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JOURNAL,

OF THE

LEGISLATIVE COUNCIL

OF

UPPER CANADA.

FIFTH SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT.



HIS EXCELLENCY THE RIGHT HONOURABLE C. POULETT THOMSON,

GOVERNOR-GENERAL.

2 Dec 1839 - 10 July 1840

BY ORDER OF THE HONOURABLE THE LEGISLATIVE COUNCIL.

TORONTO:

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

1840.



JOURNAL, &c.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

PROCLAMATION.

UPPER CANADA.

GEO. ARTHUR.

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

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

Proclamation for proroguing the Parliament to Tuesday, the 23rd July, 1839.

GREETING.

WHEREAS our Provincial Parliament stands prorogued to Thursday, the thirteenth day of June, instant, at which time, at our City of Toronto, you were held and constrained to appear.

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

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

G. A.

By command of His Excellency in Council.

C. A. HAGERMAN,
Attorney General.

R. A. TUCKER,
Secretary.

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

Proclamation for proroguing the Parliament to Monday, the 2nd September, 1839.

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

Proclamation for proroguing the Parliament to Saturday, the 12th October, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Proclamation for proroguing the Parliament to Thursday, the 21st November, 1839.

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

PROCLAMATION.

UPPER CANADA.

GEO. ARTHUR.

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

Proclamation for calling the Parliament together on Tuesday, the 3rd December, 1839, for the actual despatch of Public Business.

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

GREETING.

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

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

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

G. A.

By command of His Excellency in Council.

C. A. HAGERMAN,

Attorney General.

R. A. TUCKER,

Secretary.

LEGISLATIVE COUNCIL.

UPPER CANADA.

TUESDAY, 3rd DECEMBER, 1839.

This being the day appointed for the meeting of the Provincial Legislature, at One of the clock P. M.

The House met.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER,

The Honourable Mr. CROOKSHANK,

The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,

The Honourable Messrs. WELLS,

“ “ DUNN,

“ “ ALLAN,

“ “ ALEXANDER McDONELL,

“ “ BALDWIN,

“ “ ADAMSON,

The Honourable Messrs. CROOKS,

“ “ MORRIS,

“ “ JOHN MACAULAY,

“ “ SULLIVAN,

“ “ FERGUSSON,

“ “ RADCLIFFE,

“ “ JOHN SIMCOE MACAULAY,

“ “ JOHN McDONALD.

Members present.

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

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

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

He opens the Session.

The House of Assembly having withdrawn, His Excellency was pleased to retire.

And retires from the House.

Then Prayers were read.

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

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

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

In discharge of the duties of Governor-General of British North America, confided to me by our Gracious Sovereign, I have deemed it advisable to take the earliest opportunity of visiting this Province, and of assembling Parliament.

The Speech.

I am commanded by the Queen to assure you of Her Majesty's fixed determination to maintain the connection now subsisting between Her North American possessions and the United Kingdom, and to exercise the high authority with which She has been invested, by the favour of Divine Providence, for the promotion of their happiness, and the security of Her Dominions.

It is with great satisfaction I can inform you, that I have no grounds for apprehending a recurrence of those aggressions upon our frontier which we had lately to deplore, and which affixed an indelible disgrace on their authors.

If, however, unforeseen circumstances should again call for exertion, I know from the past, that in the zeal and loyalty of the people of Upper Canada, and in the protection of the Parent State, we possess ample means of defence, and to those I should confidently appeal.

I earnestly hope, that this state of tranquillity will prove favourable to the consideration of the important matters, to which your attention must be called during the present Session.

It will be my duty to bring under your consideration, at the earliest possible moment, the subject of the Legislative Re-union of this Province with Lower Canada—recommended by Her Majesty to the Imperial Parliament. I shall do so in the full confidence that you will

see, in the measure which I shall have to submit, a fresh proof of the deep interest felt by the Queen, in the welfare of Her Subjects in Upper Canada; and that it will receive from you that calm and deliberate consideration, which its importance demands.

The condition of the Public Departments in the Province will require your best attention. In compliance with the Address of the House of Assembly of last Session, the Lieutenant-Governor appointed a Commission, to investigate and report upon the manner in which the duties of those Departments are performed. The Commissioners have already conducted their inquiries to an advanced stage; and the result of them will be communicated to you, as soon as they shall be completed.

I am happy to inform you, that Her Majesty's Government have concluded an arrangement for opening a communication by Steam, between Great Britain and the British possessions in North America. In the completion of this arrangement, Her Majesty's Government have allowed no consideration to interfere with the paramount object, of conducing to the public advantage and convenience. I feel confident, that the liberality with which the Parent State has assumed the whole expense of the undertaking, will be duly appreciated by you.

The answers of Her Majesty to the various addresses, adopted by you during your last Session, and Her Majesty's decisions on the Bills passed by you, but reserved for the signification of Her royal pleasure, will be made known to you without loss of time.

Gentlemen of the House of Assembly :

The financial condition of the Province will claim your early and most attentive consideration. To preserve public credit, is at all times a sacred obligation; but in a country so essentially dependent upon it for the means of future improvement, it is a matter no less of policy than of duty. It is indispensable, then, that measures should be at once adopted, for enabling the provincial revenue to fulfil its obligations, and to defray the necessary expenses of the Government. It will be my anxious desire to co-operate with you in effecting this object; and I feel confident that, by the adoption of measures calculated to promote the full development of the resources of this fine Country, the difficulty may be overcome. The Officer by whom, under your authority, these obligations have been contracted, will be able to afford you every information; and I shall direct a statement of your financial condition to be immediately submitted to you.

The estimates for the ensuing year will be prepared with every regard to economy, compatible with the due execution of the service of the Province.

It is with great satisfaction I find, that notwithstanding commercial difficulties which prevail in the neighbouring States, the Banks of this Province have resumed specie payments; and I congratulate you upon the guarantee thus afforded of the greater security and stability of our pecuniary transactions—a circumstance which cannot fail to be attended with the most beneficial results.

I am commanded again to submit to you the surrender of the Casual and Territorial Revenues of the Crown, in exchange for a Civil List; and I shall take an early opportunity of explaining the grounds on which Her Majesty's Government felt precluded from assenting to the settlement which you lately proposed. They are of a nature which lead me to anticipate your ready assent to their removal, and to the final settlement of the question.

Honourable Gentlemen ; and Gentlemen :

In assuming the administration of the Government of these Provinces, at the present time, I have not disguised from myself the arduous task which I have undertaken. The affairs of the Canadas have, for some years back, occupied much of the attention of the Imperial Parliament, and of the Government; and their settlement upon a firm and comprehensive basis, admits of no further delay.

To effect that settlement, upon terms satisfactory to the people of these Provinces, and affording security for their continued connection with the British Empire, will be my endeavour: and I confidently appeal to your wisdom, and to the loyalty and good sense of the

people of this Province, to co-operate with me for the preparation and adoption of such measures as may, under Divine Providence, restore to this Country peace, concord and prosperity.

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

Speaker reports the waiting of a Member to be introduced.

When the Honourable Mr. De Blaquiére was introduced between the Honourable and Right Reverend the Lord Bishop of Toronto, and the Honourable Mr. John Simcoe Macaulay.

Introduction of the Mem. Mr. De Blaquiére.

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

He presents his writ of summons; Same read;

UPPER CANADA.

GEO. ARTHUR.

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

To our trusty and well-beloved Peter Boyle De Blaquiére, Esquire, and to all to whom these presents shall come—

GREETING:

KNOW YE, That as well for the special trust and confidence We have manifested in you, as for the purpose of obtaining your advice and assistance, in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof, concern: We have thought fit to Summon you to the Legislative Council of our said Province.—And we do therefore command you the said Peter Boyle De Blaquiére, that all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid, at the Legislative Council of our said Province, at all times whensoever and wheresoever our Provincial Parliament may be therein hereafter convoked and holden.—And this you are in no wise to omit.

The writ

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

G. A.

By command of His Excellency.

C. A. HAGERMAN,
Attorney General.

R. A. TUCKER,
Secretary.

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

The Honourable Mr. De Blaquiére take the oath prescribed by law.

The Honourable the Speaker reported to the House, that His Excellency the Lieutenant Governor had been pleased to appoint Thomas Brooke to be the Doorkeeper of the Legislative Council, in the room of Hugh Carfrae, deceased.

Speaker reports the appointment of Thomas Brooke as Door Keeper to the House.

The Honourable Mr. John Simcoe Macaulay, moved a Resolution on which to found an Address to the Governor-General, in answer to His Excellency's Speech from the Throne;

A resolution moved whereon to found an address to His Excellency in answer to His Speech from the Throne;

Which being seconded, the same was then read by the Clerk, and it was,

Ordered, that the said Resolution be referred to a Committee of the whole House presently.

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

And referred to a Committee of the whole House.

The Honourable Mr. John Simcoe Macaulay in the Chair.

After some time the House resumed.

Tuesday, 3rd December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Amendment reported ;
And adopted.

The Chairman reported that the Committee had gone through the said Resolution, and had made an amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received ; and,

Ordered, that the said Resolution, as amended, be adopted, as follows:—

The resolution as
amended.

Resolved—That an humble Address be presented to His Excellency the Governor-General, to return His Excellency the thanks of this House, for the gracious Speech of His Excellency to both Houses of the Provincial Legislature, and to offer His Excellency the congratulations of this House, upon His Excellency's assuming the administration of the Government of this Province.

That this House humbly thanks His Excellency for the zealous anxiety for the public service, which has induced His Excellency, in discharge of the duties of Governor-General, confided in His Excellency by our gracious Sovereign, to take the earliest opportunity of visiting this Province, and of assembling Parliament.

That this House receives, with the deepest feelings of gratitude, the assurance which His Excellency is commanded to convey to the Provincial Legislature, of the fixed determination of our gracious and beloved Sovereign, to maintain the connection between Her Majesty's North American Possessions and the United Kingdom, and to exercise the high authority with which, by the favour of Divine Providence, She has been invested, for the promotion of the happiness of Her Majesty's Colonial Subjects, and the security of Her dominions.

That this House learns, with the most lively satisfaction, that His Excellency has no grounds for apprehending a recurrence of those aggressions upon our Frontier, which, to the indelible disgrace of their authors, lately disturbed the peace of these Provinces.

That this House feels proud of the confidence which His Excellency's knowledge of the past, enables His Excellency to express in the zeal and loyalty of the people of Upper Canada, and that in these, and the powerful protection of the Parent State, this House sees ample means of defence, should unforeseen circumstances again call for exertion.

That this House cordially concurs with His Excellency, in the hope that the present state of tranquillity will prove favourable to the consideration of the important matters to which the attention of the Legislature will be called, during the present Session.

That this House will give its best consideration to the subject of the Legislative Re-union of this Province with Lower Canada, recommended by Her Majesty to the Imperial Parliament; and that this House assures His Excellency, that any measure relating to that great question, which shall come before this House, shall receive from this House the calm and deliberate attention which its importance demands.

That this House will receive and consider, with the greatest attention, the results of the investigation which His Excellency informs it has been instituted into the manner in which the duties of the Public Departments in this Province are performed.

That this House learns with great pleasure, that Her Majesty's Government have concluded an arrangement for opening a communication by Steam between Great Britain and Her Majesty's North American Dominions. In the completion of this arrangement, this House recognises the praiseworthy spirit, which has allowed no consideration to interfere with the paramount object, of conducing to the public advantage and convenience: and the liberality with which the Parent State has assumed the whole expense of the undertaking, this House can assure His Excellency is by it duly and gratefully appreciated.

That this House awaits, with the greatest anxiety, the answers to the various Addresses adopted during the last Session, and Her Majesty's decision on the Bills passed by the two Houses of the Legislature, but reserved for the signification of Her Majesty's pleasure.

That this House is gratefully sensible of the arduous task undertaken by His Excellency, in assuming the administration of the Government of these Provinces, at the present time; that the affairs of the Canadas, which have, for some years back, occupied much of the attention of the Imperial Parliament and Government, are most urgent, and that this House fully concurs with His Excellency in thinking that their settlement admits of no further delay.

That this House feels, in duty bound, to assist to the utmost of its power, His Excellency's endeavour to effect that settlement, upon terms satisfactory to the people of these Provinces, and affording security for their continued connection with the British Empire; and that this House feels assured that His Excellency does not appeal in vain to the loyalty and good

Wednesday, 4th December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

sense of the people of this Province, to co-operate with His Excellency in the preparation and adoption of such measures as may, under Divine Providence, restore to this Country peace, concord and prosperity.

On motion made and seconded, it was,

Ordered, that the foregoing Resolution be referred to a Select Committee, with instructions to draft an Address to His Excellency the Governor-in-Chief, founded on the same, and to report thereon; and,

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

On motion made and seconded, the House adjourned.

A Select Committee appointed to draft an address to the Governor General, in answer to His Excellency's Speech at the opening of the session, founded on the foregoing resolution.

Members composing the same.

House adjourns.

WEDNESDAY, 4th DECEMBER, 1839.

The House met, pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER,*
The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,
The Honourable Messrs. ALLAN,
" " ALEXANDER McDONELL,
" " BALDWIN,
" " ADAMSON,
" " CROOKS,

The Honourable Messrs. MORRIS,
" " JOHN MACAULAY,
" " SULLIVAN,
" " FERGUSON,
" " JOHN SIMCOE MACAULAY,
" " JOHN McDONALD,
" " DE BLAQUIERE.

Members present.

Prayers were read.

The Minutes of yesterday were read.

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

Speaker reports the waiting of a Member to be introduced.

When the Honourable Mr. Fraser, was introduced between the Honourable Messieurs Morris, and Alexander McDonell.

Introduction of the Hon. Mr. Fraser;

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

He presents his writ of summons; Same read.

UPPER CANADA.

C. POULETT THOMSON.

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

To our trusty and well-beloved Alexander Fraser, Esquire, and to all to whom these presents shall come—

GREETING:

KNOW YE, That as well for the special trust and confidence We have manifested in you, as for the purpose of obtaining your advice and assistance, in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof, concern: We have thought fit to Summon you to the Legislative Council of our said Province.—And We do therefore command you the said Alexander Fraser, that all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid, at the Legislative Council of our said Province, at all times whensoever and wheresoever our Provincial Parliament may be therein hereafter convoked and holden.—And this you are in no wise to omit.

The writ.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved THE RIGHT HONOURABLE CHARLES POULETT THOMSON, Captain-General and Governor-in-Chief, in and over the Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

Wednesday, 4th December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

at Toronto, this third day of December, in the year of our Lord one thousand eight hundred and thirty-nine, and in the third year of our Reign.

C. P. T.

By command of His Excellency.

C. A. HAGERMAN,
Attorney General.

R. A. TUCKER,
Secretary.

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

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

Report of the Select Committee appointed to draft an Address in answer to His Excellency's Speech from the Throne presented;

The Honourable Mr. Morris, from the Select Committee appointed to draft an Address to the Governor-General, in answer to His Excellency's Speech, at the opening of the present Session, presented their report.

Same read:

Ordered, that it be received; and,

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

The report.

The Select Committee, appointed to draft an Address to His Excellency the Governor-General, founded on a certain Resolution, adopted by the Legislative Council, beg leave to report the accompanying Address for the adoption of your Honourable House.

All which is respectfully submitted.

W. MORRIS,
CHAIRMAN.

Legislative Council Committee Room,
4th December, 1839.

On motion made and seconded, it was,

Ordered, that the draft of an Address, submitted by the said Select Committee, be referred to a Committee of the whole House, presently, to take the same into consideration.

The draft of an address committed.

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

The Honourable Mr. John Simcoe Macaulay in the Chair.

After some time, the House resumed.

A Member enters.

The Honourable Mr. Crookshank, enters.

An amendment to the address reported;

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

Ordered, that the report be received; and,

Ordered, that the said Address, (as amended,) be engrossed, and the same read a third time, presently.

Address, as amended, read third time.

The said Address was then read a third time, accordingly, and is as follows:—

To His Excellency THE RIGHT HONOURABLE CHARLES POULETT THOMSON,
one of Her Majesty's Most Honourable Privy Council, Governor of Her Majesty's Colonies of Upper and Lower Canada, Nova Scotia, New Brunswick, and Prince Edward Island, and Captain-General, and Governor-in-Chief of British North America, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Address.

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, respectfully thank your Excellency for your Gracious Speech to both Houses of the Provincial Legislature, and offer to Your Excellency our warm congratulations upon Your Excellency's assuming the administration of the Government of this Province.

We humbly thank Your Excellency for the zealous anxiety for the public service, which has induced Your Excellency, in discharge of the duties of Governor-General of British North

Wednesday, 4th December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

America, confided in Your Excellency by our Gracious Sovereign, to take the earliest opportunity of visiting this Province, and of assembling Parliament.

We receive, with the deepest feelings of gratitude, the assurance which Your Excellency is commanded to convey to the Provincial Legislature, of the fixed determination of our Gracious and beloved Sovereign, to maintain the connection between Her Majesty's North American Possessions and the United Kingdom, and to exercise the high authority with which, by the favour of Divine Providence, She has been invested, for the promotion of the happiness of Her Majesty's Subjects, and the security of Her dominions.

We learn, with the most lively satisfaction, that Your Excellency has no grounds for apprehending a recurrence of those aggressions upon our Frontier, which, to the indelible disgrace of their authors, lately disturbed the peace of these Provinces.

We feel proud of the confidence which Your Excellency's knowledge of the past, enables you to express in the zeal and loyalty of the people of Upper Canada, in which, and the powerful protection of the Parent State, we see ample means of defence, should unforeseen circumstances again call for exertion.

We cordially unite with Your Excellency in the hope, that the present state of tranquillity will prove favourable to the consideration of the important matters to which the attention of the Legislature will be called, during the present Session.

We shall give our best consideration to the subject of the Legislative Re-union of this Province with Lower Canada, recommended by Her Majesty to the Imperial Parliament; and we assure Your Excellency, that any measure relating to that great question, which shall come before this House, shall receive from us the calm and deliberate attention which its importance demands.

We shall receive and consider, with the greatest attention, the results of the investigation, which Your Excellency informs us, has been instituted into the manner in which the duties of the Public Departments in this Province are performed.

We learn, with great pleasure, that Her Majesty's Government have concluded an arrangement for opening a communication by Steam between Great Britain and Her Majesty's North American Dominions. In the completion of this arrangement, we recognize the praiseworthy spirit, which has allowed no consideration to interfere with the paramount object, of conducing to the public advantage and convenience: and the liberality with which the Parent State has assumed the whole expense of the undertaking, we can assure Your Excellency is by us duly and gratefully appreciated.

We await, with the greatest anxiety, the answers to the various Addresses, adopted by this House during the last Session, and Her Majesty's decision on the Bills passed by the two Houses of the Legislature, but reserved for the signification of Her Majesty's pleasure.

We are gratefully sensible of the arduous task undertaken by Your Excellency, in assuming the administration of the Government of these Provinces, at the present time. The affairs of the Canadas, which have, for some years back, occupied much of the attention of the Imperial Parliament and of the Government, are most urgent, and we fully concur with Your Excellency in thinking, that their settlement, upon a firm and comprehensive basis, admits of no further delay.

We feel, in duty bound, to assist to the utmost of our power, Your Excellency's endeavour to effect that settlement, upon terms satisfactory to the people of these Provinces, and affording security for their continued connection with the British Empire; and we feel assured, that Your Excellency does not appeal in vain to the loyalty and good sense of the people of this Province, to co-operate with Your Excellency in the preparation and adoption of such measures as may, under Divine Providence, restore to this Country peace, concord and prosperity.

On motion made and seconded, it was,

Ordered, that the foregoing Address do not now pass, but that it be further amended as follows: A further amendment ordered.

5th & 6th December, 1839.

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The further amendment.

Page 1, line 1—After "To" expunge the remainder of His Excellency's title, and insert "His Excellency the Right Honourable Charles Poulett Thomson, Governor-General of British North America, and Captain General and Governor-in-Chief in and over the Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c. &c. &c."

Address, as further amended, passed and signed.

Whereupon the said Address, as further amended, passed, and the Speaker signed the same; and it was,

A Committee appointed to know when the same would be received;

Ordered, that a Select Committee be appointed to wait upon the Governor-General, to know when His Excellency would be pleased to receive this House with their foregoing Address; and,

Members composing it.

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

House adjourns.

On motion made and seconded, the House adjourned.

THURSDAY, 5th DECEMBER, 1839.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. WELLS,
" " ALLAN,
" " ALEXANDER McDONELL,
" " ADAMSON,
" " CROOKS,

The Honourable Messrs. MORRIS,
" " SULLIVAN,
" " FERGUSON,
" " JOHN McDONALD,
" " DE BLAQUIERE,
" " FRASER.

Prayers were read.

The Minutes of yesterday were read.

Report of the Committee appointed to know when the Governor-General would receive the Address in answer to His Excellency's Speech from the Throne.

The Honourable Mr. Crooks, from the Select Committee appointed to wait upon His Excellency the Governor-General, to know when this House would be received with their Address, reported that they had done so, and that His Excellency had been pleased to appoint the hour of twelve of the clock, at noon, to-morrow, for that purpose.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at half an hour past eleven of the clock, A. M.

FRIDAY, 6th DECEMBER, 1839.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.
The Honourable Mr. CROOKSHANK,
The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,
The Honourable Messrs. DUNN,
" " ALLAN,
" " ALEXANDER McDONELL,
" " BALDWIN,
" " ADAMSON,
" " CROOKS,

The Honourable Messrs. MORRIS,
" " VANKOUGHNET,
" " FERGUSON,
" " RADCLIFFE,
" " JOHN SIMCOE MACAULAY,
" " JOHN McDONALD,
" " DE BLAQUIERE,
" " FRASER.

Prayers were read.

The Minutes of yesterday were read.

Speaker reports the waiting of a Member to be introduced.

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

Introduction of the Hon. Mr. McGillivray;

When the Honourable Mr. McGillivray, was introduced between the Honourable Messieurs Alexander McDonell and Fraser.

He presents his writ of summons; Same read;

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

Friday, 6th December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

UPPER CANADA.

C. POULETT THOMSON.

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

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

GREETING :

KNOW YE, That as well for the special trust and confidence We have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof, concern: We have thought fit to Summon you to the Legislative Council of our said Province.—And We do therefore command you the said John McGillivray, that all difficulties and excuses whatsoever laying aside, you be and appear, for the purposes aforesaid, at the Legislative Council of our said Province, at all times whensoever and wheresoever our Provincial Parliament may be therein-hereafter convoked and holden.—And this you are in no wise to omit.

The writ.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved THE RIGHT HONOURABLE CHARLES POULETT THOMSON, Captain-General and Governor-in-Chief, in and over the Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c. this third day of December, in the year of our Lord one thousand eight hundred and thirty-nine, and in the third year of our Reign.

C. P. T.

By command of His Excellency.

C. A. HAGERMAN,
Attorney General.

R. A. TUCKER,
Secretary.

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

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

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

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

The Honourable Mr. Wells, enters.

A Member enters.

At the hour appointed, the House proceeded to the residence of His Excellency the Governor-General, with their Address, in answer to His Excellency's Speech, at the opening of the present Session; and having returned,

The House present their Address to the Governor-General, and return.

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

Speaker reports His Excellency's reply thereto.

Same read.

HONOURABLE GENTLEMEN:

I thank you for this Address, and for your congratulations on my assumption of the Government of this Province.

The reply.

I shall proceed, without loss of time, to bring more fully under your notice, the important subjects adverted to in my Speech from the Throne; and I receive with satisfaction the assurance that they will command your attentive consideration.

