter sold or for which licences of occupation shall be granted in such county or registration district, and upon which a payment has been made; which said crown, clergy, and school lands shall be liable to the assessed taxes in the townships in which they respectively lie, from the date of such licence or sale; and the Commissioner of Crown Lands shall in like manner apprise each registrar of the cancellation of any licence of occupation or patent.

XXV. It shall and may be lawful for the Governor in Council from time to time to make such orders as may be necessary to carry out the provisions of this Act according to their obvious intent and meaning, or to meet any cases which may arise and for which no provision is made by this Act: Provided always, that such orders shall not be inconsistent with this Act; and provided also, that such orders shall be duly published in the official gazette and in such newspapers as the Commissioner of Crown Lands may direct,

APPENDIX.

and be laid before the Legislature within the first ten days of the session next after the date thereof.

XXVI. That in any application for a patent by the heir, assignee, or devisee of the original nominee of the Crown, it shall be lawful for the Commissioner of Crown Lands to receive proof in such manner as he may direct and require in support of any claim for a patent when the original nominee is dead, and, upon being satisfied that the claim has been equitably and justly established, to report the same to the Governor in Council, and if approved the patent may issue to the party named in the order in Council founded on such report or to his assignee; anything in the Act passed in the eighth year of Her Majesty's reign, and chaptered eight, to the contrary notwithstanding: Provided always, that nothing in this clause contained shall limit the right of the party claiming a patent, to make his application at any time to the Commissioners appointed under the Act last cited.

XXVII. Whenever it shall be made to appear to the satisfaction of the Commissioner of Crown Lands, that any clergy reserve lot heretofore sold or leased has been abandoned by the original purchaser or lessee, or that such purchaser or lessee has permitted any instalment or any portion of rent to remain unpaid for the period of five years or upwards, or when it shall be made manifest that it is not the intention of the original purchaser or lessee or his assignee to fulfil the conditions of such sale or lease by reason of the principal and interest or the rent amounting in the aggregate to a sum beyond the actual marketable value of the lot, it shall be lawful for the Commissioner of Crown Lands, having first obtained an order in Council to that effect, to re-sell such lot as if no sale or lease had ever been made thereof, and the new purchaser shall have the same privileges and right of entry under any licence or certificate from the Commissioner of Crown Lands, as would pertain to any licence or certificate granted for any other sale of clergy lands under this Act: Provided always, that all such new sales shall be on the condition that one-fifth of the purchase money shall be paid in hand, and the remaining four-fifths in four equal annual instalments with interest.

XXVIII. The holder or person entitled to any land scrip not redeemed, shall be entitled to claim land in lieu of such scrip, as he could before the First day of August, One thousand eight hundred and fifty-one, and any such scrip shall be received in payment of any debt now due, or hereafter to fall due to the Crown, on any land sale: Provided always, that the term for receiving any outstanding scrip for that purpose shall not extend beyond the First day of July, One thousand eight hundred and fifty-four.

XXIX. All licences of occupation, certificates or receipts heretofore granted by the Commissioner of Crown Lands, for money received by him on the sale of Indian, Crown, school, or clergy lands, or any location ticket, shall have the same force and effect, and shall enure to the benefit of the party to whom the same was granted, or to his assignee, in the same manner and to the same extent, as the instrument in the form of a licence of occupation mentioned in the sixth section of this Act.

XXX. The Interpretation Act shall apply to this Act.

I hereby certify that the foregoing is a true copy of a Bill passed by the Legislative Council and Legislative Assembly of Canada, and assented to by his Excellency the Governor-General on Tuesday the Fourteenth day of June One thousand eight hundred and fifty-three.

Clerk Legislative Council.

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