Saturday, 7th December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Notice of moving for the appointment of a Committee of Privilege, respecting the report of the Select Committee of this House, made during the last Session, upon the Earl of Durham's report.

The Honourable Mr. Fergusson gave notice, that he would, on to-morrow, move, that a Committee of Privilege be appointed, respecting the Report of the Select Committee of this House, made during the last Session, upon the Earl of Durham's Report on the Affairs of the Canadas, with instructions to report on the same.

Notice of moving for the appointment of a Printing Committee.

The Honourable Mr. John Simcoe Macaulay gave notice, that he would, on Monday next, move, for the appointment of a Select Committee, to superintend the Printing of this House, during the present Session.

House adjourns.

On motion made and seconded, the House adjourned.

SATURDAY, 7th DECEMBER, 1839.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. ADAMSON,
" " MORRIS,
" " FERGUSSON,

The Honourable Messrs. JOHN McDONALD,
" " DE BLAQUIERE,
" " FRASER,
" " MCGILLIVRAY.

Prayers were read.

The Minutes of yesterday were read.

The entries upon the Journals of this House of last Session, respecting the Report of the Earl of Durham, read by the Clerk, upon motion.

It was moved and seconded, that the entries upon the Journals of this House, of the last Session, respecting the Report of the Right Honourable the Earl of Durham, be now read; Whereupon, the same being ordered, they were then read by the Clerk accordingly.

The appointment of a Committee of Privilege in relation thereto, moved.

Pursuant to notice, the Honourable Mr. Fergusson moved, that it be Resolved, that the entries on the Journals of last Session, of the dates of the twenty-third April, and eleventh May, respecting the Report of the Right Honourable the Earl of Durham, be referred to a Committee of Privilege, to consist of the Honourable Messieurs Morris, Baldwin and Fraser, with power to send for persons and papers, and to report their proceedings to this House.

Members enter.

The Honourable Messieurs Allan, Baldwin, Crooks, John Macaulay, Vankoughnet, Sullivan, Radcliffe, and John Simcoe Macaulay, enter.

Message from the Governor-General on the subject of a Union of the Provinces of Upper and Lower Canada.

A Message from His Excellency the Governor-General, was delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and it was again read by the Clerk, as follows:—

(For Message, see Appendix A.)

On motion made and seconded, it was,

Ordered to be printed.

Ordered, that the foregoing Message of His Excellency the Governor-General, be referred to a Committee of the whole House, on Monday next, and that, in the mean time, two hundred copies of the same be printed, for the use of Members.

The motion for appointing a Committee of Privilege, in relation to the report of the Select Committee of this House made during the last Session, upon the Earl of Durham's report, negatived.

The said motion for a Committee of Privilege being seconded, and the question of concurrence put thereon, the same was carried in the negative.

On motion made and seconded, it was,

An Address of thanks ordered to be presented to the Governor-General for His message of this day.

Ordered, that an Address be presented to the Governor-General, respectfully thanking His Excellency for his Message of this day, and assuring him that this House will not fail to give the subject matter thereof, their attentive consideration; and,

Members appointed therefor.

Ordered, that the Honourable Messieurs Baldwin and Crooks, be appointed a Committee for that purpose.

Petitions of J. F. Maddock;

The Honourable Mr. Fergusson brought up the Petition of J. F. Maddock, of the City of Toronto, in the Home District; and also the Petition of George Adams, and others, Inhabitants of the District of Niagara; which were laid on the table.

And of George Adams, and others, brought up.

House adjourns.

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

Monday, 9th December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

MONDAY, 9th DECEMBER, 1839.

The House met, pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.*
The Honourable Messrs. ALLAN,
 " " BALDWIN,
 " " ADAMSON,
 " " CROOKS,
 " " MORRIS,
 " " JOHN MACAULAY,
 " " VANKOUGHNET,

The Honourable Messrs. FERGUSSON,
 " " RADCLIFFE,
 " " JOHN SIMCOE MACAULAY,
 " " JOHN McDONALD,
 " " DE BLAQUIERE,
 " " FRASER,
 " " MCGILLIVRAY.

Members present.

Prayers were read.

The Minutes of Saturday last were read.

To the rejection of the following Resolution, moved on Saturday last, viz.: "Resolved, that the entries on the Journals of last Session, respecting the Report of the Right Honourable the Earl of Durham, be referred to a Committee of Privilege, to consist of Messieurs Morris, Baldwin and Fraser, with power to send for persons and papers, and to report their proceedings to this House."

Protest of the Hon. Messrs. Fergusson, Crooks, Morris, Adamson, J. McDonald and Fraser, against the rejection of the resolution for a Committee of Privilege, in relation to the report of the Select Committee of this House, made during the last Session, upon the Earl of Durham's report.

DISSENTIENT,

First—Because, it appears, by the statement of the Honourable Adam Fergusson, that although he was appointed one of a Committee, on the twenty-third day of April last, to "Report on the Earl of Durham's Report on the Affairs of the Canadas," that no meeting of that Committee ever took place, to his knowledge; and that he is not aware of ever having seen the Report, which, by an entry on the Journals, within the last hour of the late Session, would seem to have been made, by the Honourable Mr. Crooks, from the said Committee.

Second—Because, Mr. Crooks, in his place, has stated to the House, that he never attended a meeting of the Committee; that he does not remember having made the Report in question, although he was informed that he was a Member, and the Report was put into his hands by the Honourable J. S. Macaulay, within an hour of the prorogation; that he (Mr. C.) refused to sign it, because he had not an opportunity of considering its contents, assenting, at the same time, however, to its introduction and printing, upon the express understanding that the sense of the House should not be taken upon it.

Third—Because, it appears by the Journals, that the Honourable Mr. Crooks was not a member of the Committee, and therefore had no power to sanction the introduction of the report.

Fourth—Because, it would seem from these circumstances, that the report was made with the knowledge of one member only of the Committee.

Fifth—Because, it was admitted, in discussion on Saturday, that the report was "read short" by the Clerk, consequently the members of the Legislative Council had no opportunity of knowing its contents.

Sixth—Because, it is not desirable that reports from Committees, or any other documents which have not been read at length by the Clerk, should be placed on the Journals at the close of a Session, and printed for circulation as if their contents were approved of, and had been duly considered by the Legislative Council.

Seventh—Because, by refusing to submit this irregular and unparliamentary proceeding to the investigation of a Committee of Privilege, this House would seem to mark its displeasure of an investigation calculated to prevent, in future, a violation of its rules and practice, and to secure the privileges of its members.

Eighth—Because, we consider the principle adopted by a majority of this House on this question, as derogatory to the dignity of this House, being a recorded opinion that in all Committees upon questions, however grave and important, the convenient and proper proceeding is for the mover of that Committee to constitute himself Chairman, to draw up a report entirely

Monday, 9th December, 1839.

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consonant to his own views, and to procure its publication, without an opportunity having been afforded to any other member of the Committee to form an opinion upon the report, or to offer a single remark thereon.

ADAM FERGUSSON,
JA'S. CROOKS,
W. MORRIS,
P. ADAMSON,
J. McDONALD,
ALEXANDER FRASER.

Petitions of
The President and
Fellows of the College of
Physicians and Surgeons
of Upper Canada;
And of John Jarron,
and others, brought up.

The Honourable Mr. Morris brought up the petition of the President and Fellows of the College of Physicians and Surgeons of Upper Canada; which was laid on the table.

The Honourable Mr. John Macaulay brought up the Petition of John Jarron, and others, Freeholders and Inhabitants of the County of Haldimand; which was laid on the table.

Report of the Select
Committee, appointed to
present His Excellency
with an Address of
thanks, for his Message
of Saturday last.

The Honourable Mr. Crooks, from the Select Committee, appointed to present an Address to the Governor-General, thanking His Excellency for his Message of Saturday last, reported the delivery thereof.

The appointment of a
Printing Committee,
moved.

Pursuant to notice, the Honourable Mr. John Simcoe Macaulay moved, that a Printing Committee be appointed, with instructions to procure an early publication of the Journals of this Honourable House.

Members enter.

The Honourable and Right Reverend the Lord Bishop of Toronto, and the Honourable Messieurs Wells and Elmsley, enter.

Question upon the last-
mentioned motion, put
and carried.

The last-mentioned motion being seconded, and the question of concurrence put thereon, the same was carried in the affirmative; and it was,

A Printing Committee
ordered;

Ordered, that a Printing Committee be appointed, with instructions to procure an early publication of the Journals of this Honourable House; and,

Members composing
the same.

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

Message of His Excellency,
on the subject of a
Union of the Provinces of
Upper and Lower Canada,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Message of His Excellency the Governor-General, on the subject of a Union of the Provinces of Upper and Lower Canada.

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

Reported, and leave
granted to sit again.

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

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

The latter message
re-committed.

Pursuant to order, the House was again put into a Committee of the whole, upon the said Message of His Excellency the Governor-General.

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

Reported and leave
granted to sit again.

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

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

Petitions of
J. F. Maddock;

Pursuant to the order of the day, the Petition of John Ford Maddock, of the City of Toronto, praying to be admitted to practise as an Attorney, in the Court of King's Bench, without service under Articles; and also the Petition of George Adams, and others, Inhabitants of the District of Niagara, praying for an Act incorporating a Banking Company, at Saint Catharines; were severally read.

Erie and Ontario Rail
Road completion time
extension bill, brought
up from the Assembly.

A Deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to extend the time for completing the Erie and Ontario Rail-road," to which they requested the concurrence of this House, and then withdrew.

Read first time.

The said bill was then read; and it was,

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

House adjourns

On motion made and seconded, the House adjourned.

10th & 11th December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

TUESDAY, 10th DECEMBER, 1839.

The House met, pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.**The Honourable Messrs.* SULLIVAN,*The Honourable Messrs.* CROOKSHANK,

" " FERGUSSON,

" " ALLAN,

" " RADCLIFFE,

" " ALEXANDER McDONELL,

" " JOHN SIMCOE MACAULAY,

" " BALDWIN,

" " JOHN McDONALD,

" " ADAMSON,

" " DE BLAQUIERE.

" " MORRIS,

" " FRASER,

" " VANKOUGHNET,

" " MCGILLIVRAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Message of His Excellency the Governor-General, on the subject of a Union of the Provinces of Upper and Lower Canada.

Message of His Excellency on the subject of a Union of the Provinces of Upper and Lower Canada, re-committed;

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

The Honourable and Right Reverend the Lord Bishop of Toronto, and the Honourable Messieurs Wells, Dunn, Elmsley, Crooks, and John Macaulay, enter.

Members enter.

The Chairman reported that the Committee had taken the said Message into further consideration, and asked leave to sit again on Thursday next, and recommended, that, in the mean time, two hundred copies of certain Resolutions, which have been submitted by a Member to the Committee, should be printed, for the use of Members.

Reported and leave granted to sit again.

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

Ordered, that two hundred copies of the said Resolutions be in the mean time printed, for the use of Members.

Certain resolutions relating to the latter subject ordered to be printed.

The Honourable Mr. Adamson gave notice, that he would, on to-morrow, move, for leave to bring in a bill for repealing, altering, and amending the Militia Laws of this Province.

Notice of moving for leave to bring in Militia Law repeal bill.

On motion made and seconded, the House adjourned.

House adjourns.

WEDNESDAY, 11th DECEMBER, 1839.

The House met, pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.**The Honourable Messrs.* VANKOUGHNET,*The Honourable Messrs.* ALEXANDER McDONELL,

" " JOHN McDONALD,

" " ADAMSON,

" " DE BLAQUIERE,

" " MORRIS,

" " FRASER.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill, entitled, "An Act to extend the time for completing the Erie and Ontario Rail-road," was read a second time; and it was,

Erie and Ontario Rail Road completion time extension bill, read second time.

Ordered, that the House be put into a Committee of the whole, on Friday next, to take the same into consideration.

The Honourable Mr. Crooks enters.

A Member enters.

Pursuant to the order of the day, the petition of the President and Fellows of the College of Physicians and Surgeons of Upper Canada, praying for an Act amending the Charter of King's College, and providing that certain Members of the Council shall be appointed, to represent the Medical Faculty therein; and also the petition of John Jarron, and others, Freeholders and Inhabitants of the County of Haldimand, praying for an Act granting a sum of money for the construction of a Harbour, and the erection of a Light House at the mouth of the River Ouse, or Grand River; were severally read.

Petitions of The President and Fellows of the College of Physicians and Surgeons of Upper Canada;

And of John Jarron, and others, read

Thursday, 12th December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Leave to bring in Militia Law repeal bill, moved;

Pursuant to notice, the Honourable Mr. Adamson moved for leave to bring in a bill to repeal, alter and amend the Militia Law of this Province; which being seconded,

Question put and carried;

The question of concurrence was put thereon, and the same was carried in the affirmative; and,

And a bill brought in, and read first time.

A bill for that purpose was then brought in accordingly, and read; and it was Ordered that the same be read a second time, on Friday next.

A Member enters.

The Honourable Mr. John Simcoe Macaulay, enters.

House adjourns; and the Clerk instructed to notify the Members in town of same.

On motion made and seconded, the House adjourned, until to-morrow, at the hour of eleven of the clock, A. M., and the Clerk instructed to give notice of such adjournment, to the Members in Town.

THURSDAY, 12th DECEMBER, 1839.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. JOHN MACAULAY,

The Honourable Messrs. CROOKSHANK,

" " VANKOUGHNET,

" " ALLAN,

" " FERGUSSON,

" " ALEXANDER McDONELL,

" " JOHN McDONALD,

" " ELMSLEY,

" " DE BLAQUIERE,

" " BALDWIN,

" " FRASER,

" " ADAMSON,

" " MCGILLIVRAY.

" " MORRIS,

Prayers were read.

The Minutes of yesterday were read.

Message of His Excellency, on the subject of a Re-union of the Provinces of Upper and Lower Canada, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Message of His Excellency the Governor-General, on the subject of a Re-union of the Provinces of Upper and Lower Canada.

The Honourable Mr. John McDonald took the Chair.

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

Members enter.

The Honourable and Right Reverend the Lord Bishop of Toronto, and the Honourable Messieurs Wells, Dunn, Crooks, Sullivan, Radcliffe, and John Simcoe Macaulay, enter.

Bills brought up from the Assembly.

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

Speaker reports the waiting of a Member to be introduced.

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

Introduction of the Hon. Mr. Willson;

When the Honourable Mr. Willson was introduced between the Honourable Messieurs Elmsley and Crooks.

He presents his writ of summons; Same read;

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

UPPER CANADA.

C. POULETT THOMSON.

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

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

GREETING:

The writ.

KNOW YE, That as well for the special trust and confidence We have manifested in you, as for the purpose of obtaining your advice and assistance, in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof, concern: We have thought fit to Summon you to the Legislative Council of our said Province.—And We do therefore command you the said John Willson, that all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid,

Friday, 13th December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

at the Legislative Council of our said Province, at all times whensoever and wheresoever our Provincial Parliament may be therein hereafter convoked and holden.—And this you are in no wise to omit.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved THE RIGHT HONOURABLE CHARLES POULETT THOMSON, Captain-General and Governor-in-Chief, in and over the Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c. at Toronto, this eleventh day of December, in the year of our Lord one thousand eight hundred and thirty-nine, and in the third year of our Reign.

C. P. T.

By command of His Excellency.

C. A. HAGERMAN,
Attorney General.

R. A. TUCKER,
Secretary.

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

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

The House was then again put into a Committee of the whole, upon the Message of His Excellency the Governor-General, on the subject of a Re-union of the Provinces of Upper and Lower Canada.

Message of His Excellency, on the subject of a Re-union of the Provinces of Upper and Lower Canada, re-committed.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

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

Reported, and leave granted to sit again.

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

The Honourable the Speaker reported to the House, that Deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Erie and Ontario Bank, of the Niagara District"; also a bill, entitled, "An Act to alter and amend the Act authorising the erection of the County of Hastings into a separate District"; and also a bill, entitled, "An Act to alter the law of Dower, and to provide a more effectual means for its recovery," to which they requested the concurrence of this House.

Speaker reports the receipt of Niagara District Bank incorporation bill;

District of Hastings law alteration bill;

And Dower law alteration bill, from the Assembly.

The Honourable Mr. Elmsley brought up the petition of John Stuart, of the Town of London; which was laid on the table.

Petition of John Stuart, brought up.

On motion made and seconded, the House adjourned, until to-morrow, at the hour of eleven of the clock, A. M.

House adjourns.

FRIDAY, 13th DECEMBER, 1839.

The House met, pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Messrs. SULLIVAN,

The Honourable Messrs. ALLAN,

"

"

FERGUSON,

Members present.

" " ELMSLEY,

"

"

JOHN SIMCOE MACAULAY,

" " BALDWIN,

"

"

JOHN McDONALD,

" " CROOKS,

"

"

DE BLAQUIERE,

" " MORRIS,

"

"

FRASER,

" " JOHN MACAULAY,

"

"

McGILLIVRAY.

" " VANKOUGHNET,

Prayers were read.

The Minutes of yesterday were read.

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Petition of John Fennings Taylor, brought up.	The Honourable Mr. Morris brought up the petition of John Fennings Taylor; which was laid on the table.
Niagara District Bank incorporation bill, read first time.	The bill brought up yesterday from the Commons House of Assembly, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Erie and Ontario Bank of the Niagara District," was read; and it was, Ordered, that the same be read a second time, to-morrow.
Members enter.	The Honourable Messieurs Dunn, McDonell and Adamson, enter.
District of Hastings law alteration bill;	The bill brought up yesterday from the Commons House of Assembly, entitled, "An Act to alter and amend the Act authorising the erection of the County of Hastings into a separate District"; and also the bill, entitled, "An Act to alter the law of Dower, and to provide a more effectual means for its recovery," were severally read; and it was, Ordered, that the same be read a second time, to-morrow.
And Dower law alteration bill, read first time.	
Speaker reports the receipt of a letter, by the Clerk, from the Hon. the Chief Justice.	The Honourable the Speaker reported to the House, that a certain letter had been received by the Clerk, from the Honourable the Chief Justice of this Province, now in England; and,
Same read.	The same was then read by the Clerk, and is as follows:—
The letter.	(For the Letter, see Appendix B.)
Members enter.	The Honourable and Right Reverend the Lord Bishop of Toronto, and the Honourable Mr. Crookshank, enter.
Erie and Ontario Rail Road completion time extension bill, discharged from the order of the day;	The order of the day being read for the House to be put into a Committee of the whole, upon the bill, entitled, "An Act to extend the time for completing the Erie and Ontario Railroad," it was, Ordered, that the same be discharged; and,
And referred to a Select Committee;	Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,
Members composing same.	Ordered, that the Honourable Messieurs Crooks, De Blaquiere, and McGillivray, do compose the same for that purpose.
Members enter.	The Honourable Messieurs Radcliffe and Willson, enter.
Message of His Excellency on the subject of a Re-union of the Provinces of Upper and Lower Canada, re-committed.	Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Message of His Excellency the Governor-General, on the subject of a Re-union of the Provinces of Upper and Lower Canada.
	The Honourable Mr. John McDonald took the Chair.
	After some time the House resumed.
A Member enters.	The Honourable Mr. Wells, enters.
Reported and leave granted to sit again.	The Chairman reported that the Committee had taken the said Message again into consideration, had made some further progress therein, and asked leave to sit again this day.
Call of the House.	Ordered, that the report be received, and leave granted accordingly. Pursuant to the fifth standing order, the House was called.

PRESENT :

Members present.	<i>The Honourable Mr. CROOKSHANK,</i>	<i>The Honourable Messrs. JOHN MACAULAY,</i>
	<i>The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,</i>	" " VANKOUGHNET,
	<i>The Honourable Messrs. WELLS,</i>	" " SULLIVAN,
	" " DUNN,	" " FERGUSSON,
	" " ALLAN,	" " RADCLIFFE,
	" " ALEXANDER McDONELL,	" " JOHN SIMCOE MACAULAY,
	" " ELMSLEY,	" " JOHN McDONALD,
	" " BALDWIN,	" " DE BLAQUIERE,
	" " ADAMSON,	" " FRASER,
	" " CROOKS,	" " MCGILLIVRAY,
	" " MORRIS,	" " WILLSON.

ABSENT :

Members absent.	THE HONOURABLE MESSIEURS DICKSON,..... (From ill health.)
	" " MARKLAND, (Do.)
	" " CHARLES JONES,..... (Do.)
	" " GORDON, (Do.)
	" " JOHN B. ROBINSON, (With leave.)
	" " BURNHAM.

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THE RIGHT-HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

THE HONOURABLE MESSIEURS HAMILTON.

“ “ BOSWELL.

“ “ JAMES KERBY.

“ “ JOHN KIRBY, (From ill health.)

THE HON. AND RIGHT REV. THE BISHOP OF REGIOPOLIS, .. (Out of the Province.)

THE HONOURABLE MESSIEURS GRANT, (From ill health.)

“ “ LLOYD.

“ “ STEWART.

“ “ WILKINS.

Pursuant to order, the House was again put into a Committee of the whole, upon the Message of His Excellency the Governor-General, on the subject of a Re-union of the Provinces of Upper and Lower Canada.

Message of His Excellency, on the subject of a Re-union of the Provinces of Upper and Lower Canada, re-committed.

The Honourable Mr. John McDonald in the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the subject matter of the said Message, and had agreed to a series of Resolutions, which they recommended to the adoption of the House.

Certain resolutions reported.

Ordered, that the report be received; and,

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

Read first time.

Resolved, 1.—That the events which have lately marked the history of Lower Canada—the consequent necessity for a suspension of her Constitution, and the inadequacy of the powers of Government existing there, for the enactment of permanent laws, such as are required for the benefit of the people, present a state of public affairs in the Sister Province, deeply to be deplored by this House, as well from a disinterested anxiety for the welfare of a people so nearly connected with Upper Canada, as in consideration of the injurious consequences resulting to this community, from a continuance of the unsettled political condition of the Lower Province.

The resolutions.

Resolved, 2.—That the present derangement of the Finances of Upper Canada—the total suspension of her public improvements—the paralyzed condition of private enterprise—the cessation of Immigration, and the apparent impossibility of the removal of these evils, without the united efforts of both the Canadian Provinces—make the adoption of some great measure necessary, which will restore prosperity to the Canadas, and renew confidence at home and abroad in the stability of their political institutions.

Resolved, 3.—That considering the hopelessness arising from past experience, and from a view of the political condition of Lower Canada, of ever realizing, in separate Legislatures, the unity of feeling or action in measures affecting equally the interests of both Provinces, on which the prosperity or safety of either may essentially depend, a Re-union of the Provinces of Upper and Lower Canada has, in the opinion of this House, become indispensable for the restoration of good Government within these Colonies, and for the preservation of their institutions in connection with the Parent State.

Resolved, 4.—That for these urgent reasons, the assent of this House be expressed to the important measure of Re-union of the Provinces of Upper and Lower Canada, recommended by Her Majesty to both Houses of Parliament, and to the Houses of the Provincial Legislature by His Excellency the Governor-General; and that such assent, on the part of this House, be given on the following terms:

First—That there be an equal Representation of each Province in the United Legislature.

Secondly—That a sufficient permanent Civil List be granted to Her Majesty, to enable Her Majesty to render the Judicial Bench independent alike of Executive power and popular influence, and to carry on the indispensable services of Government.

Thirdly—That the Public Debt of this Province shall, after the Union, be charged on the joint Revenue of the United Province.

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Resolved, 5.—That in yielding this ready concurrence to the measure of Re-union of the Provinces, strongly recommended by Her Majesty, the Legislative Council of Upper Canada rely upon the wisdom and justice of their most Gracious Sovereign, and of Her Majesty's Parliament, for devising the details of the plan of Re-union, and for the establishment of such a system of Government in the United Province, as will tend to the development of its natural resources, and enable it, with the blessing of Divine Providence, to pursue steadily, and free from the distractions by which the Country has lately been divided, the course of prosperity and happiness, which the best interest of the people of Canada, and of the Empire, alike require not to be longer impeded.

First resolution read second time;	The first resolution being read a second time, and the question of concurrence put thereon, it was,
Motion in amendment thereto;	Moved and seconded, in amendment thereto, that after the word "that" in line one of the said resolution, the remainder be expunged, and "a Union of the Provinces of Upper and Lower Canada is inexpedient," be inserted instead thereof.
Same negatived;	Whereupon the question of concurrence was put, and the same was carried in the negative.
Original question put and carried.	The original question was then put, and carried in the affirmative.
Second resolution read second time and adopted.	The second resolution being read a second time, and the question of concurrence put thereon, the same was carried in the affirmative.
Third resolution read second time;	The third resolution being read a second time, and the question of concurrence put thereon, it was,
Motion in amendment thereto;	Moved and seconded, in amendment thereto, that after "a" in the tenth line of the last-mentioned resolution, the word "Legislative" be inserted.
Same negatived;	Whereupon the question of concurrence was put, and the same was carried in the negative.
Original question put and carried.	The original question was then put, and carried in the affirmative.
Fourth resolution read second time;	The fourth resolution being read a second time, and the question of concurrence put thereon, it was,
Motion in amendment thereto;	Moved and seconded, in amendment thereto, that after the word "Province," at the end of the said resolution, the following be inserted:—"Fourthly, that the English language be used in all Public Documents, and in the Legislature and Courts of law."—"Fifthly, that the seat of Government shall be within the present limits of Upper Canada."—"Sixthly, that the Constitution of Upper Canada shall remain inviolate, except in as far as any alteration is necessary to carry into effect the foregoing stipulations."
Same negatived;	Whereupon the question of concurrence was put, and the same was carried in the negative.
A further amendment moved;	It was then moved and seconded, that after the word "Province," aforesaid, the following be inserted:—"That the question of the Clergy Reserves be finally settled, before any Re-union of the Provinces of Upper and Lower Canada be carried into effect, either by provisions in the Act of a Re-union, or in such other manner as the Imperial Parliament may direct."
Same negatived;	The question of concurrence was put on the last-mentioned amendment, and the same was carried in the negative.
Original question put and carried.	The original question was then put, and carried in the affirmative.
Fifth resolution read second time and adopted.	The fifth resolution being read a second time, and the question of concurrence put thereon, the same was carried in the affirmative.
The resolutions ordered to be engrossed, and presented to His Excellency the Governor-General.	On motion made and seconded, it was, Ordered, that the foregoing resolutions be engrossed, and presented to His Excellency the Governor-General; and,
A Committee appointed to wait upon His Excellency to know when this House would be received with the resolutions;	Ordered, that a Committee be appointed to wait upon the Governor-General, to know when His Excellency would be pleased to receive this House with the same; and,
Members composing the same.	Ordered, that the Honourable Messieurs Sullivan and De Blaquiere, do compose the Committee for that purpose.
Militia Law repeal bill, read second time;	Pursuant to the order of the day, the bill to repeal, alter and amend the Militia law of this Province, was read a second time; and it was,
And referred to a Select Committee;	Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

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THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

Ordered, that the Honourable Messieurs Crooks, VanKoughnet, and Fraser, do compose the same for that purpose. Members composing the same.

The Honourable Mr. Crooks gave notice, that he would, on to-morrow, move a certain Resolution, respecting the contemplated Act for a Re-union of the Provinces of Upper and Lower Canada. Notice of moving a resolution respecting the contemplated Act for a Re-union of the Provinces of Upper and Lower Canada.

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

SATURDAY, 14th DECEMBER, 1839.

The House met, pursuant to adjournment. House meets.

PRESENT:

<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> SULLIVAN,		
<i>The Hon. & Rt. Rev. the</i> LORD BISHOP OF TORONTO,	"	"	FERGUSON,
<i>The Honourable Messrs.</i> ELMSLEY,	"	"	RADCLIFFE,
" " BALDWIN,	"	"	JOHN McDONALD,
" " CROOKS,	"	"	DE BLAQUIERE,
" " MORRIS,	"	"	FRASER,
" " VANKOUGHNET,	"	"	McGILLIVRAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

To the Resolutions adopted by the Legislative Council yesterday, on the subject of a Re-union of the Provinces of Upper and Lower Canada—

DISSENTIENT,

First—Because, the moving causes of the division of the Province of Quebec into the Provinces of Upper and Lower Canada, remain at this day unimpaired, and in full force and virtue. Protest of the Hon. Mr. Elmsley against the adoption of the resolutions on the subject of a Re-union of the Provinces of Upper and Lower Canada.

Second—Because, no sufficient grounds now exist for a Re-union of those Provinces; but, on the reverse, the soundest policy dictates, that two people so dissimilar in every respect, although Subjects of the same Sovereign, should be under distinct forms of Government.

Third—Because, in the above-named resolutions, the conditions and stipulations upon which a Re-union is sought, are insufficient to ensure a majority in the United Legislature of Members disposed to maintain the connection now so happily subsisting between Great Britain and her North American possessions; but, on the reverse, every safeguard being withdrawn, and every check removed, no obstacle exists to the return of a majority of members intensely bent upon severing that connection.

Fourth—Because, rebels have no claim to an equality of political rights with Her Majesty's loyal and devoted Subjects, and the establishment of that equality must have the inevitable effect of emboldening the former in their treason, and of disheartening the latter in their brave and patriotic endeavours to suppress that treason.

Fifth—Because, the above-named resolutions make no stipulations, that in the United Legislature, (if the experiment of Re-union be unhappily tried,) Members of the Legislative Council and House of Assembly, should possess proper and sufficient qualifications, in respect of property and education. That Electors in Counties should hold their lands in free and common soccage. That the English language should alone be spoken and used in the Halls of the Legislature—in the Courts of law and equity, and in all public documents and proceedings. That the British portion of the Inhabitants of Lower Canada should, by a new division of that Province into Counties, be effectually represented. That the place of meeting of the Legislature of a British Colony, should never be liable to the intrusion of a French mob, by being within the present limits of Lower Canada.

Sixth—Because, in relying upon the wisdom and justice of Her Majesty's Government, for devising the details of the plan of Re-union, (although it is not pretended but that wisdom and justice should lend their potent aid in filling up the details, yet the experience of past

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years having shewn to a demonstration that Her Majesty's present advisers possess neither the one attribute nor the other,) it is an act of political suicide, unconditionally to place in the hands of the ignorant, tasks of wisdom; or of the unjust, the acts of justice.

Seventh—Because, the Province of Upper Canada is quite as large as can be governed by one Executive and Legislature.

Eighth—Because, before the enactment of any law depriving the people of Upper Canada of a separate Legislature, an appeal to them, by a dissolution of the present House of Assembly, is no more than their rightful due.

Ninth—Because, the measure of Re-union is not the only one by which the evils that exist may be remedied; but that by the annexation of the Island of Montreal to the Province of Upper Canada, the chief cause, financial embarrassment to that Province, would be removed; and thus the only advantage of an Union with Lower Canada would be obtained in another way, more congenial to the wishes of the people of the Upper Province.

J. ELMSLEY.

To the Resolutions, adopted by the House yesterday, on the subject of a Re-union of the Provinces of Upper and Lower Canada—

DISSENTIENT,

First—Because, such a Union places the Protestant population of both the Canadas, under a Legislature virtually Roman Catholic, and with an injurious, unjust and unconstitutional distinction, viz.: that while the rights and temporalities of the Church of Rome, are secured by law against all attempts from local authority, those of the Church of England are continually liable to be interfered with by the United Legislature.

Protest of the Lord Bishop of Toronto against the adoption of the Resolutions on the subject of a Re-union of the Provinces of Upper and Lower Canada.

Second—Because, should a Re-union be entertained, as a measure which may, at some future time, be thought desirable, many steps of preparation are absolutely necessary to give it even a chance of salutary operation; among others, 1st. The settlement of the Clergy Reserves, which has so long disturbed this Province. 2nd. The introduction of the English language in the Courts of Justice, and in the Legislature, after a reasonable interval; for, till English be made the prevailing language, Lower Canada can never become a British Colony, nor will such language ever be cultivated till it is the interest of individuals to learn it.

Third—The laws of England should be introduced, and British Institutions encouraged. By the adoption of such measures, Lower Canada might gradually become a British Colony, and both Provinces might, in time, so far assimilate, as to render that Union less difficult and dangerous.

JOHN TORONTO.

To the Resolutions, adopted by the House yesterday, on the subject of a Re-union of the Provinces of Upper and Lower Canada—

DISSENTIENT,

First—Because, I do not believe there is any one great constitutional principle in which the people of the two Provinces can reasonably be expected to unite.

Second—Because, they are dissimilar in their origin, and in no case has there been, to any encouraging extent, a disposition manifested on either side, for that unity of sentiment and feeling, necessary to warrant the belief, that when brought into the Union sought for, they will so far accord in their views in legislation, as to pass laws salutary for and in accordance with the customs, habits and predilections of either party.

Third—Because, it is my most decided and conscientious opinion, that the discontented and dissatisfied portion of each Province, will avail themselves of their increased number and united Counsels, to effect that which they have failed to do by separate attempts, viz.: a separation from the British Government.

Protest of the Hon. Mr. Wilson against the adoption of the resolutions on the subject of a Re-union of the Provinces of Upper and Lower Canada.

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Fourth—Because, the proposed Union would enable the malcontents of the two Provinces to unite their energies, and to conspire, with increased chances of success, for the overthrow of the existing Institutions of the Country;—and finally, because, the existence of such a powerful body of malcontents, together with the natural attractions which these Provinces present, from their great fertility, and the vastness of their resources, would offer additional temptation to the cupidity of a neighbouring people, and afford them increased inducements to embark in a contest, at the first favourable opportunity, for the purpose of wresting these Colonies from the Sovereignty of the British Crown.

JOHN WILLSON.

To the Resolutions passed yesterday, on the subject of a Re-union of the Provinces of Upper and Lower Canada—

Protest of the Honourable Messieurs VanKoughnet, J. S. Macaulay, Allan, and A. McDouell, against the adoption of the resolutions on the subject of a Re-union of the Provinces of Upper and Lower Canada.

DISSENTIENT,

First—Because, we consider that the Union of this Province with Lower Canada will expose us to great inconveniences, and to consequences most ruinous to the peace and welfare of this Province, and destructive of the connection of both with the Parent State.

Second—Because, this Province is quite as large as can be effectually and conveniently ruled by one Executive. United with Lower Canada there would be a settled country of eleven hundred miles, which for nearly half the year can only be traversed by land—the opposite territory in the United States, along the same extent of frontier, being divided into six States, having each an independent Government.

Third—Because, by assenting to the Union, upon the terms alone submitted to this House, we shall be exposed to Legislate in a language unknown to most of us, while the Public Documents may be kept in the same language.

Fourth—Because, the Seat of Government may be placed at a ruinous distance from the Western extremity of the Province, and where the ordinary language spoken is different from our own.

Fifth—Because, unlimited power is given to interfere with, alter, modify and change, in such manner as may be thought expedient, without reference to the people of this Country, that Constitution of the Province, established by the 31st. Geo. III. Chap. 31, and which has heretofore been our pride and boast.

Sixth—Because, by the stipulation of an equal representation, apparently unjust to Lower Canada, great injustice is inflicted upon this Province. By this provision the growing population of Upper Canada, which must increase in a ratio much greater than that of Lower Canada, from its advantages in soil and climate, will, for all time to come, be confined to the same representation, while the temporary advantage it professes to hold out is merely delusive. The disaffected portion of Lower Canada, united with the same description of *Subjects* in this Province, will inevitably give to the United Assembly a majority inimical to British feeling and British interests, and we shall soon see re-enacted the scenes of 1836 in the Lower Canada Legislature.

Seventh—Because, the Union is not the only measure calculated to afford relief to the financial embarrassments of this Province, upon which the necessity of the measure is based so far as respects Upper Canada. The annexation of the Island of Montreal to Upper Canada, a measure most ardently sought for some few years since by the British population of Lower Canada, and only abandoned when they contemplated a more general connection, would at once enable us to provide for the discharge of our debts, and the completion of our public improvements; or the imposition of an additional duty on imports at Quebec by the Imperial Parliament, would have the like effect.

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Eighth—Because, in our opinion, the Union is fraught with danger, proved by the fact that the French Canadian leaders, and the disaffected of Upper Canada, alike support the measure, to which they have heretofore been most inimical.

For the third and fifth reasons only,
For the third, fourth and fifth reasons only,

P. VANKOUGHNET,
J. S. MACAULAY,
W. ALLAN,
ALEX'R. McDONELL.

Report of the Select Committee appointed to wait upon His Excellency to know when this House would be received with the last-mentioned resolutions.

The Honourable Mr. Sullivan from the Select Committee appointed to wait upon the Governor-General, to know when His Excellency would be pleased to receive this House with their Resolutions, on the subject of a Re-union of the Provinces of Upper and Lower Canada, reported that they had done so, and that His Excellency had appointed this day, at two of the clock, P. M. for that purpose.

Niagara District Bank incorporation bill, read second time.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Erie and Ontario Bank of the Niagara District," was read a second time.

District of Hastings law alteration bill, read second time;

Pursuant to the order of the day, the bill entitled, "An Act to alter and amend the Act authorising the erection of the County of Hastings into a separate District," was read a second time; and it was,

And referred to a Select Committee.

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

Members composing the same.

Ordered, that the Honourable Messieurs Morris, John McDonald, and De Blaquiére, do compose the same for that purpose.

Dower law alteration bill, read second time;

Pursuant to the order of the day, the bill, entitled, "An Act to alter the law of Dower, and to provide a more effectual means for its recovery," was read a second time; and it was,

And referred to a Select Committee;

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

Members composing the same.

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

A Member enters.

The Honourable Mr. Willson, enters.

A resolution for addressing Her Majesty respecting the contemplated Act for a Re-union of the Provinces of Upper and Lower Canada, moved;

Pursuant to notice, the Honourable Mr. Crooks moved a Resolution to address Her Majesty, respecting certain provisions to be submitted in the bill for a Re-union of the Provinces of Upper and Lower Canada; which being seconded,

Same read.

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

The resolution.

Resolved—That an humble Address be presented to Her Majesty, praying that Her Majesty, in the event of the Union of the Provinces of Upper and Lower Canada being carried into effect, would be graciously pleased to direct that the Seat of the United Legislature, and Civil Government, be placed in such situation, within the present limits of Upper Canada, as will be convenient to the Inhabitants of both Provinces, and so remote from the Frontier as to insure the safety of the Public Records of the Colony; and to direct Her Majesty's Ministers, in any bill, which they may submit for the consideration of the Imperial Parliament, to carry out the principle of an Union of the said Provinces, the following provisions:—

That the provisions of the Act 31st of King George the III. Chapter 31st, be continued, in so far as they do not interfere with the proposed Union.

That the permanency of the seats of the Members of the Legislative Council, to be appointed under the authority of the proposed Act for uniting the said Provinces, and the power given to the Sovereign to make those seats hereditary, remain as they now are, under the said Act; and that it be declared that the Speaker of that Body be not eligible unless he be a Member thereof.

That a qualification of Members to seats in the House of Assembly be provided for—neither so high as greatly to limit the choice of the Electors, nor so low as to introduce into that Body persons having but little pecuniary interest in the Colony, nor properly qualified in other respects; and that provision be also made for the enregistration of Voters, and holding the Elections, in the same manner as is now the practice in England, in so far as the same

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can be made applicable to this Colony; also, that the oaths required to be now taken by Candidates, by the laws now in force in Upper Canada, be continued.

That all written proceedings, of what nature soever, of the Legislative Council and Assembly, or either of them, shall be in the English language, and none other; and that at the end of the space of —— years, all debates in the said Legislative Council, or in the said Assembly, shall be carried on in the English language, and none other.

That the Courts of Judicature, and all inferior Courts, be maintained as they now are, under different enactments of the Legislature of this Province, until amended or repealed by the joint Legislature, as well as all local and other Courts now in force therein.

That a new division of the Counties of Lower Canada be made by the Imperial Government, so as to secure a due proportion of the representation in the United Legislature to the British Inhabitants of Lower Canada.

On motion made and seconded, it was,

Ordered, that the foregoing resolution be taken into consideration on Tuesday next; and, Ordered for consideration on Tuesday next;

Ordered, that two hundred copies thereof be in the mean time printed, for the use of And to be in the mean time printed.

Members.

Pursuant to the order of the day, the petition of John Stuart, of the Town of London, praying for an Act annulling the marriage heretofore solemnized between him and Elizabeth Van Rensselaer, his wife, was read. Petition of John Stuart, read.

At the time appointed, the House proceeded to the residence of His Excellency the Governor-General, with their resolutions, on the subject of a Re-union of the Provinces of Upper and Lower Canada; and, The House present their resolutions to His Excellency on the subject of a Re-union of the Provinces of Upper and Lower Canada,

Having returned,

And return;

The House formed.

House forms;

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. FERGUSSON,

The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,

“ “ RADCLIFFE,

The Honourable Messrs. ALLAN,

“ “ JOHN SIMCOE MACAULAY,

Members present.

“ “ ELMSLEY,

“ “ JOHN McDONALD,

“ “ ADAMSON,

“ “ DE BLAQUIERE,

“ “ CROOKS,

“ “ FRASER,

“ “ MORRIS,

“ “ MCGILLIVRAY.

“ “ JOHN MACAULAY,

“ “ WILLSON.

“ “ VANKOUGHNET,

The Honourable the Speaker reported to this House that His Excellency the Governor-General had been pleased to receive the resolutions of this House, and to reply thereto, as follows:

Speaker reports His Excellency's reply on receiving the resolutions.

HONOURABLE GENTLEMEN:

The diligence and attention which you have devoted to the consideration of the important subject referred to you in my Message, demands my warmest acknowledgments, and your decision affords me the utmost gratification. The reply.

I shall have great satisfaction in transmitting to Her Majesty's Government, the Resolutions which you have adopted; and you may rest assured, that the confidence which you have no less wisely than generously reposed in the wisdom and justice of our Gracious Sovereign, and of the Imperial Parliament, for the settlement of the details of the plan of Re-union, will be felt as an additional motive for anxious attention being devoted to the establishment of provisions calculated to promote the future peace, prosperity, and good government of Upper Canada.

In the advice and recommendations which it will be my duty to offer, founded on the information I shall have acquired in both Provinces, I shall be guided by the most anxious desire to secure those important results, for the attainment of which, the Legislative Council of Upper Canada, has declared its assent to the Re-union.

On motion made and seconded, it was,

Monday, 16th December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

The resolutions and reply ordered to be printed.

Ordered, that two hundred copies of the said Resolutions, presented to the Governor-General, with His Excellency's reply thereto, be printed for the use of Members.

Petitions of L. Lawrason, and others;

The Honourable Mr. Willson brought up the petition of L. Lawrason, and others, inhabitants of the District of London; which was laid on the table.

And of Robert Lang, and others, brought up.

The Honourable Mr. Crooks brought up the petition of Robert Lang, and others, inhabitants of the County of Russel; which was laid on the table.

Notice of moving for leave to bring in Maddock's Attorney admission bill.

The Honourable Mr. Fergusson gave notice, that he would, on Monday next, move for leave to bring in a bill to authorise the admission of J. F. Maddock, to practise as an Attorney in the common Law Courts of this Province.

House adjourns.

On motion made and seconded, the House adjourned, until Monday next.

MONDAY, 16th DECEMBER, 1839.

House meets.

The House met, pursuant to adjournment.

PRESENT:

Members present.

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

The Honourable Messrs. VANKOUGHNET,
" " JOHN SIMCOE MACAULAY,
" " JOHN McDONALD,
" " DE BLAQUIERE.
" " FRASER,

Prayers were read.

The Minutes of Saturday last were read.

Notice for dispensing with the fourteenth rule, for the purpose of enabling the Honourable Mr. Crookshank to enter his protest against the adoption of the resolutions, on the subject of a Re-union of the Provinces of Upper and Lower Canada.

The Honourable Mr. Crookshank moved that the fourteenth rule of this House be dispensed with, in order to enable him to enter his protest against the adoption of the resolutions by this House, on Friday last, on the subject of a Re-union of the Provinces of Upper and Lower Canada; which being seconded,

Question put and carried.

The question of concurrence was put thereon, and the same was carried in the affirmative; and it was,

Ordered accordingly.

The Protest.

To the resolutions, passed on Friday last, on the subject of a Re-union of the Provinces of Upper and Lower Canada:—

DISSENTIENT:

First—Because, I consider that the Union of this Province with Lower Canada, will expose us to great inconveniences, and to consequences most ruinous to the peace and welfare of this Province, and destructive of the connection of both with the Parent State.

Second—Because, this Province is quite as large as can be effectually and conveniently ruled by one Executive. United with Lower Canada, there would be a settled country of 1,100 miles, which, for nearly half the year, can only be traversed by land:—the opposite Territory, in the United States, along the same extent of Frontier, being divided into six States, having each an independent Government.

Third—Because, by assenting to the Union, upon the terms alone submitted to this House, we shall be exposed to legislate in a language unknown to most of us, while the public documents may be kept in the same language.

Fourth—Because, the Seat of Government may be placed at a ruinous distance from the Western extremity of the Province, and where the ordinary language spoken is different from our own.

Fifth—Because, unlimited power is given to interfere with, alter, modify and change, in such manner as may be thought expedient, without reference to the people of this country, that Constitution of the Province, established by the 31st Geo. 3rd, Chap. 31, and which has heretofore been our pride and boast.

Monday, 16th December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Sixth—Because, by the stipulation of an equal representation, apparently unjust to Lower Canada, great injustice is inflicted upon this Province. By this provision, the growing population of Upper Canada, which must increase in a ratio much greater than that of Lower Canada, from its advantages in soil and climate, will, for all time to come, be confined to the same representation, while the temporary advantage it professes to hold out, is merely delusive. The disaffected portion of Lower Canada, united with the same description of *Subjects* in this Province, will inevitably give to the United Assembly a majority inimical to British feeling and British interests, and we shall soon see re-enacted the scenes of 1836, in the Lower Canada Legislature.

Seventh—Because, the Union is not the only measure calculated to afford relief to the financial embarrassments of this Province, upon which the necessity of the measure is based, so far as respects Upper Canada. The annexation of the Island of Montreal to Upper Canada—a measure most ardently sought for some few years since by the British population of Lower Canada, and only abandoned when they contemplated a more general connection—would at once enable us to provide for the discharge of our debts, and the completion of our public improvements, or the imposition of an additional duty on imports at Quebec, by the Imperial Parliament, would have the like effect.

Eighth—Because, in my opinion, the Union is fraught with danger, proved by the fact, that the French Canadian leaders and the disaffected of Upper Canada, alike support the measure to which they have heretofore been most inimical.

GEORGE CROOKSHANK.

The Honourable Messieurs Allan, Fergusson and McGillivray, enter.

Members enter.

The Honourable Mr. Morris brought up the petition of Robert McGill, Minister of Saint Andrew's Church, in the Town of Niagara, and Moderator of the Synod of Canada; and Alexander Gale, Minister of Saint Andrew's Church, in the Town of Hamilton, and Clerk of the said Synod; which was laid on the table.

Petitions of Robert McGill, and Alexander Gale;

The Honourable Mr. Vankoughnet brought up the petition of Guy C. Wood, and others, inhabitants of the County of Stormont; which was laid on the table.

And of Guy C. Wood, and others; brought up.

Pursuant to notice, the Honourable Mr. Fergusson moved for leave to bring in a bill to authorise the Court of Queen's Bench to admit John Ford Maddock, to practise as an Attorney in that Court; which being seconded,

Motion for leave to bring in Maddock's Attorney admission bill;

The question of concurrence was put thereon, and the same was carried in the affirmative; and,

Question put and carried,

A bill for that purpose was then brought in accordingly and read; and it was Ordered, that the same be read a second time, to-morrow.

Bill brought in, and read first time.

Pursuant to the order of the day, the petition of John F. Taylor, praying to be remunerated for extraordinary services rendered to the Honourable the Legislative Council, at their table, on several occasions, during a period of eight years, when the late Clerk was absent from sickness, and other causes, approved of by the House, was read.

Petition of John F. Taylor, read;

On motion made and seconded, it was,

Ordered, that the foregoing petition be referred to a Select Committee, to report thereon; and,

And referred to a Select Committee.

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

Members composing the same.

Pursuant to the order of the day, the petition of L. Lawrason, and others, inhabitants of the District of London, praying for an Act, authorising the improvement of the Navigation of the River Thames, between the Towns of London and Chatham; and also the petition of Robert Lang, and others, inhabitants of the County of Russell, praying for the passing of an Alien Law, by which evil-disposed persons from the United States, might be arrested and examined, and, if necessary, imprisoned and sent out of the country; were severally read.

Petitions of L. Lawrason, and others;

And of Robert Lang, and others; read.

The Honourable Mr. Morris gave notice, that he would, on to-morrow, move for leave to bring in a bill for the establishment of a College, in connection with the Church of Scotland.

Notice of moving for leave to bring in Presbyterian College establishment bill.

The Honourable Mr. Crooks gave notice, that he would, on to-morrow, move that it be—
Resolved—That an humble address be presented to His Excellency the Governor-General,

Tuesday, 17th December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Notice of moving an address to the Governor-General, praying His Excellency to lay before this House the population and assessment returns.

praying that His Excellency would be pleased to lay before this House the Population Returns of the Province, to as late a period as they are made up; also an Abstract of the Assessment Rolls.

Petitions of the President, Directors and Company of the Commercial Bank of the Midland District; and of H. J. Reid, and others; brought up.

The Honourable Mr. Morris brought up the petition of the President, Directors, and Company of the Commercial Bank of the Midland District; which was laid on the table.

The Honourable Mr. John McDonald brought up the petition of H. J. Reid, and others, inhabitants of the Township of Darlington; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

TUESDAY, 17th DECEMBER, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. VANKOUGHNET,

The Honourable Messrs. ALLAN,

“ “ FERGUSSON,

“ “ ALEXANDER McDONELL,

“ “ JOHN SIMCOE MACAULAY,

“ “ ELMSLEY,

“ “ JOHN McDONALD,

“ “ BALDWIN,

“ “ DE BLAQUIERE,

“ “ CROOKS,

“ “ FRASER,

“ “ MORRIS,

“ “ MCGILLIVRAY,

“ “ JOHN MACAULAY,

“ “ WILLSON.

Prayers were read.

The Minutes of yesterday were read.

Petition of The Magistrates of the District of Victoria; brought up.

The Honourable Mr. Baldwin brought up the petition of the Magistrates of the District of Victoria; which was laid on the table.

The resolution for addressing Her Majesty respecting the contemplated Act for a Re-union of the Provinces of Upper and Lower Canada, taken into consideration by the House.

Pursuant to the order of the day, the House took into consideration the Resolution to address Her Majesty, respecting certain provisions to be submitted in the bill, for a Re-union of the Provinces of Upper and Lower Canada.

Messages from His Excellency the Governor-General:

Several Messages from His Excellency the Governor-General, were delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and they were then again read by the Clerk, as follows:—

C. POULETT THOMSON.

Transmitting the report of the Directors of the Welland Canal;

The Governor-General transmits to the Legislative Council, in compliance with the provision contained in the sixteenth Section of the Act of the 7th William 4th, Chap. 92, the Report of the Board of Directors of the Welland Canal, accompanied by an account and vouchers for the year ending the thirtieth of November last.

Toronto, 16th December, 1839.

C. POULETT THOMSON.

And transmitting copies of the accounts of all sales and expenditure, respecting the public lands of this Province.

The Governor-General transmits herewith to the Legislative Council, copies of the Accounts of all Sales and Expenditure, respecting the Public Lands of this Province, furnished by the Commissioner of Crown Lands, in conformity with the twenty-fourth clause of the Act 7th William 4th, Chap. 118.

Toronto, 17th December, 1839.

A Member enters.

The Honourable Mr. Radcliffe enters.

Last-mentioned resolution re-considered by the House;

The House then again took into consideration the last-mentioned Resolution;

And ordered to be referred to a Committee of the whole House to-morrow. Clerk authorised to notify the Members in Town of same.

Whereupon it was,

Ordered, that the same be referred to a Committee of the whole House to-morrow, and that the Clerk do give notice thereof to the Members in Town.

A Member enters.

The Honourable Mr. Wells enters.

Maddock's Attorney admission bill, read second time.

Pursuant to the order of the day, the bill to authorise the Court of Queen's Bench to admit John Ford Maddock to practise as an Attorney in that Court, was read a second time; and it was,

Wednesday, 18th December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

Ordered, that the House be put into a Committee of the whole, on Thursday next, to take the same into consideration.

Pursuant to notice, the Honourable Mr. Morris moved for leave to bring in a bill for the establishment of a College, in connection with the Church of Scotland; which being seconded, Motion for leave to bring in Presbyterian College establishment bill.

The question of concurrence was put thereon; and, Question put and carried.

The same was carried in the affirmative; and,

A bill for that purpose was then brought in accordingly, and read; and it was, Bill brought in, and read first time.

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

Ordered, that two hundred copies thereof be printed for the use of Members. Same ordered to be printed.

Pursuant to notice, the Honourable Mr. Crooks moved that it be,

Resolved—That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency would be pleased to lay before this House the Population returns of the Province, to as late a period as they are made up; also an abstract of the Assessment Rolls; which being seconded, A resolution for addressing the Governor-General, praying His Excellency to lay before this House the Population and Assessment Returns, moved.

The question of concurrence was put thereon, and the same was carried in the affirmative; and it was, Question put and carried;

Ordered, that a Select Committee be appointed to draft such Address; and, And a Committee appointed to draft the Address.

Ordered, that the Honourable Messieurs Crooks, Fergusson and John McDonald, do compose the same for that purpose. Members composing the same.

The Honourable Mr. Willson brought up the petition of J. W. B. Vanevery, and others, inhabitants of the Township of Barton; also the petition of W. J. Gilbert, and others, being the Contractors on the Hamilton and Brantford road; also the petition of Samuel Hodgkinson, of the Township of Grantham; and also the petition of Robert Nelles, and others, inhabitants of the Township of Grimsby; which were laid on the table. Petitions of J. W. B. Vanevery, and others; Of W. J. Gilbert, and others; Of Samuel Hodgkinson; Of Robert Nelles, and others;

The Honourable Mr. Vankoughnet brought up the petition of Colin MacKenzie, and others, inhabitants of the Midland District; which was laid on the table. Of Colin MacKenzie, and others;

The Honourable Mr. Crooks brought up the petition of W. Vernon, and others, inhabitants of the Township of Haldimand, in the Newcastle District; which was laid on the table. And of W. Vernon, and others, brought up.

On motion made and seconded, it was,

Ordered, that an Address be presented to the Governor-General, respectfully thanking His Excellency for His several Messages of this day, transmitting the Report of the Board of Directors of the Welland Canal, and other documents relating thereto; and also transmitting copies of the Accounts of all Sales and Expenditure, respecting the Public Lands of this Province; and, An Address of thanks ordered to be presented to the Governor-General, for His Messages of this day.

Ordered, that the Honourable Messieurs De Blaquiére and McGillivray, do present the same. A Committee appointed therefor.

It was moved and seconded, that the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors, and Company of the Erie and Ontario Bank of the Niagara District," be referred to a Committee of the whole House, presently; Motion for referring Niagara District Bank Incorporation bill to a Committee of the whole.

Whereupon the question of concurrence was put, and the same was carried in the negative. Question put and negatived.

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

WEDNESDAY, 18th DECEMBER, 1839.

The House met pursuant to adjournment. House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER*.

The Honourable Messrs. ALLAN,

" " ALEXANDER McDONELL,

" " ELMSLEY,

" " ADAMSON,

" " CROOKS,

" " JOHN MACAULAY,

The Honourable Messrs. VANKOUGHNET,

" " FERGUSSON,

" " JOHN McDONALD,

" " DE BLAQUIERE,

" " FRASER,

" " MCGILLIVRAY,

" " WILLSON.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Wednesday, 18th December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Report of the Select Committee, appointed to present the Governor-General with an Address, thanking His Excellency for His Messages of yesterday.

A Member enters.

The resolution for addressing Her Majesty, respecting the contemplated Act for a Re-union of the Provinces of Upper and Lower Canada, committed.

House resumes.

Members enter.

Report of the Select Committee, appointed to draft an Address to the Governor-General, praying His Excellency to lay before this House the Population and Assessment Returns.

Draft thereof read first time.

The Honourable Mr. De Blaquiere, from the Select Committee appointed to present an Address to the Governor-General, thanking His Excellency for His several Messages of yesterday, reported the delivery thereof.

The Honourable Mr. Morris, enters.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Resolution to Address Her Majesty, respecting certain provisions to be submitted in the bill for a Re-union of the Provinces of Upper and Lower Canada.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

The Honourable Messieurs Crookshank, Wells, Dunn, Baldwin, Radcliffe, and John Simcoe Macaulay, enter.

The Honourable Mr. Fergusson, from the Select Committee appointed to draft an Address to the Governor-General, praying His Excellency to furnish this House with the Population and Assessment Returns, reported a draft thereof, which he read in his place; and,

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

To His Excellency the Right Honourable CHARLES POULETT THOMSON, Governor-General of British North America, and Captain-General and Governor-in-Chief, in and over the Provinces of Upper Canada, Lower 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:

The Address.

The Legislative Council request that Your Excellency will be pleased to lay before this House the Population Returns of the Province, to as late a period as they are made up; also an abstract of the Assessment Rolls.

On motion made and seconded, it was,

Ordered, that the foregoing Address be engrossed, and read a third time this day.

Presbyterian College establishment bill, read second time.

Pursuant to the order of the day, the bill for the establishment of a College, in connection with the Church of Scotland, was read a second time; and it was,

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

Petitions of the Reverend Robert McGill, and the Reverend Alexander Gale;

Pursuant to the order of the day, the petition of Robert McGill, Minister of Saint Andrew's Church, in the Town of Niagara, and Moderator of the Synod of Canada, and Alexander Gale, Minister of Saint Andrew's Church, in the Town of Hamilton, and Clerk of the said Synod, praying for an Act incorporating Trustees, to enable them to hold lands and other property, for the use and endowment of a College; also the petition of Guy C. Wood, and others, inhabitants of the County of Stormont, praying for the passing of an Alien Law, by which evil-disposed persons from the United States, may be arrested and examined, and, if necessary, imprisoned and sent out of the country; also the petition of the President, Directors and Company, of the Commercial Bank of the Midland District, praying for an Act increasing the Capital Stock of the said Institution to £500,000; and also the petition of H. J. Reid, and others, inhabitants of the Township of Darlington, praying for an Act extending the limits of the Port Darlington Harbour, so as to include the lands on the East side of Lot number five, and on the West side of Lot number seventeen, in the said Township; were severally read.

On motion made and seconded, it was,

Ordered, that the petition of Guy C. Wood, and others, inhabitants of the County of Stormont, praying for the passing of an Alien Law, by which evil-disposed persons from the United States, may be arrested and examined, and, if necessary, imprisoned and sent out of the country, be referred to a Select Committee, with power to send for persons and papers, and to report thereon; and,

Petition of Guy C. Wood, and others, referred to a Select Committee.

Members composing the same.

Ordered, that the Honourable Messieurs Elmsley, Vankoughnet and Willson, do compose the same for that purpose.

Petitions of George Adams;

The Honourable Mr. Willson brought up the petition of George Adams, Chairman of the Board of Trustees, appointed to Macadamize the road from Queenston to Grimsby; which was laid on the table.

Thursday, 19th December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

The Honourable Mr. Fraser brought up the petition of David Summers, and others, inhabitants of the Township of Charlottenburgh, in the Eastern District; which was laid on the table.

Of David Summers, and others;

The Honourable Mr. Morris brought up the petition of Charles Donaldson, and others, Freeholders of the District of Niagara; also two petitions of T. Butler, Chairman of the Quarter Sessions of the District of Niagara; and also the petition of Joseph Anmond, and others, inhabitants of Bytown; which were laid on the table.

Of Charles Donaldson, and others;
Of T. Butler, and others;
And of Joseph Anmond, and others, brought up.

Pursuant to order, the Address to the Governor-General, praying His Excellency to furnish this House with the Population and Assessment Returns, was read a third time, and passed;

Address to the Governor-General, praying His Excellency to furnish this House with the Population and Assessment Returns, read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that a Select Committee be appointed to wait upon His Excellency, to know when the Address would be received, and to present the same; and,

And a Select Committee appointed to wait upon His Excellency, to know when the Address would be received, and to present it.

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

Members composing the same.

On motion made and seconded, the House adjourned.

House adjourns.

THURSDAY, 19th DECEMBER, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. FERGUSSON,

The Honourable Messrs. DUNN,

JOHN SIMCOE MACAULAY,

Members present.

“ “ BALDWIN,

“ “ JOHN McDONALD,

“ “ CROOKS,

“ “ DE BLAQUIERE,

“ “ MORRIS,

“ “ MCGILLIVRAY.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill to authorise the Court of Queen's Bench to admit John Ford Maddock, to practise as an Attorney in that Court.

Maddock's Attorney admission bill, committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Honourable Mr. Adamson enters.

A Member enters.

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

Amendment reported.

Ordered, that the report be received; and,

Adopted.

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

The Honourable Messieurs Fraser and Willson, enter.

Members enter.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill for the establishment of a College, in connection with the Church of Scotland.

Presbyterian College establishment bill, committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Reported, and leave granted to sit again.

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

The Honourable Mr. Sullivan enters.

A Member enters.

The Honourable Mr. Sullivan brought up the petition of the Mayor, Aldermen, and Commonalty of the City of Toronto; which was laid on the table.

Petition of the Mayor, &c. of the City of Toronto, brought up.

The Honourable Mr. Crooks, from the Select Committee, appointed to wait upon the Governor-General, to know when His Excellency would receive the Address, praying him to furnish this House with the Population and Assessment Returns, and to present the same,

Report of the Select Committee, appointed to wait upon the Governor-General, to know when His Excellency would receive the address praying him to furnish this House with the population and assessment returns.

Friday, 20th December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Same presented. reported that they had done so, and that His Excellency had been pleased to receive the said Address forthwith, and to return thereto the following reply :—

HONOURABLE GENTLEMEN :

His Excellency's reply thereto. I will transmit to the Legislative Council my answer to this Address, by Message.

Petitions of Michael Keating; The Honourable Mr. Fergusson brought up the petition of Michael Keating ; which was laid on the table.

And of Cecil Mortimer, brought up. The Honourable Mr. John McDonald brought up the petition of Cecil Mortimer ; which was laid on the table.

Petitions of Of John Turnbull, and others ; Pursuant to the order of the day, the petition of John Turnbull, and others, Magistrates of the District of Victoria, praying for an Act authorising them to continue the additional rate of one penny in the pound, until the amount borrowed for the building of a Court House and Gaol shall have been paid ; also the petition of J. W. B. Vanevery, and others, inhabitants of the Township of Barton, praying for an Act vesting in Robert Jarvis Hamilton, the original allowance for road, between the third and fourth Concessions of the said Township, in lieu of other land offered to be surrendered for a public highway ; also the petition of W. J. Gilbert, and others, being the Contractors on the Hamilton and Brantford Macadamized road, praying for an Act authorising a speedy adjustment of their claim for work and labour performed on the said road ; also the petition of Samuel Hodgkinson, of the Township of Grantham, praying for an Act authorising the payment to him of certain arrears of pension for wounds and injuries received during the late war ; also the petitions of Robert Nelles, and others, inhabitants of the Township of Grimsby ; of Colin MacKenzie, and others, inhabitants of the Midland District ; and of W. Vernon, and others, inhabitants of the Township of Haldimand, respectively praying for the passing of an Alien Law, by which evil-disposed persons from the United States, may be arrested and examined, and, if necessary, imprisoned and sent out of the country ; were severally read.

Motion for referring the several petitions, praying for the passing of an Alien law, to the Select Committee upon the petition of Guy C. Wood, and others. It was moved and seconded, that the several petitions presented during the present Session, praying for the passing of an Alien Law, by which evil-disposed persons from the United States, may be arrested and examined, and, if necessary, imprisoned and sent out of the country, be referred to the Select Committee appointed to report upon the petition of Guy C. Wood, and others, inhabitants of the County of Stormont.

Question put and negatived. Whereupon the question of concurrence was put, and the same was carried in the negative.

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

FRIDAY, 20th DECEMBER, 1839.

House meets. The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER,	<i>The Honourable Messrs.</i> SULLIVAN,
	<i>The Honourable Messrs.</i> ALLAN,	" " FERGUSSON,
	" " ELMSLEY,	" " JOHN SIMCOE MACAULAY,
	" " BALDWIN,	" " JOHN McDONALD,
	" " MORRIS,	" " DE BLAQUIERE.
	" " VANKOUGHNET,	

Prayers were read.

The Minutes of yesterday were read.

Petitions of the President of the Board of Trade ; Of the Hon. Alexander Grant, and others ; The Honourable Mr. Morris brought up the petition of Isaac Buchanan, President of the Board of Trade ; and also the petition of the Honourable Alexander Grant, and others, Freeholders and Inhabitants of the District of Ottawa ; which were laid on the table.

And of Sheldon Hawley, and others ; brought up. The Honourable Mr. John McDonald brought up the petition of Sheldon Hawley, and others ; which was laid on the table.

Maddock's Attorney admission bill read third time and passed ; Pursuant to the order of the day, the bill to authorise the Court of Queen's Bench to admit John Ford Maddock to practise as an Attorney in that Court, was, as amended, read a third time and passed ; and it was,

Saturday, 21st December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Ordered, that the title be, "An Act to authorise the Court of Queen's Bench to admit John Ford Maddock to practise as an Attorney in that Court." Title ordered;

Whereupon the Speaker signed the said bill; and it was, Bill signed;

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

The Honourable Messieurs Crooks, McGillivray and Willson, enter. Members enter.

Pursuant to the order of the day, the petition of George Adams, Chairman of the Board of Trustees, appointed to Macadamize the road from Queenston to Grimsby, praying for the further sum of £9,761 12s. 11½d., so that the said road may be completed, and the issuing of Debentures for the remainder of the amount already voted; also the petition of David Summers, and others, inhabitants of the Township of Charlottenburgh, in the Eastern District, praying for the passing of an Alien Law, by which evil-disposed persons from the United States, may be arrested and examined, and, if necessary, imprisoned and sent out of the country; also the petition of Charles Donaldson, and others, inhabitants of the District of Niagara, praying for an Act for turnpiking the Lake road, from the limits of the Town of Niagara to where the index post is planted, near the ten mile Creek, in the Township of Grantham; also the petition of T. Butler, Chairman of the Quarter Sessions of the District of Niagara, praying for an Act authorising the said Quarter Sessions to adjourn at their sittings immediately preceding the month of January, to some central place in each county, for the purpose of granting and renewing Licenses; also the petition of T. Butler, Chairman of the Quarter Sessions of the District of Niagara, praying for an Act authorising the borrowing of a sufficient sum of money, on the credit of the said District, for the purpose of liquidating the debts of the same; and also the petition of Joseph Anmond, and others, inhabitants of Bytown, praying for an Act confirming the title to the Crown of certain Lots in the said Town, and for protecting the property of persons settled on the same; were severally read. Petitions of George Adams;
Of David Summers, and others;
Of Charles Donaldson, and others;
Of T. Butler;
Of T. Butler;
And of Joseph Anmond, and others; read.

The Honourable Mr. Crooks brought up the petition of the President and Directors of the Bank of Montreal; which was laid on the table. Petition of the President, &c. of the Bank of Montreal; brought up.

The Honourable Mr. Dunn enters. A Member enters.

The Honourable Mr. Sullivan gave notice that he would, on to-morrow, move that the Select Committee appointed to report upon the petition of Guy C. Wood, and others, inhabitants of the County of Stormont, be discharged. Notice of a motion to discharge the Select Committee appointed to report upon the petition of Guy C. Wood, and others.

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

SATURDAY, 21st DECEMBER, 1839.

The House met pursuant to adjournment. House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKSHANK,

" " ALLAN,

" " ELMSLEY,

" " BALDWIN,

" " MORRIS,

" " VANKOUGHNET,

The Honourable Messrs. SULLIVAN,

" " FERGUSSON,

" " JOHN McDONALD,

" " DE BLAQUIERE,

" " FRASER,

" " MCGILLIVRAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. VanKoughnet brought up the petition of W. N. F. Burford, and others, inhabitants of the Town of Perth, and its vicinity; which was laid on the table. Petitions of W. N. F. Burford, and others;

The Honourable Mr. Elmsley brought up the petition of the Shareholders of the Farmers Joint Stock Banking Company; which was laid on the table. Of the Shareholders of the Farmers' Joint Stock Banking Company;

The Honourable Mr. DeBlaquiere brought up the petition of Elijah Nellis, of the Township of Blandford, in the London District; which was laid on the table. And of Elijah Nellis; brought up.

The order of the day being read for the House to be again put into a Committee of the whole, upon the bill for the establishment of a College in connection with the Church of Scotland, it was, Presbyterian College establishment bill, discharged from the order of the day, and stands for Monday.

Monday, 23rd December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Ordered. to be discharged, and that the same do stand upon the orders of the day for Monday next.

Motion for discharging the Select Committee, appointed to report upon the petition of Guy C. Wood, and others.

Pursuant to notice, the Honourable Mr. Sullivan moved, that the Select Committee appointed to report upon the petition of Guy C. Wood, and others, inhabitants of the County of Stormont, be discharged.

Members enter.

The Honourable Messrs. John Macaulay, Radcliffe, John Simcoe Macaulay, and Willson, enter.

Boundary Line Commissioners law amendment bill.

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to alter and amend an Act passed during the third Session of the present Parliament, entitled, 'An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province'; and also a bill, entitled, "An Act to extend the limits of the Port Darlington Harbour," to which they requested the concurrence of this House, and then withdrew.

And Port Darlington Harbour limits extension bill; brought up from the Assembly.

Motion for discharging the Select Committee appointed to report upon the petition of Guy C. Wood, and others, put and carried.

The Honourable Mr. Sullivan's motion was then seconded, and the question of concurrence being put thereon, the same was carried in the affirmative; and it was,

Ordered accordingly.

Boundary line Commissioners law amendment bill.

The bill, entitled, "An Act to alter and amend an Act passed during the third Session of the present Parliament, entitled, 'An Act to authorise the establishment of Boards of Boundary Line Commissioners in the several Districts of this Province'; and also the bill, entitled, "An Act to extend the limits of Port Darlington Harbour"; were then severally read, and it was,

And Port Darlington Harbour limits extension bill, read first time.

Ordered, that the same be read a second time, on Monday the thirtieth day of December, instant.

Petition of the Mayor, &c. of Toronto;

Pursuant to the order of the day, the petition of the Mayor, Aldermen and Commonalty of the City of Toronto, praying that the Act passed during the first Session of the present Parliament, entitled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the same into a City, and to incorporate it, under the name of the City of Toronto,'" may be made perpetual; also the petition of Michael Keating, praying for the granting of Patent right, in a newly invented Still, and process for the producing and rectifying of Spirits; and also the petition of Cecil Mortimer, praying that an Act may be passed appointing Commissioners, for the purpose of settling upon and prescribing the kind of Books hereafter to be used in the Public Schools of this Province; were severally read.

Of Michael Keating;

And of Cecil Mortimer, read.

Petition of the President &c. of the Bank of Upper Canada, brought up.

The Honourable Mr. John Simcoe Macaulay brought up the petition of the President, Directors and Company, of the Bank of Upper Canada; which was laid on the table.

House adjourns.

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

MONDAY, 23rd DECEMBER, 1839.

House meets

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. RADCLIFFE,

The Honourable Messrs. ALLAN,

JOHN SIMCOE MACAULAY,

" " BALDWIN,

" " DE BLAQUIERE,

" " MORRIS,

" " FRASER,

" " VANKOUGHNET,

" " MCGILLIVRAY,

" " SULLIVAN,

" " WILLSON.

" " FERGUSSON.

Prayers were read.

The Minutes of Saturday last were read.

Petition of George Boswell, and others, brought up.

The Honourable Mr. Vankoughnet brought up the petition of George Boswell, and others, Stockholders in the Cobourg Harbour Company; which was laid on the table.

Message from the Governor-General:

A Message from His Excellency the Governor-General, was delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and it was again read by the Clerk, as follows:—

Monday, 23rd December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

C. POULETT THOMSON.

THE GOVERNOR-GENERAL has to inform the Legislative Council, with reference to the bill passed during the last Session of the Legislature, but reserved for the signification of Her Majesty's pleasure, entitled, "An Act to dispose of the Lands, commonly called Clergy Reserves, and for other purposes therein-mentioned," that by an accidental delay in the transmission of the Address from the Legislative Council and House of Assembly, required by the 42nd clause of the Act 31 Geo. III. chap. 31, it became impossible, during the last Session of the Imperial Legislature, to comply with that provision of the Statute, which requires that a bill of this description should be laid before Parliament for thirty days, before the decision of the Crown upon it is pronounced.

On the subject of the Clergy Reserve disposition bill, which was reserved last Session for the signification of Her Majesty's pleasure.

But had this difficulty not arisen, there were other considerations, which would, in the opinion of the Secretary of State, have prevented the acceptance of the measure by Her Majesty.

Parliament delegated to the Local Legislature the right of appropriating the Clergy Reserves, and the effect of the bill was to re-transfer that duty from the Local Legislature to Parliament, with a particular restriction.

Her Majesty's Government were advised by the Law Officers of the Crown, that such a proceeding is unconstitutional, and it appeared to them to be evidently liable to inconvenience. Her Majesty could not assume that Parliament would accept this delegated office, and if it should not be so accepted, the confirmation of the bill would have been productive of serious prejudice, and of no substantial advantage. It would have postponed indefinitely the settlement of a question, which it much concerns the welfare of this Province to bring to a close.

The objection of form, therefore, was insuperable.

Nor could it be assumed by Her Majesty's Government, that there exist in England greater facilities than in Upper Canada, for the adjustment of this controversy.

On the contrary, in their opinion, the Provincial Legislature bring to the decision of it, an extent of accurate information, as to the wants and general opinions of society in this country, in which the Imperial Parliament is unavoidably deficient.

Under these circumstances, Her Majesty's Ministers felt themselves compelled to advise Her Majesty not to give Her assent to this bill. They adopted that course with regret, but they trust that the failure of the attempt thus made to effect the settlement of so important a matter, will be but temporary, and that the opportunity will at no distant period be found for arriving at a wise and satisfactory adjustment of it.

The Governor-General will probably feel it to be his duty, shortly to call the attention of the Legislative Council specifically to this subject.

Toronto, 23rd December, 1839.

On motion made and seconded, it was,

Ordered, that two hundred copies of the foregoing Message, be printed for the use of Members; and,

Same ordered to be printed.

Ordered, that an Address be presented to the Governor-General, respectfully thanking His Excellency for His Message of this day, on the subject of the bill passed during the last Session of the Provincial Legislature, (but reserved for the signification of Her Majesty's pleasure,) entitled, "An Act to dispose of the Lands, commonly called Clergy Reserves, and for other purposes therein-mentioned"; and,

An Address of thanks ordered to be presented to the Governor-General, for His last mentioned Message.

Ordered, that the Honourable Messieurs Fergusson, and John Simcoe Macaulay, do present the same.

A Committee appointed therefor.

A deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to regulate the inspection of Fish, and to prevent non-residents from fishing within the waters of this Province," to which they requested the concurrence of this House, and then withdrew.

Fish inspection regulation bill, brought up from the Assembly.

The said bill was then read; and it was,

Read first time.

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

The Honourable Mr. John Macaulay enters.

A Member enters.

Monday, 23rd December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Pre-byterian College establishment bill, discharged from the order of the day, and stands for to-morrow.

The order of the day being read, for the House to be again put into a Committee of the whole, upon the bill for the establishment of a College, in connection with the Church of Scotland, it was,

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

Petitions of the President of the Board of Trade;
Of the Hon. Alexander Grant, and others;

Of Sheldon Hawley, and others;

Of the President, &c. of the Bank of Montreal;

Of W. N. F. Burford, and others;

Of the Shareholders of the Farmers' Joint Stock Banking Company;

Of Elijah Nellis;

And of the President, &c. of the Bank of Upper Canada; read.

Pursuant to the order of the day, the petition of Isaac Buchanan, President of the Board of Trade, praying for an extension of Capital to the Commercial Bank, and also to other Banking Institutions; also the petition of the Honourable Alexander Grant, and others, Freeholders and Inhabitants of the District of Ottawa, praying for a Union of the Provinces of Upper and Lower Canada; also the petition of Sheldon Hawley, and others, praying for the passing of an Alien Law, by which evil-disposed persons from the United States, may be arrested and examined, and, if necessary, imprisoned and sent out of the country; also the petition of the President and Directors of the Bank of Montreal, praying for an Act authorising them to extend their Banking business, (by means of Agencies or Branches,) to the Province of Upper Canada; also the petition of W. N. F. Burford, and others, inhabitants of the Town of Perth, and its vicinity, praying for the passing of an Alien Law, by which evil-disposed persons from the United States, may be arrested and examined, and, if necessary, imprisoned and sent out of the country; also the petition of the Shareholders in the Farmers' Joint Stock Banking Company, praying for an Act of Incorporation, under such restrictions as have been imposed upon the Gore Bank; also the petition of Elijah Nellis, of the Township of Blandford, in the London District, praying for an Act of Naturalization; and also the petition of the President, Directors and Company, of the Bank of Upper Canada, praying for an Act increasing the Capital Stock of the said Institution, to the amount of £500,000, and to extend the Act of Incorporation to a further term of years; were severally read.

On motion made and seconded, it was,

Petition of Elijah Nellis, referred to a Select Committee;

Ordered, that the petition of Elijah Nellis, of the Township of Blandford, in the London District, praying for an Act of Naturalization, be referred to a Select Committee, to report thereon by bill or otherwise; and,

Members composing the same.

Ordered, that the Honourable Messieurs Sullivan, Radcliffe and De Blaquiere, do compose the same for that purpose.

Petitions of Joseph B. Clench;

The Honourable Mr. John Macaulay brought up the petition of Joseph B. Clench, Chairman of the Quarter Sessions of the District of London; which was laid on the table.

Of William Chisholm, and others;

The Honourable Mr. Fergusson brought up the petition of William Chisholm, and others, inhabitants of the District of Gore; which was laid on the table.

And of Edward Powers Ryerse and John Harris, brought up.

The Honourable Mr. Willson brought up the petition of Edward Powers Ryerse and John Harris; which was laid on the table.

Report of the Select Committee upon Erie and Ontario Rail-road completion time extension bill, presented.

The Honourable Mr. De Blaquiere, from the Select Committee to whom was referred the bill, entitled, "An Act to extend the time for completing the Erie and Ontario Rail-road," presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, appointed to consider and report upon the bill sent up by the Commons House of Assembly, entitled, "An Act to extend the time for completing the Erie and Ontario Rail-road," beg leave to Report:—

That they have taken the said bill into their consideration, and recommended your Honourable House to concur therein.

All which is respectfully submitted.

P. B. DE BLAQUIERE,
CHAIRMAN.

Committee Room, Legislative Council,
23rd December, 1839.

On motion made and seconded, it was,

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

Tuesday, 24th December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

The Honourable Mr. Vankoughnet prayed that he might have leave of absence for the remainder of the Session; and it was,
Ordered, that he take leave for that time accordingly.
On motion made and seconded, the House adjourned.

Leave of absence for the remainder of the session prayed for by the Hon. Mr. Vankoughnet;
Same granted.
House adjourns.

TUESDAY, 24th DECEMBER, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. ALLAN,
" " BALDWIN,
" " MORRIS,

The Honourable Messrs. JOHN SIMCOE MACAULAY,
" " DE BLAQUIERE,
" " FRASER,
" " MCGILLIVRAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable the Speaker reported to the House, that he had received a certain communication from Dr. John George Bridges; and,

Speaker reports the receipt of a certain communication from Dr. John George Bridges;
Same read;

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

For Communication, see Appendix C.

The Communication.

The Honourable Messieurs Fergusson and Willson, enter.

Members enter.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill for the establishment of a College, in connection with the Church of Scotland.

Presbyterian College establishment bill, re-committed.

The Honourable Mr. Baldwin took the Chair.

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

The Honourable Mr. Secretary Tucker, by order of His Excellency the Governor-General, presented the Public Accounts; which were laid on the table.

Public accounts presented by the Hon. Mr. Secretary Tucker.

The House was then again put into a Committee of the whole, upon the bill for the establishment of a College, in connection with the Church of Scotland.

Presbyterian College establishment bill re-committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Reported and leave granted to sit again.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to extend the time for completing the Erie and Ontario Railroad," together with the report of the Select Committee thereon.

Erie and Ontario Railroad completion time extension bill, committed;

The Honourable Mr. Fraser took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned bill be read a third time on Monday next.

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

Fish inspection regulation bill, read second time.

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

The Honourable Mr. De Blaquiére gave notice, that on Monday next, he would move, that it be—

Notice of moving an Address to the Governor-General, on the subject of Education.

Resolved, That an Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to communicate to this House the views of Her Majesty's Government, with respect to a system of Provincial Education in this Province.

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

House adjourns.

Monday, 30th December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

MONDAY, 30th DECEMBER, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT :

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER. <i>The Honourable Messrs.</i> ELMSLEY, " " BALDWIN, " " MORRIS, " " JOHN MACAULAY,	<i>The Honourable Messrs.</i> RADCLIFFE, " " JOHN SIMCOE MACAULAY, " " DE BLAQUIERE, " " FRASER, " " MCGILLIVRAY.
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Prayers were read.

The Minutes of Tuesday last were read.

Erie and Ontario Rail-
road completion time
extension bill, read third
time and passed;

Pursuant to the order of the day, the bill, entitled, "An Act to extend the time for completing the Erie and Ontario Rail-road," was read a third time, and passed.

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly
acquainted thereof

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

Boundary line Com-
missioners law amend-
ment bill, read second
time;

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend an Act passed during the third Session of the present Parliament, entitled, 'An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province,'" was read a second time; and it was,

And referred to a Select
Committee;

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

Members composing
the same.

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

Dalhousie Gaol and
Court House bill;

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to authorise the levying an additional tax, for the purpose of building a Gaol and Court House at Bytown, in the District of Dalhousie"; also a bill, entitled, "An Act to appoint the time for holding the Court of General Quarter Sessions of the Peace for the Home District, and to repeal the law now in force for that purpose"; and also a bill, entitled, "An Act to attach certain Townships to the County of Huron"; to which they requested the concurrence of this House, and then withdrew.

Read first time.

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

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

Port Darlington Harbour
limits extension bill,
read second time.

Pursuant to the order of the day, the bill, entitled, "An Act to extend the limits of Port Darlington Harbour," was read a second time; and it was,

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

Address to the Govern-
General, on the subject of
Education, moved.

Pursuant to notice, the Honourable Mr. De Blaquiére moved that it be—

Resolved—That an Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to communicate to this House the views of Her Majesty's Government, with respect to a system of Provincial Education in this Province; which being seconded,

Question put and carried

The question of concurrence was put thereon, and the same was carried in the affirmative; and it was,

A Select Committee
appointed to draft an
Address to His Excel-
lency on the latter
subject.
Members composing
the same.

Ordered, that a Select Committee be appointed to draft an Address to His Excellency the Governor-General, pursuant to the foregoing Resolution; and,

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

Petitions of
George Boswell,
and others;

Pursuant to the order of the day, the petition of George Boswell, and others, Stockholders in the Cobourg Railway Company, praying for a renewal of their Charter; also the petition of Joseph B. Clench, Chairman of the Quarter Sessions of the District of London, praying for an amendment of the Act authorising the erection of a New Gaol, for the District of London, so that an additional sum may be raised for that purpose; also the petition of William Chisholm, and others, inhabitants of the District of Gore, praying for an Act incorporating the petitioners, for the purpose of constructing a Dam, and erecting Machinery, upon the sixteen mile Creek, at or near the Village of Oakville; and also the petition of Edward Powers

Of Joseph B. Clench;

Of William Chisholm,
and others;

And of Edward Powers,
Byrnes and John Harris:
read.

Tuesday, 31st December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Ryerse and John Harris, praying for an Act authorising a loan of One Thousand Pounds, for the purpose of completing the Harbour at the mouth of Ryerse's Creek; were severally read.

The Honourable Mr. Sullivan enters.

A Member enters.

The Honourable Mr. John Macaulay brought up the petition of William Robertson, and others, inhabitants of the Town of London; which was laid on the table.

Petitions of William Robertson, and others;

The Honourable Mr. Sullivan brought up the petition of the Magistrates of the Home District; also the petition of John W. Dempsey; and also the petition of John Bristowe, of the City of Toronto; which were laid on the table.

Of the Magistrates of the Home District;
Of John W. Dempsey;
Of John Bristowe;

The Honourable Mr. Morris brought up the petition of Ashley T. Chamberlain, of the Township of Kitley; which was laid on the table.

And of Ashley T. Chamberlain; brought up.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to regulate the inspection of Fish, and to prevent non-residents from fishing within the waters of this Province."

Fish inspection regulation bill, committed.

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

The Honourable Mr. Dunn enters.

A Member enters.

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

Amendments reported.

Ordered, that the report be received; and,

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

Read first time.

In the title, line 2—After "non-residents" insert "in this Province"

" line 3—After "of" expunge the remainder of the title, and insert "the same."

The amendments.

In the bill, Press 5, line 17—After "person not" insert "being a natural born or naturalized Subject of Her Majesty"

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

First amendment read second time and adopted.

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

Second amendment read second time and adopted.

The third amendment being read a second time, and the question of concurrence put thereon, it was carried in the negative; and it was then,

Third amendment read second time and negatived.

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

On motion made and seconded, the House adjourned.

House adjourns.

TUESDAY, 31st DECEMBER, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. DE BLAQUIERE,

The Honourable Messrs. MORRIS,

" " FRASER,

" " JOHN MACAULAY,

" " MCGILLIVRAY.

" " SULLIVAN,

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Fraser brought up the petition of J. W. Empey, and others, inhabitants of the County of Stormont; also the petition of Henry Smith, Warden, and Principal Superintendent of the Provincial Penitentiary; and also the petition of Alexander McMartin, and others, inhabitants of the Eastern District; which were laid on the table.

Petitions of J. W. Empey, and others;
Of Henry Smith;
Of Alexander McMartin, and others;

The Honourable Mr. Morris brought up the petition of John Brander, and others, inhabitants of the District of Gore; which was laid on the table.

And of John Brander, and others; brought up.

The Honourable Mr. Wells enters.

A Member enters.

Tuesday, 31st December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Third reading of Fish inspection regulation bill, (as amended) discharged from the order of the day :

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

And the same re-committed.

Ordered, that the same be discharged, and that the House be again put into a Committee of the whole, presently, to take the said bill into further consideration.

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

The Honourable Mr. De Blaquiere took the Chair.

After some time the House resumed.

Further amendments reported.

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

Ordered, that the report be received; and,

Read first time.

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

The further amendments.

Press 1, line 14—After the word "the" insert "Governor or"

" 2, " 1—After "of" expunge "this Province" and insert "the same"

Read second time and adopted.

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

Ordered, that they be engrossed, and the said bill, as further amended, read a third time on Thursday next.

Petition of George Taylor Denison, and others; brought up.

The Honourable Mr. Sullivan brought up the petition of George Taylor Denison, and others, inhabitants of the County of York; which was laid on the table.

Port Darlington Harbour limits extension bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to extend the limits of Port Darlington Harbour."

The Honourable Mr. Fraser took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a Select Committee.

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

Members composing the same.

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

Members enter.

The Honourable Messieurs Allan and John Simcoe Macaulay, enter.

Dalhousie Gaol and Court House bill, read second time;

Pursuant to the order of the day, the bill, entitled, "An Act to authorise the levying an additional tax, for the purpose of building a Gaol and Court House at Bytown, in the District of Dalhousie," was read a second time; and it was,

Ordered, that the same be referred to a Select Committee, to report thereon; and,

And referred to a Select Committee;

Members composing the same.

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

Home District Quarter Sessions bill, read second time.

Pursuant to the order of the day, the bill, entitled, "An Act to appoint the time for holding the Court of General Quarter Sessions of the Peace for the Home District, and to repeal the law now in force for that purpose," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, on Thursday next, to take the same into consideration.

County of Huron new Townships attachment bill, read second time;

Pursuant to the order of the day, the bill, entitled, "An Act to attach certain Townships to the County of Huron," was read a second time; and it was,

And referred to a Select Committee.

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

Members composing the same.

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

A Member enters.

The Honourable Mr. Baldwin enters.

Report of the Select Committee, appointed to draft an Address to the Governor-General, on the subject of Education, presented.

The Honourable Mr. Morris, from the Select Committee, appointed to draft an Address to His Excellency the Governor-General, praying that His Excellency will be pleased to communicate to this House, the views of Her Majesty's Government, with respect to a system of general Education in this Province, presented their report.

Tuesday, 31st December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

Ordered, that it be received; and,

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

Read.

The Select Committee, appointed to draft an Address to His Excellency the Governor-General, praying that His Excellency would be pleased to communicate to this House, the views of Her Majesty's Government, with respect to a system of general Education in this Province, beg leave to report:—

The report.

That they have prepared the draft of an Address, for the purpose aforesaid, which they submit herewith, for the adoption of your Honourable House.

All which is respectfully submitted.

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
31st day of December, 1839.

The said Address was then read and adopted; and it was,

Address read and adopted.

Ordered, that the same be engrossed, and read a third time this day.

The Honourable Mr. Sullivan, from the Select Committee to whom was referred the petition of Elijah Nellis, praying for an Act of Naturalization, presented their report.

Report of the Select Committee, upon the petition of Elijah Nellis, presented.

Ordered, that it be received; and,

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

Read.

The Select Committee, to whom was referred the petition of Elijah Nellis, praying to be naturalized, have taken the same into consideration, and have prepared the accompanying draft of a bill, for the purpose sought by the petitioner.

The report.

All which is respectfully submitted.

R. B. SULLIVAN,
CHAIRMAN.

Committee Room, Legislative Council,
31st day of December, 1839.

The bill for naturalizing Elijah Nellis, (submitted by the last-mentioned Committee,) was then read; and it was,

Nellis' Naturalization bill, read first time.

Ordered, that the same be read a second time on Thursday next.

Several Messages from His Excellency the Governor-General, were delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and they were again read by the Clerk, as follows:—

Messages from the Governor-General;

C. POULETT THOMSON.

The Governor-General, in compliance with the Address of the Legislative Council, dated the 18th instant, transmits to the Legislative Council the Population and Assessment Returns of the several Districts of the Province, for the year 1839.

Transmitting the Population and Assessment Returns.

Toronto, 31st December, 1839.

C. POULETT THOMSON.

The Governor-General transmits herewith, for the information of the Legislative Council, and in conformity with the Statutes to that effect, a Schedule of the Government Debentures redeemed and outstanding, issued under the authority of Acts of the Provincial Legislature.

Transmitting a Schedule of the Government Debentures, redeemed and outstanding.

Toronto, 31st December, 1839.

C. POULETT THOMSON.

The Governor-General transmits, for the information of the Legislative Council, the Reports received from the respective Trustees of the undermentioned Macadamized Roads, for the year 1839, viz:—

Transmitting the Reports of Trustees of several Macadamized roads.

YONGE-STREET,
DUNDAS AND WATERLOO,
QUEENSTON AND GRIMSBY,
WESTERN DUNDAS, (Toronto);

And also the Report of the Trustees of the West Gwillimbury Road and Bridge.

Toronto, 31st December, 1839.

Tuesday, 31st December, 1839.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

C. POULETT THOMSON.

On the subject of the Bills of Credit issue bill, reserved last Session for the signification of Her Majesty's pleasure.

The Governor-General has to inform the Legislative Council, that the bill passed by them during their last Session, but reserved for the signification of Her Majesty's pleasure, entitled, "An Act to authorise the issue of Bills of Credit," has been under the serious consideration of Her Majesty's Government.

After the most anxious deliberation, Her Majesty's Government have felt it impossible to advise Her Majesty to confirm this bill.

The issue of so large an amount of small inconvertible paper money, as was then contemplated as a resource for sustaining the public credit, did not appear to Her Majesty's Government to be justified even by the exigency of public affairs. The effect of the measure on the currency and monetary transactions of the Province, and on the value of private property, must have been such as to counterbalance any advantage which could be obtained from this temporary relief. If the credit of the country can be made available to sustain, for a time, the transactions of the local Treasury, in a less hazardous and objectionable form, the Governor-General is authorised to accede to any plan of that nature. It is only as a temporary expedient that any such resource will be requisite, and it is of great importance to the future welfare of the Province, that the scheme devised to meet the pressure of the passing day, should not be such as to preclude the early return to a more salutary course of financial operations.

Toronto, 31st December, 1839.

C. POULETT THOMSON.

On the subject of Rebellion claims payment bill, reserved last Session for the signification of Her Majesty's pleasure.

The Governor-General has to inform the Legislative Council, that the bill passed during the last Session of the Provincial Legislature, and reserved for the signification of Her Majesty's pleasure, entitled, "An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasions of this Province," has been under the consideration of Her Majesty's Government. In its present form, Her Majesty's Government have felt it impossible to advise the Queen to assent to this bill. The objection is not to the measure itself, in the propriety of which, Her Majesty's Government entirely concur; but they cannot advise the Queen to assent to an Act, which, if so sanctioned, would by the terms of the preamble, convey a pledge from Her Majesty, that the charge of this indemnity should be ultimately borne by the British Treasury. The principle involved in this declaration, appears to them of too much importance to be thus incidentally recognized, even supposing it to be right that it should be admitted at all. Neither could Her Majesty properly affirm, in so solemn a manner, Her acquiescence in this claim on the Revenue of Great Britain, unless it had been previously sanctioned by Parliament—a sanction which, during the last Session of the Imperial Legislature, could not be obtained. If a similar bill should be passed, with the omission of the preamble, the Governor-General is directed to concur at once in the enactment of it.

Toronto, 31st December, 1839.

C. POULETT THOMSON.

Transmitting the Reports of the Commissioners for improving the Cayuga road, and the Post road from Cornwall to L'Orignal.

The Governor-General transmits, for the information of the Legislative Council, the Report of the Commissioners appointed for superintending the expenditure of the money granted during the last Session of Parliament, for the improvement of the Cayuga Road; and also the Reports of the Commissioners, appointed by an Act passed in the same Session, for the improvement of the Post Road from Cornwall to L'Orignal.

Toronto, 31st December, 1839.

C. POULETT THOMSON.

Transmitting the Report of the Inspectors of the Provincial Penitentiary.

The Governor-General transmits, for the information of the Legislative Council, the Report of the Inspectors of the Provincial Penitentiary, for the year ending the thirtieth of September last, and accompanying documents.

Toronto, 31st December, 1839.

C. POULETT THOMSON.

In conformity with the directions of Her Majesty's Secretary of State for the Colonies, the Governor-General has to call the attention of the Legislative Council to the extreme

Tuesday, 31st December, 1839.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

inconvenience of the practice which has heretofore prevailed in this Province, of deferring to the close of the Session, the consideration of some of the most important measures brought before the Legislature.

On the subject of the inconvenience arising from the practice of deferring to the close of each Session, the consideration of some of the most important measures brought before the Legislature.

It appears that, in consequence of that practice, errors of considerable magnitude have, at times, crept into the bills passed by the Legislative Council and Assembly, and have not been discovered, until it has been too late to apply a remedy to them.

The Governor-General will be happy to concur in any arrangement which the Legislative Council and House of Assembly may consider expedient, to prevent the recurrence of this inconvenience during the present Session.

Toronto, 31st December, 1839.

C. POULETT THOMSON.

The Governor-General transmits herewith, for the information of the Legislative Council, copies of the several despatches from the Secretary of State, enumerated in the annexed Schedule, containing Her Majesty's Answers to Addresses adopted by the Legislative Council during their last Session.

Transmitting copies of several despatches from the Secretary of State, containing Her Majesty's answers to the addresses adopted by the Legislative Council, during their last Session.

Toronto, 31st December, 1839.

SCHEDULE of Despatches accompanying the Message of His Excellency the Governor-General to the Legislative Council, of the 31st December, 1839.

NO.	DATE.	SUBJECT.
70	27th June, 1839	Reply to Address, praying for indemnity to the sufferers, by the destruction of the "Sir Robert Peel," and by the invasions of the Province.
97	25th August, 1839	Further reply respecting indemnity to the sufferers, by the destruction of the "Sir Robert Peel."
71	27th June, 1839	Reply to Address, praying that the surplus Post Office Revenue may be placed at the disposal of the Provincial Legislature.
93	13th August, 1839	Further reply on the same subject.
73	27th June, 1839	Reply to Address, praying for aid from the Imperial Treasury, towards the completion of the Public Works in this Province, and towards opening a navigable communication with the Ocean.

(For Copies of Despatches, see Appendix D.)

On motion made and seconded, it was,

Ordered, that an Address be presented to His Excellency the Governor-General, respectfully thanking His Excellency for His several Messages of this day; and,

Ordered, that the Honourable Messieurs John Simcoe Macaulay and Fraser, do present the same.

An Address of thanks ordered to be presented to the Governor-General, for His Messages of this day; A Committee appointed therefor.

Pursuant to order, the Address to His Excellency the Governor-General, praying that His Excellency will be pleased to communicate to this House the views of Her Majesty's Government, with respect to a system of General Education in this Province, was read a third time, and passed.

Address to His Excellency the Governor-General, on the subject of Education, read third time and passed;

Whereupon the Speaker signed the same, and it is as follows:—

Same signed;

To His Excellency the Right Honourable CHARLES POULETT THOMSON, Governor-General of British North America, and Captain-General and Governor-in-Chief, in and over the Provinces of Upper Canada, Lower 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 Upper Canada, in Provincial Parliament assembled, respectfully request that Your Excellency will be pleased to communicate to this House the views of Her Majesty's Government, with respect to a system of General Education in this Province.

The Address.

Thursday, 2nd January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

On motion made and seconded, it was,

A Select Committee appointed to wait upon His Excellency, to know when the foregoing Address would be received, and to present it.

Ordered, that a Committee be appointed, for the purpose of waiting upon the Governor-General, to know when His Excellency would be pleased to receive the foregoing Address, and to present the same; and,

Members composing the same.

Ordered, that the Honourable Messieurs De Blaquiere and Fraser, do compose such Committee for that purpose.

Notice of moving a resolution for not proceeding in future with any private bill, until the standing orders of the House shall first have been reported by the Clerk as having been complied with. House adjourns.

The Honourable Mr. De Blaquiere gave notice that he would, on to-morrow, move that it be Resolved, that in future no private bill brought before this House shall be proceeded in, until it be first reported by the Clerk that the standing orders have been complied with.

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

THURSDAY, 2nd JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER,
The Honourable Messrs. CROOKSHANK,
" " ALLAN,
" " ELMSLEY,
" " MORRIS,

The Honourable Messrs. SULLIVAN,
" " DE BLAQUIERE,
" " FRASER,
" " MCGILLIVRAY,

Prayers were read.

The Minutes of Tuesday last were read.

Third reading of Fish inspection regulation bill, (as further amended) discharged from the order of the day;

The order of the day being read for a third reading of the bill, entitled, "Act to regulate the inspection of Fish, and to prevent non-residents from fishing within the waters of this Province," as further amended, it was,

And the same re-committed.

Ordered, that the same be discharged, and that the House be again put into a Committee of the whole, presently, to take the said bill into further consideration.

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

The Honourable Mr. De Blaquiere took the Chair.

After some time the House resumed.

Further amendment reported.

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

Ordered, that the report be received; and,

Read first time.

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

The further amendment.

Press 1, line 24—After "non-residents" insert "in this Province"

Read second time and adopted.

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

Ordered, that it be engrossed, and the said bill, as further amended, read a third time this day.

Queen's Bench Reporter's Office regulation bill, brought up from the Assembly.

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act for the better regulation of the Office of Reporter to the Court of Queen's Bench in this Province," to which they requested the concurrence of this House; and they returned the bill, entitled, "An Act to authorise the Court of Queen's Bench to admit John Ford Maddock to practise as an Attorney in that Court," and they acquainted this House that the Commons House of Assembly had passed the same, without any amendment, and then withdrew.

And Maddock's Attorney admission bill, passed by that House, without any amendment.

Presbyterian College establishment bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill for the establishment of a College, in connection with the Church of Scotland.

The Honourable Mr. Fraser took the Chair.

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

Members enter.

The Honourable and Right Reverend the Lord Bishop of Toronto, and the Honourable Messieurs Adamson and Radcliffe, enter.

Thursday, 2nd January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

A deputation from the Commons House of Assembly brought up a bill, entitled, "An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province," to which they requested the concurrence of this House, and then withdrew.

Gaol liquor introduction restraint bill, brought up from the Assembly.

The House was then again put into a Committee of the whole, upon the bill for the establishment of a College, in connection with the Church of Scotland.

Presbyterian College establishment bill, re-committed.

The Honourable Mr. Fraser took the Chair.

After some time the House resumed.

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

Reported and leave granted to sit again.

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

The bill, entitled, "An Act for the better regulation of the Office of Reporter to the Court of Queen's Bench in this Province"; and also the bill, entitled, "An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province," were then severally read; and it was,

Queen's Bench Reporter's Office regulation bill, and Gaol liquor introduction restraint bill, read first time.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to appoint the time for holding the Court of General Quarter Sessions of the Peace for the Home District, and to repeal the law now in force for that purpose."

Home District Quarter Sessions bill, committed.

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the bill for naturalizing Elijah Nellis, was read a second time; and it was,

Nellis' Naturalization bill, read second time.

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

The order of the day being read, for the Honourable Mr. De Blaquiere to move a certain resolution, on the subject of Private Bills, it was,

Motion relating to private bills, discharged from the order of the day.

Ordered, that the same be discharged.

Pursuant to the order of the day, the petition of William Robertson, and others, inhabitants of the Town of London, praying for an Act incorporating the said Town, and establishing a Board of Police therein; also the petition of the Magistrates of the Home District, praying for an Act authorising the raising and levying an additional rate of one penny in the pound on all the ratable property within the County of York, in order that the Gaol and Court House of the said District may be completed; also the petition of John W. Dempsey, praying to be admitted to practise as an Attorney in this Province; also the petition of John Bristowe, of the City of Toronto, praying for an Act enabling the Benchers of the Law Society to call him to the Bar of this Province, and for authorising the Court of Queen's Bench to admit the petitioner to practise as an Attorney therein; also the petition of Ashley T. Chamberlain, of the Township of Kitley, praying for an Act conferring upon him all the rights and privileges of a British Subject; also the petition of J. W. Empey, and others, inhabitants of the County of Stormont, praying for the passing of an Alien Law, by which evil-disposed persons from the United States, may be arrested and examined, and, if necessary, imprisoned and sent out of the country; also the petition of Henry Smith, Warden, and Principal Superintendent of the Provincial Penitentiary, praying that an allowance may be granted to him, in lieu of convict servants; also the petition of Alexander McMartin, and others, inhabitants of the Eastern District, praying that an Asylum may be established in this Province, for the relief of blind, and also deaf and dumb persons; also the petition of John Brander, and others, inhabitants of the District of Gore, praying to be relieved from the payment of Toll, for using the Macadamized road leading from Dundas to Galt; and also the petition of George T. Denison, and others, inhabitants of the County of York, requesting that the prayer of their former petition may be granted, and that in case such should not be acceded to, that a sum of £3,500 be raised, to plank the road between the Peacock Inn, on Dundas Street, and the Bridge at the Village of Weston; were severally read.

Petitions of William Robertson, and others;

Of the Magistrates of the Home District;

Of John W. Dempsey;

Of John Bristowe;

Of Ashley T. Chamberlain;

Of J. W. Empey, and others;

Of Henry Smith;

Of Alexander McMartin, and others;

Of John Brander, and others;

And of George T. Denison, and others; read.

Friday, 3rd January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Fish inspection regulation bill, (as further amended,) read third time and passed;

Pursuant to order, the bill, entitled, "An Act to regulate the inspection of Fish, and to prevent non-residents from fishing within the waters of this Province," was, as further amended, read a third time; and,

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

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

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

Report of the Select Committee, upon District of Hastings law alteration bill, presented.

The Honourable Mr. Morris, from the Select Committee, to whom was referred the bill, entitled, "An Act to alter and amend the Act authorising the erection of the County of Hastings into a separate District," presented their report.

Ordered, that it be received; and,

Read.

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

Report of the Select Committee, appointed to examine and report on the bill sent up from the House of Assembly, entitled, "An Act to alter and amend the Act authorising the erection of the County of Hastings into a separate District":—

The report

The Committee, appointed to report on the said bill, respectfully inform your Honourable House, that it would be attended with much inconvenience to pass a bill to amend an Act, by introducing certain words in it, as is the practice by each House when amending bills received from the other. This objection to the bill, under the consideration of your Committee, will appear obvious to your Honourable House, when it is considered, that if it became a law in its present shape, it would be necessary to read both Acts, to understand the intent and meaning of the enacting clause in this bill.

The Committee would have felt disposed to remove the inconvenience which this mode of amending Acts would produce, by proposing amendments to the bill. But when it is remembered, that the new District of Victoria is not the only District in which difficulty is experienced by Sheriffs in serving process, and doing other necessary duties in suits which were brought previous to the formation of new Districts, it was thought preferable that a general law should be passed, to provide against similar difficulties, which are felt to exist in other parts of the Province as well as in the District of Victoria, and for that purpose, your Committee submit the draft of a general bill, and they cannot recommend your Honourable House to pass the bill sent up from the Assembly, which was referred to the consideration of your Committee.

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
2nd day of January, 1840.

Certain new District relief bill, (submitted by the last mentioned Committee,) read first time.
House adjourns.

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

On motion made and seconded, the House adjourned.

FRIDAY, 3rd JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present

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

The Honourable Messrs. MORRIS,
" " JOHN SIMCOE MACAULAY,
" " DE BLAQUIERE,
" " MCGILLIVRAY.

Prayers were read.

The Minutes of yesterday were read,

Friday, 3rd January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

Pursuant to the order of the day, the bill, entitled, "An Act to appoint the time for holding the Court of General Quarter Sessions of the Peace for the Home District, and to repeal the law now in force for that purpose," was read a third time, and passed.

Home District Quarter Sessions bill, read third time and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill for naturalizing Elijah Nellis.

Nellis' naturalization bill, committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

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

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

Bills brought up from the Assembly.

The Honourable Mr. Sullivan enters.

A Member enters.

The House was then again put into a Committee of the whole, upon the bill for naturalizing Elijah Nellis.

Nellis' naturalization bill, re-committed;

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

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

Amendments reported.

Ordered, that the report be received; and,

Adopted.

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

The Honourable Messieurs John Macaulay and Radcliffe, enter.

Members enter.

The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act to authorise the Judges of the Court of Queen's Bench in this Province, to admit Attornies of the Courts of Law at Westminster and Dublin, to practise as Attornies in the Courts of Law in this Province, and also to authorise the Vice-Chancellor of this Province to admit Solicitors of the High Court of Chancery in England, to practise as Solicitors in the Court of Chancery in this Province"; and also a bill, entitled, "An Act for further regulating the manner of granting Licenses to Innkeepers, and to the keepers of Ale and Beer Houses within this Province"; to which they requested the concurrence of this House.

Speaker reports the receipt of English Attornies admission bill;

And Innkeepers license further regulation bill, from the Assembly.

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

Read first time.

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

Several Messages from His Excellency the Governor-General, were delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and they were again read by the Clerk, as follows:—

Messages from His Excellency the Governor-General;

C. POULETT THOMSON.

The Governor-General transmits, for the information of the Legislative Council, such Annual Accounts of District Treasurers, as have been received during the current year, as follows:—

Transmitting annual accounts of District Treasurers.

EASTERN DISTRICT,
 BATHURST, "
 MIDLAND, "
 PRINCE EDWARD DISTRICT,
 HOME DISTRICT,
 GORE, "
 NIAGARA, "
 LONDON, "
 TALBOT, "
 WESTERN, "

Toronto, 31st December, 1839.

Friday, 3rd January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA

C. POULETT THOMSON.

Transmitting reports of Trustees of District Schools; and reports from District Boards of Education.

The Governor-General transmits, for the information of the Legislative Council, such Reports of Trustees of District Schools, as have been received during the current year, viz.:

THE EASTERN,
OTTAWA,
JOHNSTOWN,
BATHURST,
PRINCE EDWARD,
NEWCASTLE,
HOME,
GORE, and
TALBOT DISTRICTS;

And also such Reports as have been received from District Boards of Education, for the same period, namely:—

THE EASTERN,
JOHNSTOWN,
BATHURST,
NEWCASTLE,
NIAGARA, and
TALBOT DISTRICTS.

Toronto, 2nd January, 1840.

C. POULETT THOMSON.

Transmitting the report of the Commissioners for the improvement of the Inland Waters of the District of Newcastle.

The Governor-General transmits, for the information of the Legislative Council, the Report of the Commissioners for the improvement of the Inland Waters of the District of Newcastle, for the year 1839.

Toronto, 2nd January, 1840.

C. POULETT THOMSON.

Transmitting the report of the Commissioners for the improvement of the navigation of the River Trent.

The Governor-General transmits, for the information of the Legislative Council, the Report and accompanying documents, received from the Commissioners, for the improvement of the navigation of the River Trent, for the year 1839.

Toronto, 2nd January, 1840.

C. POULETT THOMSON.

Transmitting several claims for compensation for losses sustained during the recent disturbances.

The Governor-General transmits, for the favourable consideration of the Legislative Council, several claims for compensation for losses sustained during the recent disturbances, which have been presented to Government since the transmission of similar claims to the Legislative Council, during the last Session.

Toronto, 2nd January, 1840.

On motion made and seconded, it was,

Ordered, that an Address be presented to the Governor-General, respectfully thanking His Excellency for His several Messages just received; and,

Ordered, that the Honourable Messieurs Adamson and John Simcoe Macaulay, do present the same.

An Address of thanks ordered to be presented to the Governor-General, for His Messages of this day; A Committee appointed therefor.

The Honourable the Speaker reported to the House, that a deputation from the Commons House of Assembly had brought up a bill, entitled, "An Act to authorise the Receiver-General to dispose of the Provincial Stock in the Bank of Upper Canada," to which they requested the concurrence of this House.

Speaker reports the receipt of Provincial Bank Stock disposition bill, from the Assembly.

Read first time.

The said bill was then read; and it was,

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

Queen's Bench Reporter's Office Regulation bill;

Pursuant to the order of the day, the bill, entitled, "An Act for the better regulation of the Office of Reporter to the Court of Queen's Bench in this Province"; also the bill, entitled,

Friday, 3rd January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

"An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province"; and also the bill for the relief of certain new Districts in this Province; were severally read a second time; and it was,

Gaol liquor introduction restraint bill;
And certain new Districts relief bill, read second time.

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

The Honourable Mr. Adamson, from the Select Committee, to whom was referred the bill to repeal, alter, and amend the Militia Law of this Province, presented their report.

Report of the Select Committee, upon Militia Law repeal bill, presented.

Ordered, that it be received; and,

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

Read.

The Select Committee, appointed to report upon the Militia Law amendment bill, have attentively considered the same, and beg leave to recommend the following amendments, for the adoption of your Honourable House:—

The report.

In the first enacting clause—After the words "that the," the following be inserted:—2nd, 3rd, 4th, 7th, 8th, 14th, 15th, 28th, 36th, 38th 43rd, 44th, 47th, 49th, and 55th clauses of the"

Page 1, in the 2nd clause, line 13—After the word "grade" expunge the rest of the clause.

" 2, in the 4th clause, line 12—After the word "year" expunge all to the word "and" in line 15; and in line 19, after the words "every year," expunge the remainder of the clause.

" 2, in the 5th clause, in line 7—After the word "mentioned" expunge the rest of the clause.

" 3—Expunge clause 6.

" 4, in the 9th clause, line 6—Expunge the word "this" and insert "the said"; expunge "herein provided"

" 4, clause 11, line 16—Expunge "this" and insert "the said"

" 5, clause 12—Expunge to the word "Penitentiary" inclusive.

" 5, clause 13—Expunge this clause.

" 6, clause 17, line 12—Expunge the word "this" and insert "the said"

" 7—Expunge clause 19, 20, 21; and in clause 22, expunge the whole to the words "Provided nevertheless"

" 7—Expunge the 23rd clause.

" 8—Expunge clauses 24, 25, 26, 27, 28, 29.

" 9—Expunge clauses 30, 31, 32.

" 10—Expunge clauses 33, 34, 35.

" 11—Expunge clauses 36, 37, 38 and 39.

" 12—Expunge clauses 40, 41 and 42.

" 13—Expunge clauses 43, 44.

" 14—Expunge clauses 45, 46, 47, 48 and 49.

" 14—Expunge Schedule.

" 15—Expunge clause 51 and insert, "And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Lieutenant-Governor, or person administering the Government for the time being, to appoint a Deputy Adjutant General, or Assistant Adjutant General of Militia."

All which is respectfully submitted.

P. ADAMSON,

CHAIRMAN.

Committee Room, Legislative Council,

3rd day of January, 1840.

On motion made and seconded, it was,

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

The Honourable Mr. Morris brought up the petition of Richard D. Chatterton, and others, inhabitants of the Town of Cobourg; which was laid on the table.

Petitions of Richard D. Chatterton, and others;

The Honourable Mr. Adamson brought up the petition of John Turner, of the City of Toronto; which was laid on the table.

And of John Turner, brought up.

Monday, 6th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Report of the Select Committee, appointed to present an Address thanking His Excellency for his Messages of the 31st ultimo.

House adjourns.

The Honourable Mr. John Simcoe Macaulay, from the Select Committee appointed to present an Address of thanks to the Governor-General, for His Excellency's several Messages of the thirty-first ultimo, reported the delivery thereof.

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

MONDAY, 6th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKS,

The Honourable Messrs. CROOKSHANK,

" " MORRIS,

" " ALLAN,

" " FERGUSSON,

" " HAMILTON,

" " DE BLAQUIERE,

" " ADAMSON,

" " FRASER.

Prayers were read.

The Minutes of Saturday last were read.

Report of the Select Committee, appointed to know when the Governor-General would receive the Address on Education, and to present it. The same received forthwith.

The Honourable Mr. De Blaquiere, from the Select Committee, appointed to wait upon the Governor-General, to know when His Excellency would receive the Address of this House, on the subject of Education, and to present the same, reported that they had done so, and that His Excellency had been pleased to receive the said Address forthwith, and to return thereto the following reply:—

HONOURABLE GENTLEMEN:

His Excellency's reply thereto.

In reply to the Address of the Legislative Council, with respect to a system of general Education, I will send an answer by Message.

Petitions of T. Butler, and others;

Of George Adams, and others;

Of Helen Handley,

The Honourable Mr. Morris brought up the petition of T. Butler, and others, inhabitants of the Town of Niagara, and its vicinity; also the petition of George Adams, and others, inhabitants of Saint Catharines, and its vicinity; and also the petition of Helen Handley, of Cobourg; which were laid on the table.

Of Nathan Pawling, and others.

Of G. B. Harrison, and others.

And of the Stockholders of the Great Western Rail-road Company, brought up.

The Honourable Mr. Fergusson brought up the petition of Nathan Pawling, and others, inhabitants of the Townships of Niagara, Grantham and Louth; also the petition of G. B. Harrison, and others, inhabitants of the District of Gore; and also the petition of the Stockholders of the Great Western Rail-road Company; which were laid on the table.

A Member enters.

The Honourable Mr. Baldwin enters.

Message from the Assembly:

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

MR. SPEAKER:

Requesting that the Hon. R. B. Sullivan may have leave to attend a Committee of that House.

The Commons House of Assembly request the Honourable the Legislative Council to give leave to the Honourable Robert Baldwin Sullivan, to attend the Committee of the House of Assembly, to whom were referred the Accounts of the Commissioner of Crown Lands.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

3rd day of January, 1840.

On motion made and seconded, it was,

Leave granted.

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

And the Assembly acquainted thereof.

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

Monday, 6th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

The Honourable Mr. Fraser brought up the petition of Duncan McDonell, and others, inhabitants of the Eastern District; which was laid on the table.

Petition of Duncan McDonell, and others, brought up.

Pursuant to the order of the day, the bill for naturalizing Elijah Nellis, was read a third time, and passed; and it was,

Nellis' Naturalization bill read third time and passed;

Ordered, that the title be, "An Act to naturalize Elijah Nellis."

Title ordered;

Whereupon the Speaker signed the said bill; and it was,

Bill signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act for the better regulation of the Office of Reporter to the Court of Queen's Bench in this Province."

Queen's Bench Reporter's Office regulation bill, committed.

The Honourable Mr. Hamilton took the Chair.

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

Several Messages from His Excellency the Governor-General, were delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and they were then again read by the Clerk, as follows:—

Messages from His Excellency the Governor-General:

C. POULETT THOMSON.

The Governor-General transmits, for the information of the Legislative Council, the Report made by the Commissioners, appointed in the month of June last, for the purpose of inquiring into and reporting upon the affairs of the General Hospital in this City.

Transmitting the report of the Commissioners appointed to enquire into the affairs of the General Hospital in Toronto;

Toronto, 6th January, 1840.

C. POULETT THOMSON.

Pursuant to his notice, the Governor-General now begs to call the attention of the Legislative Council, to the state of the Clergy Reserves.

On the subject of the Clergy Reserves.

As will appear from his Message to the Legislative Council of the 23rd ultimo, Her Majesty was compelled to withhold Her Royal assent from a bill passed last Session for re-investing the Clergy Reserves, conditionally, in the Imperial Legislature; and Her Majesty's Government were desirous that the Provincial Legislature should itself afford a solution of this much debated and very complicated question.

The Governor-General does not conceal from himself the difficulties by which this subject is surrounded—the frequent agitation of it in both Houses—the various opinions which have been announced upon it, and the different schemes which have, unsuccessfully, been brought forward, render the settlement of it, even in this Province, a work of great embarrassment. But it becomes yet more difficult to arrive at a final solution, from the peculiar position in which the question stands, as contradistinguished from other subjects, which may engage the attention of the Legislature, since not merely is the assent of the Crown required to whatever may be ultimately determined upon here, but the decision of the Provincial Parliament is open to rejection, by Address from either House of Parliament in England.

Still, in the opinion of the Governor-General, the circumstances of the present time, imperiously demand a settlement of this long agitated question. The probable approach of the Union of the two Provinces, would at once suggest the expediency of bringing to a termination, before that event shall occur, a matter so peculiarly affecting Upper Canada.—Nor is it less necessary, with a view to remove a source of unceasing excitement and discord within the Province, the protracted existence of which, opposes a bar to the tranquillity, so necessary for its prosperity.

Deeply impressed with these feelings, the Governor-General has given to the subject all the attention in his power, and he has directed a measure to be prepared and introduced into the other branch of the Legislature, in the anxious hope that it may lead to a final and satisfactory adjustment.

He proposes that the remainder of the land should be sold, and the annual proceeds of the whole fund, when realized, be distributed, according to terms which will be clearly defined, between the Church of England, the Church of Scotland, and such other religious persuasions

Monday, 6th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

as are recognised by the law of Upper Canada, for the support of religious instruction within the Province, and for the promotion there of the great and sacred objects for which these different bodies are established or associated.

He trusts that there will be found, in such a plan, a just regard to the objects for which this property was destined, tempered by a due consideration of the state of society, and of the feelings which have grown up in this Province, and in the Legislature, upon the question; and he confidently recommends it for adoption, as the measure which, in his opinion, will afford the surest prospect, if assented to by the Legislature here, of proving final, and, if final, of conducing to the peace and happiness of the inhabitants of this Province generally.

Toronto, 6th January, 1840.

Members enter.

The Honourable Messieurs John Macaulay, Sullivan, Radcliffe, John Simcoe Macaulay and McGillivray, enter.

It was moved and seconded, that it be—

A resolution for an Address of thanks to the Governor-General, for his Messages of to-day, moved.

Resolved—That an humble Address be presented to His Excellency the Governor-General, thanking him for his Messages of this day, and assuring His Excellency that this House will not fail to give to the important question relating to the Clergy Reservas, their most careful attention, with a view to its final settlement, in a manner advantageous to the sacred objects for which the reservation was originally made, and to the satisfaction of the people of this Province.

Read twice, and adopted;

The said resolution being read twice, and the question of concurrence put thereon, the same was agreed to by the House; and it was,

Ordered, that an Address be presented pursuant thereto; and,

And a Committee appointed to draft the Address.

Ordered, that the Honourable Messieurs Crooks and Fergusson, be appointed a Committee to draft the same.

Queen's Bench Reporter's Office regulation bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act for the better regulation of the Office of Reporter to the Court of Queen's Bench in this Province."

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a Select Committee;

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

Members composing the same.

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

Gael liquor introduction restraint bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province."

The Honourable Mr. Fraser took the Chair.

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

A bill brought up from the Assembly.

A deputation from the Commons House of Assembly brought up a bill, to which they requested the concurrence of this House, and then withdrew.

Gael liquor introduction restraint bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province."

The Honourable Mr. Fraser took the Chair.

After some time the House resumed.

Amendments reported;

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

Ordered, that the report be received; and,

Read first time.

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

Monday, 6th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

- In the title, line 1—Expunge “restrain” and insert “prevent” The amendments.
- In the bill, Press 1, line 1—Expunge “restrain” and insert “prevent”
- “ “ line 14—After the word “as” insert “have been or”; after the word “shall” insert “be hereafter”; after the words “to time” expunge “be”; after the word “by” expunge to the word “every” in the next line, and insert the word “law”
- The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was, Read second time and adopted.
- Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.
- The Honourable the Speaker reported to the House, that a deputation from the Commons House of Assembly had brought up a bill, entitled, “An Act to extend the time for completing the expenditure upon the Post road between Cornwall and L’Orignal,” to which they requested the concurrence of this House. Speaker reports the receipt of Cornwall and L’Orignal road completion time extension bill, from the Assembly.
- The said bill was then read; and it was, Read first time.
- Ordered, that the same be read a second time to-morrow.
- Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill for the relief of certain new Districts in this Province. Certain new Districts relief bill, committed.
- The Honourable Mr. De Blaquiere took the Chair.
- After some time the House resumed.
- The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, and recommended the bill, as amended, to the adoption of the House. Amendments reported.
- Ordered, that the report be received; and, Adopted.
- Ordered, that the said bill, as amended, be engrossed, and the same read a third time to-morrow.
- Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill to repeal, alter and amend the Militia law of this Province, and the report of the Select Committee thereon. Militia Law repeal bill, committed.
- The Honourable Mr. Fergusson took the Chair.
- After some time the House resumed.
- The Chairman reported that the Committee had taken the said bill, and report thereon, into consideration, had made some progress therein, and asked leave to sit again on Thursday next. Reported and leave granted to sit again.
- Ordered, that the report be received, and leave granted accordingly.
- On motion made and seconded, it was,
- Ordered, that two hundred copies of the said bill, be printed for the use of Members. Same ordered to be printed.
- Pursuant to the order of the day, the bill, entitled, “An Act to authorise the Judges of the Court of Queen’s Bench in this Province to admit Attornies of the Courts of Law, at Westminster and Dublin, to practise as Attornies in the Courts of Law in this Province, and also to authorise the Vice-Chancellor of this Province to admit Solicitors of the High Court of Chancery in England, to practise as Solicitors in the Court of Chancery in this Province,” was read a second time; and it was, English Attornies admission bill, read second time;
- Ordered, that the same be referred to a Select Committee, to report thereon by amendment or otherwise; and, and referred to a Select Committee.
- Ordered, that the Honourable Messieurs Fergusson, Radcliffe and De Blaquiere, do compose the same for that purpose. Members composing the same.
- Pursuant to the order of the day, the bill, entitled, “An Act for further regulating the manner of granting licenses to Innkeepers, and to the keepers of Ale and Beer Houses within this Provinces,” was read a second time; and it was, Innkeepers license further regulation bill, read second time;
- Ordered, that the same be referred to a Select Committee, to report thereon; and, And referred to a Select Committee.
- Ordered, that the Honourable Messieurs Morris, John Macaulay and John Simcoe Macaulay, do compose the same for that purpose. Members composing the same.
- Pursuant to the order of the day, the bill, entitled, “An Act to authorise the Receiver-General to dispose of the Provincial Stock in the Bank of Upper Canada,” was read a second time; and it was, Provincial Bank Stock disposition bill, read second time.

Tuesday, 7th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

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

Petitions of D. Chatterton, and others;

Pursuant to the order of the day, the petition of D. Chatterton, and others, inhabitants of the Town of Cobourg, praying for an alteration in the Act incorporating the said Town, by amending the same, for the purpose of securing a just and equitable rating of property therein, and praying that the limits of the said Town may be extended; and also the petition of Robert John Turner, of the City of Toronto, praying for an Act authorising the Court of Chancery of this Province to admit him to practise therein as a Solicitor; were severally read.

And of Robert John Turner, read.

Notice of moving the adoption of certain Resolutions, on the subject of the internal communications of this Province.

The Honourable Mr. De Blaquiere gave notice that he would, on to-morrow, move certain resolutions, on the subject of the internal communications of this Province.

Notice of moving that the Speaker be requested to acknowledge the receipt of Dr. Bridges' letter placing at the disposal of the House certain copies of a digest of the Constitution of Great Britain.

The Honourable Mr. De Blaquiere gave notice that he would, on to-morrow, move that the Honourable the Speaker be requested to acknowledge the letter lately received from Dr. Bridges, placing at the disposal of the Legislative Council, fifteen thousand copies of a digest of the Constitution of Great Britain, and thanking him for the same.

Report of the Select Committee, appointed to wait upon the Governor-General with an Address thanking His Excellency for His Messages of the third instant.

The Honourable Mr. Adamson, from the Select Committee, appointed to wait upon the Governor-General with an Address of thanks to His Excellency, for his several Messages of the third instant, reported the delivery thereof.

Report of the Select Committee appointed to draft an Address to the Governor-General thanking His Excellency for his Messages of this day. Draft read first time. Read second time.

The Honourable Mr. Crooks, from the Select Committee, appointed to draft an Address to the Governor-General, thanking His Excellency for his Messages of this day, reported a draft thereof, which he read in his place, and the same was then again read by the Clerk, and adopted, as follows:—

To His Excellency the Right Honourable CHARLES POULETT THOMSON, Governor-General of British North America, and Captain-General and Governor-in-Chief, in and over the Provinces of Upper Canada, Lower 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:

The Address.

The Legislative Council return their respectful thanks for Your Excellency's Messages of this day, and they assure Your Excellency, that this House will not fail to give to the important question, relating to the Clergy Reserves, their most careful attention, with a view to its final settlement, in a manner advantageous to the sacred objects for which the reservation was originally made, and to the satisfaction of the people of this Province.

On motion made and seconded, it was,

A select Committee appointed to wait upon His Excellency, to know when the foregoing Address would be received, and to present it.

Ordered, that a Select Committee be appointed, to wait upon the Governor-General, to know when His Excellency would be pleased to receive the last-mentioned Address, and to present the same; and,

Members composing the same.

Ordered, that the Honourable Messieurs Adamson and Morris, do compose the Committee for that purpose.

Petition of Warren Claus, and another; brought up.

The Honourable Mr. Crooks brought up the petition of Warren Claus, and another, of the Town of Niagara; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

TUESDAY, 7th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKS,

The Honourable Mr. CROOKSHANK,

“ “ MORRIS,

The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,

“ “ FERGUSSON,

The Honourable Messrs. WELLS,

“ “ JOHN SIMCOE MACAULAY,

“ “ ELMSLEY,

“ “ DE BLAQUIERE,

“ “ BALDWIN.

“ “ FRASER,

“ “ HAMILTON,

“ “ MCGILLIVRAY.

“ “ ADAMSON,

Tuesday, 7th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Stewart came to the table, and took and subscribed the oath prescribed by the Statute of the 31st Geo. III. Chap. 31st, which was administered by John Joseph, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council, and took his seat accordingly.

Hon. Mr. Stewart takes the oath prescribed by law.

The Honourable Mr. Adamson, from the Select Committee, appointed to present an Address of thanks to His Excellency the Governor-General, for his Messages of yesterday, reported the delivery thereof.

Report of the Select Committee appointed to wait upon the Governor-General with an Address thanking His Excellency for His Messages of yesterday.

The Honourable the Speaker reported to the House, the receipt of the following communication from the Master in Chancery:—

Speaker reports the receipt of a Communication from the Master in Chancery, declaring his inability to perform the duties of his office, on account of ill health.

Toronto, 7th January, 1840.

SIR,

Since the period of my last attendance on the Legislative Council, I have been daily expecting that my health would become better; but as the reverse has proved the case until this day, I would not longer delay addressing you on the subject, in order to request that the House will be pleased to appoint whoever they may prefer, to perform any duty found necessary to be done before my return: which, I trust, will be within two or three days.

The Communication.

I have the honour to be,

SIR,

Your obedient Servant,

D. BOULTON.

The Honourable JONAS JONES,

Speaker,

Legislative Council.

It was moved and seconded, that it be—

Resolved—That during the illness of the Master in Chancery, the Clerk of this House be directed to carry any Messages to the Commons House of Assembly, and that this Resolution be communicated to that House.

A resolution moved for appointing the Clerk to discharge the duty of Master in Chancery, during the indisposition of that Officer.

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

Read second time, and adopted.

Ordered accordingly.

The order of the day being read for a third reading of the bill, entitled, "An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province," as amended, it was,

Third reading of Gaol liquor introduction restraint bill, as amended, discharged from the order of the day;

Ordered, that the same be discharged; and,

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

And referred to a Select Committee.

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

Members composing the same.

The Honourable Messieurs Allan and Sullivan, enter.

Members enter.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill for the establishment of a College, in connection with the Church of Scotland.

Presbyterian College establishment bill, re-committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Amendments reported.

Ordered, that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the bill for the relief of certain new Districts in this Province, was read a third time, and passed; and it was,

Certain new Districts relief bill, read third time, and passed.

Tuesday, 7th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Title ordered. Ordered, that the title be, "An Act to provide for the continuation of suits and process, in cases of formation of new Districts."

Bill signed; Whereupon the Speaker signed the bill; and it was,

And sent to the Assembly for concurrence. Ordered, that the same be sent to the Commons House of Assembly, for their concurrence.

Provincial Bank Stock disposition bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the Receiver-General to dispose of the Provincial Stock in the Bank of Upper Canada."

The Honourable Mr. Hamilton took the Chair.

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

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

Mr. SPEAKER :

The Commons House of Assembly have passed a resolution, which they herewith communicate, for the information of the Honourable the Legislative Council.

ALLAN N. MACNAB,
SPEAKER.

Acquainting this House of the adoption of a resolution in relation to the appointment of the Clerk of this House to discharge the duty of Master in Chancery during the indisposition of that Officer.

Commons House of Assembly,
7th day of January, 1840.

The resolution.

Resolved—That during the illness of the Master in Chancery, the Clerk of the Honourable the Legislative Council, be received as their Messenger to this House, and that a copy of this resolution be communicated to the Honourable the Legislative Council.

Provincial Bank Stock disposition bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the Receiver-General to dispose of the Provincial Stock in the Bank of Upper Canada."

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported and leave granted to sit again.

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

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

Cornwall and L'Original road completion time extension bill, read second time.

Pursuant to the order of the day, the bill, entitled, "An Act to extend the time for completing the expenditure upon the Post road between Cornwall and L'Original," was read a second time; and it was,

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

Certain Resolutions, on the subject of the internal communications of this Province, moved. Read first time.

Pursuant to notice, the Honourable Mr. De Blaquiére, moved certain resolutions, on the subject of the internal communications of this Province; which being seconded,

The said resolutions were then read by the Clerk, and they are as follows:—

The resolutions.

Resolved 1st.—That the establishment of general central lines of road communication throughout the Province of Upper Canada, would materially conduce to the security of the Colony, by affording uninterrupted support and combination between the several detached military positions, which are now necessarily scattered over a very extended country, at present detached and insulated; and it being very desirable that these communications should be determined upon in such a direction as will not only replace, in case of need, the water communications along the frontier, if interrupted, but also further contribute, by judicious cross sections of roads through the several Districts, to be principally executed by a tax upon wild lands, to the efficacy of such water communications, whilst in operation.

Resolved 2nd.—That the vast agricultural and commercial resources of this Colony, as yet almost wholly undeveloped, especially require the adoption of effective means, in order to their early realization, and which, it is evident, the unpaid exertions of an infant Colony, are wholly unable to accomplish.

Resolved 3rd.—That the present interests of the mother country, not less than future prospects, imperatively point out the expediency of now providing markets for her increasing manufactures, in countries on whose connection and support a full reliance may be placed; and that the Provinces of Upper and Lower Canada not only offer such an opening to the

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THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

extension of British enterprise and industry, but also combines, at the same time, if duly nurtured, an inexhaustible field, from whence the staple food of Great Britain may be obtained, exchanging its manufactures, and not gold, for such supplies.

Resolved 4th.—That it cannot admit of any doubt, but that the first step to a result so beneficial to Great Britain and to this Colony, must be the permanent establishment of its external and internal communications, as well by water as by land, thereby diffusing a blessing to every member of the community, however humble his situation, and moreover, under Divine favour, tending to colonize and settle the whole Province, by piercing through extensive tracts of wild, but abundantly fertile land, bringing the same into early cultivation, and connecting such parts of the Province as are now, by the interposition of these tracts, rendered almost, if not altogether, unproductive to those who, from necessity, have been driven into such situations.

Resolved 5th.—That such works are pre-eminently calculated to increase the resources of the Colony, by the development of numerous positions throughout its surface, possessed of extensive hydraulic capabilities now dormant, or but partially and feebly brought into operation.

Resolved 6th.—That the public roads of this Province are quite inadequate for the vital and essential objects thus contemplated, being for the most part incapable of affording, during the greater part of the year, any means for easy or expeditious transport.

Resolved 7th.—That the efforts already made to remedy these evils, by local legislation, have only occasioned partial attempts to construct detached portions of public roads, in no way dependant on communicating with or assisting each other, or at all forming parts of a general line of roads, applicable to the wants and interests of the entire Province, in connection with Great Britain, whilst the burthen of many attempts have fallen upon the whole community.

Resolved 8th.—That these several isolated attempts are, for the greater part, incomplete, although large sums have been, from time to time, voted for them by the House of Assembly, and that it will still require great outlay to finish these several undertakings.

Resolved 9th.—That the objects in view, in many parts of the Province, could, it is presumed, be attained at far less expense, if due regard were had, after examination, into the geological structure of the several sections through which such roads have passed or might be formed, or to the particular sort of road best adapted to the localities of the several Districts.

Resolved 10th.—That it would afford far greater satisfaction to this Province, and insure a provident and economical application of the funds to be raised for this purpose, if the works in question were to be fixed upon, laid down and executed, under the exclusive direction of a Board of Works, or other proper persons chosen by Her Majesty's Government, who could competently determine which parts of said general line of road ought, with reference to public utility and convenience; to be first undertaken.

On motion made and seconded, it was,

Ordered, that on Friday next, the House be put into a Committee of the whole, to take the foregoing resolutions into consideration; and,

Ordered, that two hundred copies thereof, be in the mean time printed for the use of Members. Ordered to be printed.

The order of the day being read for moving the thanks of this House to Dr. Bridges, for certain copies of a Digest of the Constitution of Great Britain, transmitted by him; it was, Motion of thanks to Dr. Bridges for certain copies of a digest of the Constitution of Great Britain, discharged from the order of the day.

Ordered, that the same be discharged.

The Honourable Mr. Elmsley brought up the petition of William Gamble, and others, inhabitants of the Home District; which was laid on the table. Petition of William Gamble and others; brought up.

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act to authorise the levying an additional tax, for the purpose of building a Gaol and Court House at Bytown, in the District of Dalhousie," presented their report. Report of the Select Committee, upon Dalhousie Gaol and Court House bill, presented.

Ordered, that it be received; and,

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Read.

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

The report.

The Select Committee, to whom was referred the bill sent up from the House of Assembly, entitled, "An Act to authorise the levying an additional tax, for the purpose of building a Gaol and Court House at Bytown, in the District of Dalhousie," beg leave to report:—

That they find the notice in the Upper Canada Gazette, required by a rule of your Honourable House, inserted for the first time on the fifteenth July last, and continued till the twenty-first November last.

They also find that no petition on the subject has been presented to your Honourable House.

Your Committee are induced to look upon the omission to insert the notice in the Gazette at an earlier period, as arising from the expectation that the Legislature would not be assembled at so early a time as it has been called together; and, as it appears by the preamble of the bill, that a petition from the Magistrates residing within the Townships forming the new District, has been presented to the House of Assembly, your Committee hope that the want of a petition to your Honourable House, will not prove an obstacle to entertaining the measure, as much public inconvenience may, in this case, result from a rigid adherence to the rules of your Honourable House.

Your Committee, therefore, respectfully recommend that the rules of your Honourable House, requiring notice and petition, may in this instance be dispensed with.

Your Committee have perused and considered the bill sent up from the House of Assembly, and think it would be most convenient to follow the ordinary course of raising rates for the purpose of repaying loans, created for the purpose of building Gaols and Court Houses in new Districts; they therefore respectfully recommend, that after the word "Dalhousie" in the fifth line, in the original bill, the whole be expunged and the following inserted:

"And whereas, it is expedient to provide by an increased assessment, for the repayment of any sum of money which shall be raised, by way of loan, for the erection of a Gaol and Court House in the new District of Dalhousie, under the provisions of an Act passed in the Parliament of this Province, entitled, 'An Act to erect certain Townships, now forming part of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie, and for other purposes therein-mentioned': Be it therefore enacted, &c. That so soon as the said District of Dalhousie shall be erected and proclaimed, according to the said Act, it shall and may be lawful for Her Majesty's Justices of the Peace, residing within the said District, to direct and order the levy of an increased rate, not exceeding one penny in the pound over and above the ordinary assessment, in all ratable property within the said District; which said new rate shall be applied in payment of the interest and principal of any sum which shall be raised under the authority of the said Act, and which said increased rate shall continue to be raised, levied and collected, until the sum so borrowed, and the interest thereon, shall be fully paid and discharged, and no longer."

"And be it further enacted, &c. That it shall be the duty of the Clerk of the Peace, in the said District of Dalhousie, to add to the Assessment Lists thereof the said increased rate, and that the sums shall be collected in the same manner as other rates and assessments within the said District, and received and accounted for and applied by the Treasurer of the said District, in pursuance of the provisions of this Act."

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room,
7th January, 1840.

On motion made and seconded, it was,

Wednesday, 8th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

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

On motion made and seconded, the House adjourned.

House adjourns.

WEDNESDAY, 8th JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. SULLIVAN,

The Honourable Messrs. ALLAN,

“ “ FERGUSSON,

“ “ BALDWIN,

“ “ WILKINS,

“ “ HAMILTON,

“ “ DE BLAQUIERE,

“ “ ADAMSON,

“ “ FRASER,

“ “ STEWART,

“ “ MCGILLIVRAY.

“ “ MORRIS,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, “An Act to authorise the Receiver-General to dispose of the Provincial Stock in the Bank of Upper Canada.”

Provincial Bank Stock disposition bill, re-committed;

The Honourable Mr. Hamilton took the Chair.

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

Deputations from the Commons House of Assembly brought up several bills, to which they requested the concurrence of this House; and they returned the bill, entitled, “An Act to provide for the continuation of suits and process in cases of formation of new Districts,” and acquainted this House that the Commons House of Assembly had passed the same without any amendment.

Bills brought up from the Assembly.
And Certain new Districts relief bill, passed by that House without amendment.

The House was then again put into a Committee of the whole, upon the bill, entitled, “An Act to authorise the Receiver-General to dispose of the Provincial Stock in the Bank of Upper Canada.”

Provincial Bank Stock disposition bill, re-committed;

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

Adopted.

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

The Honourable Mr. Crooks enters.

A Member enters.

The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly had brought up a bill, entitled, “An Act to alter and amend an Act, entitled, ‘An Act to authorise the erection of the County of Hastings into a separate District, and to continue the additional assessment for the District of Victoria’; also a bill, entitled, “An Act to make good certain moneys advanced in compliance with the address of the House of Assembly during the last Session of the Legislature for the contingent expenses thereof”; and also a bill, “entitled, “An Act for stopping up parts of certain streets in the town plot of Sandwich, in the Western District, and for other purposes therein-mentioned,” to which they requested the concurrence of this House.

Speaker reports the receipt of Victoria District erection law alteration bill;

Contingency covering bill;

And Sandwich useless streets stoppage bill, from the Assembly.

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

Read first time.

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

The order of the day being read, for reading a third time the bill for the establishment of a College in connection with the Church of Scotland—it was,

Probyterian College establishment bill, not read a third time pursuant to order;

Ordered, that the same be not now read; and,

Ordered, that the said bill be further amended as follows:

But the same further amended;

Press 1, line 7.—Expunge “College” and insert “University.”

The further amendments.

“ 9.—Expunge the tenth clause, and insert in lieu thereof, “ 10. And be it further enacted by the authority aforesaid, That whenever there shall be a Principal and

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four Professors employed in the said College, the College Senate shall have power and authority to confer the degrees of Bachelor, Master and Doctor, in the several arts and faculties."

On motion made and seconded, it was,

Ordered, that the last-mentioned amendments be engrossed, and the said bill, as amended, read a third time this day.

Cornwall and L'Original road completion time extension bill, committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to extend the time for completing the expenditure upon the Post road between Cornwall and L'Original."

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

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

Petitions of T. Butler, and others; Of George Adams, and others;

Pursuant to the order of the day, the petition of T. Butler, and others, inhabitants of the Town of Niagara, and its vicinity; and also the petition of George Adams, and others, inhabitants of St. Catharines, and its vicinity, respectively praying for an Act increasing the capital stock of the Commercial Bank of the Midland District; also the petition of Helen Handley, of Cobourg, in the District of Newcastle, praying for an Act appointing Trustees to manage the estate of her husband, William Handley, on account of lunacy; also the petition of Nathan Pawling, and others, inhabitants of the Townships of Niagara, Grantham and Louth, praying against the levying of tolls upon the Lake road between Niagara and Saint Catharines; also the petition of G. B. Harrison, and others, inhabitants of the District of Gore, praying for an Act incorporating a Company, for the formation of a Harbour at the Village of Bronté; also the petition of the Stockholders of the Great Western Rail-road Company, praying for an Act repealing so much of the ninth clause of their Charter as relates to personal security; also the petition of Duncan McDonell, and others, inhabitants of the Eastern District, praying for an Act compelling persons owning lands overflown, or sustaining other damages by the construction of Mill Dams, to submit their claims for such damages to the assessment of Arbitrators; and also the petition of Warren Claus, and another of the Town of Niagara, praying that an investigation may be had with reference to the surrender to the Crown by the Indians of the Six Nations, of a certain tract of land on the Grand River, for the use of the late William Claus; were severally read.

Of Helen Handley;

Of Nathan Pawling, and others;

Of G. B. Harrison, and others;

Of the Stockholders of the Great Western Rail-road Company;

Of Duncan McDonell, and others;

And of Warren Claus, and another; read.

Presbyterian College establishment bill (as amended), read third time and passed;

Pursuant to order, the bill for the establishment of a College, in connection with the Church of Scotland, was, as amended, read a third time and passed; and it was,

Title ordered;

Ordered, that the title be, "An Act to establish a College at Kingston, by the name and style of the University of Queen's College."

Bill signed;

Whereupon the Speaker signed the said bill; and it was,

And sent to the Assembly for concurrence.

Ordered, that the same be sent to the Commons House of Assembly, for their concurrence.

Petitions of Dunham Jones, and others;

The Honourable Mr. Morris brought up the petition of Dunham Jones, and others, inhabitants of the Town of Brockville; which was laid on the table.

Of Duncan McDonell;

The Honourable Mr. Sullivan brought up the petition of Duncan McDonell, of Greenfield; also the petition of Charles A. Low, and others, inhabitants of the Eastern and Ottawa Districts; and also the petition of Raymond Baby, and others, inhabitants of the Town and Township of Sandwich; which were laid on the table.

Of Charles A. Low, and others;

And of Raymond Baby, and others; brought up.

Report of the Select Committee, upon Good liquor introduction restraint bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province," presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province," beg leave to report the following amendments in and to the said bill, in addition to those already made by your Honourable House:—

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Press 1, line 18—After the word “and” insert the word “be”

“ “ “ 20—After the word “any” expunge the words “two Justices” and insert “one Justice”; after the word “peace” insert the words “with any offence”; after the word “such” expunge the words “Justices” and insert the word “Justice”

“ “ “ 24—After the word “personally” expunge the word “the” and insert “any two”; after the word “Justices” insert “of the Peace for the District where the offence is alleged to have been committed.”

“ 2, “ 1—After the word “person” expunge the words “and bringing him before them”

“ “ “ 2—After the word “or” insert “any one of”; after the word “if” expunge the word “they” and insert the word “he”

“ “ “ 14—After the word “Justices” expunge the words “issuing the summons for his attendance” and insert the words “assembled to try the offence”

“ 3, “ 1—After the word “correction” insert the words “of the District”

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
8th day of January, 1840.

On motion made and seconded, it was,

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

The Honourable Mr. Crooks brought up the petition of Benjamin Willson, and others, inhabitants of the London District; also the petition of Peter Frederick Verhoeff, of the Township of Sandwich, in the Western District; also the petition of George Babcock, of the Town of Brantford; also the petition of Thomas M. Taylor, of the Town of Chatham; also the petition of Lewis Davenport, of the Town of Sandwich; and also the petition of John Douglas, and others, inhabitants of the Town of London; which were laid on the table.

The Honourable Mr. Sullivan moved for leave to bring in a bill, presently, to authorise the Benchers of the Law Society, at their discretion, to call John Bristowe to the Bar of this Province.

Which being seconded, it was,

Ordered, that he take leave accordingly; and,

The said bill was then brought in and read; and it was,

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

On motion made and seconded, the House adjourned.

Petitions of Benjamin Willson, and others;
Of Peter F. Verhoeff;
Of George Babcock;
Of Thomas M. Taylor;
Of Lewis Davenport;
And of John Douglas, and others; brought up.

Motion for leave to bring in Bristowes Barrister admission bill.

Leave granted.

Bill brought in and read first time.

House adjourns.

THURSDAY, 9th JANUARY, 1840.

The House met pursuant to adjournment.

House mcets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. WELLS,

“ “ ALLAN,

“ “ ELMSLEY,

“ “ BALDWIN,

“ “ HAMILTON,

“ “ ADAMSON,

The Honourable Messrs. CROOKS,

“ “ STEWART,

“ “ FERGUSON,

“ “ DE BLAQUIERE,

“ “ FRASER,

“ “ MCGILLIVRAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill, entitled, “An Act to authorise the Receiver-General to dispose of the Provincial Stock in the Bank of Upper Canada,” was read a third time and passed.

Provincial Bank Stock disposition bill, read third time and passed;

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Same signed; And the Assembly acquainted thereof.	Whereupon the Speaker signed the same; and it was, Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.
A Member enters.	The Honourable Mr. Wilkins enters.
Cornwall and L'Orignal road completion time extension bill, read third time;	Pursuant to the order of the day, the bill, entitled, "An Act to extend the time for completing the expenditure upon the Post road between Cornwall and L'Orignal," was read a third time; and it was,
But not passed.	Ordered, that this bill do not now pass, but that it be amended, as follows:
The same amended.	Line 11—After "that" expunge "in consequence of" and insert "notwithstanding" On motion made and seconded, it was, Ordered, that the foregoing amendment be engrossed, and the said bill, as amended, read third time this day.
Members enter	The Honourable Messieurs John Macaulay and Radcliffe, enter.
Militia Law repeal bill, (as amended,) re- committed.	Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill to repeal, alter and amend the Militia Law of this Province, as amended. The Honourable Mr. Fergusson took the Chair. A Message being announced, the Chairman left the Chair, and the House formed.
Bills brought up from the Assembly. And the amendments to Fish inspection regulation bill, acceded to by that House.	Deputations from the Commons House of Assembly, brought up some bills, to which they requested the concurrence of this House, and they returned the bill, entitled, "An Act to regulate the inspection of Fish, and to prevent non-residents from fishing within the waters of this Province," and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.
Militia Law repeal bill, (as amended,) re-committed.	The House was then again put into a Committee of the whole, upon the bill to repeal, alter and amend the Militia law of this Province, as amended. The Honourable Mr. Fergusson took the Chair.
House resumes.	After some time the House resumed.
Speaker reports the receipt of Midland District additional tax bill;	The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned"; and also a bill, entitled, "An Act to incorporate certain persons, under the title of the York Bridge Company," to which they requested the concurrence of this House.
And York Bridge Company's incorporation bill, from the Assembly;	
Read first time.	The said bills were then severally read; and it was, Ordered, that the same be read a second time, to-morrow.
Cornwall and L'Orignal road completion time extension bill, (as amended,) read third time, and passed;	Pursuant to order, the bill, entitled, "An Act to extend the time for completing the expenditure upon the Post road between Cornwall and L'Orignal," was, as amended, read a third time; and, The question being put whether this bill, as amended, should pass, it was carried in the affirmative.
Amendment signed, And sent to the Assembly for concurrence.	Whereupon the Speaker signed the amendment; and it was, Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with an amendment, to which they desire the concurrence of the Commons House of Assembly.
Gaol liquor introduction restraint bill, re-committed;	Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province," and the report of the Select Committee thereon. The Honourable Mr. Crooks took the Chair. After some time the House resumed.
Further amendments reported;	The Chairman reported that the Committee had gone through the said bill, and had made some further amendments thereto, which they recommended to the adoption of the House. Ordered, that the report be received; and, The said further amendments were then read by the Clerk, as follows:
Read first time;	
The further amendments.	Press 1, line 18—After "and" insert "be" " " " 20—After "any" expunge "two Justices" and insert "one Justice"; after "Peace" insert "with any offence"; after "such" expunge "Justices" and insert "Justice."

Thursday, 9th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Press 1, line 24—After “personally” expunge “the” and insert “any two”; after “Justices” insert “of the Peace for the District where the offence is alleged to have been committed.”

“ 2, “ 1—After “person” expunge “and bringing him before them”

“ “ “ 2—After “or” insert “any one of”; after “if” expunge “they” and insert “he”

“ “ “ 14—After “Justices” expunge “issuing the summons for his attendance” and insert “assembled to try the offence”

“ 3, “ 1—After “correction” insert “of the District”

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

Read second time, and adopted.

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

The Honourable Mr. Elmsley gave notice that he would, on to-morrow, move that it be Resolved, that an Address be presented to His Excellency the Governor-General, on the subject of the Militia law of this Province.

Notice of moving an Address to His Excellency, on the subject of the Militia laws of this Province.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, “An Act to authorise the levying an additional tax, for the purpose of building a Gaol and Court House at Bytown, in the District of Dalhousie,” and the report of the Select Committee thereon.

Dalhousie Gaol and Court House bill, committed.

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

House resumes.

Pursuant to the order of the day, the bill, entitled, “An Act for stopping up parts of Streets, in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned,” was read a second time; and it was,

Sandwich useless streets' stoppage bill, read second time;

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

And referred to a Select Committee;

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

Members composing same.

Pursuant to the order of the day, the bill, entitled, “An Act to alter and amend an Act, entitled, ‘An Act to authorise the erection of the County of Hastings into a separate District, and to continue the additional assessment for the District of Victoria’”; also the bill, entitled, “An Act to make good certain moneys advanced in compliance with the Address of the House of Assembly, during the last Session of the Legislature, for the contingent expenses thereof”; and also the bill to authorise the Benchers of the Law Society, at their discretion, to call John Bristowe to the Bar of this Province, were severally read a second time; and it was,

Victoria District erection law alteration bill;

Contingency covering bill;

And Bristowe Barrister admission bill, read second time.

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

Pursuant to the order of the day, the petition of William Gamble, and others, inhabitants of the Home District, praying to be incorporated, under the style and title of the Humber Harbour Company, with a capital of £6,000, was read.

Petition of William Gamble, and others; read.

The Honourable Mr. Morris gave notice that he would, on to-morrow, move that the bill, entitled, “An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Erie and Ontario Bank of the Niagara District,” be restored to the order of the day.

Notice of moving the restoration of Niagara District Bank bill to the order of the day.

The Honourable Mr. Allan brought up the petition of Thomas Merritt, and others, residing in the vicinity of the Welland Canal; which was laid on the table.

Petition of Thomas Merritt, and others; brought up.

On motion made and seconded, it was,

Ordered, that the Honourable Mr. John Macaulay, be added to the Select Committee, upon the bill, entitled, “An Act to alter and amend the Act passed during the third Session of the present Parliament, entitled, ‘An Act to authorise the establishment of Boards of Boundary Line Commissioners, within the several Districts of this Province.’”

A Member added to the Select Committee upon Boundary line Commissioners law amendment bill.

The Honourable Mr. Hamilton brought up the petition of Isaac Fraser, Chairman of the Quarter Sessions of the Midland District; which was laid on the table.

Petition of Isaac Fraser; brought up.

On motion made and seconded, the House adjourned.

House adjourns.

Friday, 10th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

FRIDAY, 10th JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, <i>SPEAKER,</i>	<i>The Honourable Messrs.</i> MORRIS,
	<i>The Honourable Messrs.</i> CROOKSHANK,	" " SULLIVAN,
	" " ELMSLEY,	" " FERGUSSON,
	" " BALDWIN,	" " JOHN SIMCOE MACAULAY,
	" " HAMILTON,	" " DE BLAQUIERE.
" " ADAMSON,		

Prayers were read.

The Minutes of yesterday were read.

Gaol liquor introduction
restraint bill, (as
inclosed,) read third time
and passed;

Pursuant to the order of the day, the bill, entitled, "An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province," was, as amended, read a third time; and,

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

Amendments signed,

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly
for concurrence.

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

Members enter.

The Honourable Messieurs Allan, Crooks, Stewart, Radcliffe, Fraser and McGillivray, enter.

Resolutions on the
internal communications
of this Province,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the resolutions, on the subject of the internal communications of this Province.

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

Reported and leave asked
to sit again;

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

Leave granted.

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

Victoria District erection
law alteration bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend an Act, entitled, 'An Act to authorise the erection of the County of Hastings into a separate District, and to continue the additional assessment for the District of Victoria.'"

The Honourable Mr. McGillivray took the Chair.

After some time the House resumed.

Reported,

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

Ordered, that the report be received; and,

And referred to a
Select Committee;

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

Members composing the
same.

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

Contingency covering
bill, discharged from the
order of the day.

The order of the day being read, for putting the House into a Committee of the whole, upon the bill, entitled, "An Act to make good certain moneys advanced in compliance with the Address of the House of Assembly, during the last Session of the Legislature, for the contingent expenses thereof," it was,

Ordered, that the same be discharged; and,

And referred to a Select
Committee;

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

Members composing the
same.

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

Bristowe's Barrister
admission bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill to authorise the Benchers of the Law Society, at their discretion, to call John Bristowe to the Bar of this Province.

The Honourable Mr. Hamilton took the Chair.

House resumes.

After some time the House resumed.

Friday, 10th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

Pursuant to the order of the day, the bill, entitled, "An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned," was read a second time; and it was,

Midland District additional tax bill, read second time;

Ordered, that the same be referred to a Select Committee, to report thereon; and,

And referred to a Select Committee.

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

Members composing the same.

Pursuant to the order of the day, the bill, entitled, "An Act to incorporate certain persons, under the title of the York Bridge Company," was read a second time; and it was,

York Bridge Company's incorporation bill, read second time;

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

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Elmsley, Hamilton and Fraser, do compose the same for that purpose.

Members composing the same.

Pursuant to notice, the Honourable Mr. Morris moved that the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Erie and Ontario Bank of the Niagara District," be restored to the order of the day, and that the House be put into a Committee of the whole, to-morrow, to take the said bill into consideration.

Motion for restoring Niagara District Bank incorporation bill, to the order of the day;

Upon the same being seconded, it was,

Moved, in amendment thereto, that the words "to-morrow" in the original motion, be expunged, and that the words "this day three months" be inserted instead thereof.

Motion in amendment thereto;

Which being seconded, the question of concurrence was put thereon, and the same was carried in the negative.

Question put and negatived.

The main question was then put, and carried in the affirmative; and it was,

Main question put and carried.

Ordered accordingly.

The Honourable Mr. Adamson, from the Select Committee to whom was referred the petition of John Fennings Taylor, praying to be remunerated for extraordinary services rendered to this House, presented their report.

Report of the Select Committee, upon the petition of John F. Taylor, presented;

Ordered, that it be received; and,

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

Read.

The Select Committee appointed to consider and report upon the petition of John Fennings Taylor, one of the Gentlemen employed in the Office of the Clerk of your Honourable House, beg leave to report:

The report.

That they have duly examined the grounds of the claim set forth in the petition, and beg leave to recommend an allowance of one hundred pounds to Mr. Taylor, in satisfaction of all extra services performed by that Gentleman, during the absence and illness of the late Clerk.

All which is respectfully submitted.

P. ADAMSON,
CHAIRMAN.

Committee Room, Legislative Council,
10th January, 1840.

Pursuant to notice, the Honourable Mr. Elmsley moved that it be,

Resolved, That an humble Address be presented to His Excellency the Governor-General, respectfully representing to His Excellency that the Militia Law of this Province, notwithstanding the alterations made therein during the last Session of the Provincial Parliament, is found to subject a large portion of the community to considerable inconvenience, without having the effect of rendering the Militia Force as efficient as this House thinks it might be made, by confining the requisition of Militia duties to a more limited portion of the people, and that this House humbly address His Excellency on this subject, in the hope that some amendment of the law may be introduced into the Provincial Parliament, tending to make the Provincial Militia really efficient as a Military force, in case of any emergency, requiring its being called into action, without the constant requisition for the assemblage of so large a portion of the male population of the Province as is now subject to the Militia law.

An Address on the subject of the Militia laws of this Province, moved;

Which being seconded, the question of concurrence was put on the said resolution, and the same was carried in the affirmative; and it was,

Question put and carried;

Ordered, that a Select Committee be appointed, to draft an Address to His Excellency the Governor-General, founded thereon; and,

And a Select Committee appointed to draft an Address.

Monday, 13th January, 1840.

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Members composing the same.

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

Petitions of Dunham Jones, and others;

Pursuant to the order of the day, the petition of Dunham Jones, and others, inhabitants of the Town of Brockville, and its vicinity, praying for an Act increasing the Capital Stock of the Commercial Bank of the Midland District; also the petition of Duncan McDonell, of Greenfield, praying for an Act to reimburse him a certain sum which was advanced by the petitioner for the improvement of the Post road from Cornwall to L'Orignal; also the petition of Charles A. Low, and others, inhabitants of the Eastern District, praying for an Act granting a further sum of money, in aid of the Cornwall and L'Orignal road; also the petition of Raymond Baby, and others, inhabitants of the Town and Township of Sandwich, praying for an Act authorising the stoppage of certain useless streets in the Town Plot of the said Town; also the petition of Benjamin Willson, and others, inhabitants of the District of London, praying that the Act of last Session, granting £2,000 for the improvement and repairs of the Kettle Creek Harbour, may be carried into effect; also the petitions of Frederick Verhoeff, of the Township of Sandwich; of George Babcock, of the Town of Brantford; and of Thomas M. Taylor, of the Town of Chatham; of Lewis Davenport, of Sandwich, respectively praying for an Act conferring upon them the rights and privileges of British subjects; and also the petition of John Douglas, and others, inhabitants of the Town of London, praying for an Act authorising the removal of the Register Office of the County of Middlesex to the said Town of London; were severally read.

Of Duncan McDonell;

Of Charles A. Low, and others;

Of Raymond Baby, and others;

Of Benjamin Willson, and others;

Of Frederick Verhoeff;

Of George Babcock;

Of Thomas M. Taylor;

Of Lewis Davenport;

And of John Douglas, and others; read.

Petition of William M. Ball, and others; brought up.

The Honourable Mr. Hamilton brought up the petition of William M. Ball, and others, inhabitants of the Town of Niagara; which was laid on the table.

Notice of moving for the appointment of a Select Committee, to report upon the Contingent Accounts.

The Honourable Mr. Crooks gave notice that he would, on Monday next, move for the appointment of a Select Committee to examine and report upon the contingent accounts of this House for the present Session.

House adjourns.

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

MONDAY, 13th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. MORRIS,

The Honourable Messrs. ELMSLEY,
" " HAMILTON,
" " ADAMSON,
" " CROOKS,

" " FERGUSSON,
" " DE BLAQUIERE,
" " FRASER,
" " MCGILLIVRAY.

Prayers were read.

The Minutes of Friday last were read.

Petitions of Hooker Henderson, and others;
Of Horatio Williams;
And of John Hedley, and others; brought up.

The Honourable Mr. Morris brought up the petition of Hooker Henderson, and others, inhabitants of the County of Grenville; also the petition of Horatio Williams, of the Township of Kitley, in the Johnstown District; and also the petition of John Hedley, and others, inhabitants of the Township of March; which were laid on the table.

Niagara District Bank incorporation bill, committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Eric and Ontario Bank of the Niagara District."

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported
And leave asked to sit again in three months;

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

Leave granted.

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

A Select Committee to report upon the Contingent Accounts, moved.

Pursuant to notice, the Honourable Mr. Crooks moved that a Select Committee be appointed, to examine and report upon the contingent accounts of this House for the present Session.

Monday, 13th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

Which being seconded, the question of concurrence was put, and the same was carried in the affirmative; and it was,

Ordered accordingly; and,

Ordered, that the Honourable Messieurs Allan, Crooks, Fergusson and McGillivray, do compose the Committee for the above-mentioned purpose.

The Honourable Messieurs Dunn and Radcliffe, enter.

Pursuant to the order of the day, the petition of Thomas Merritt, and others, inhabitants residing in the vicinity of the Welland Canal, praying for an Act incorporating a Banking Company at St. Catharines; also the petition of Isaac Fraser, Chairman of the Quarter Sessions of the Midland District, praying that the Act, entitled, "An Act to authorise the Magistrates of the Midland District to borrow a sum of money to build a wall around the Gaol and Court House of the Midland District," may be amended, so as to enable the Magistrates of the said District to levy a rate not exceeding one penny in the pound per annum, to meet the expenses of the said work, and to pay off the arrear of the District debt; and also the petition of William M. Ball, and others, inhabitants of Niagara, praying for a District tax on dogs; were severally read.

The Honourable Mr. Crooks brought up the petition of James Coleman, and others, inhabitants of Dundas, West Flamborough, and the adjoining Townships of the District of Gore; which was laid on the table.

The Honourable Mr. Adamson gave notice, that he would, on to-morrow, move that the bill to repeal, alter and amend the Militia law of this Province, be restored to the order of the day.

The Honourable Messieurs Allan, Baldwin and John Simcoe Macaulay, enter.

The Honourable Mr. Elmsley, from the Select Committee, appointed to draft an Address to His Excellency the Governor-General, on the subject of the Militia law of this Province, presented a draft thereof, which he read in his place, and it is as follows:—

To His Excellency the Right Honourable CHARLES POULETT THOMSON, Governor-General of British North America, and Captain-General and Governor-in-Chief, in and over the Provinces of Upper Canada, Lower 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 Upper Canada, respectfully beg to represent to Your Excellency, that the Militia law of this Province, notwithstanding the alterations made therein, during the last Session of the Provincial Parliament, is found to subject a large portion of the community to considerable inconvenience, without having the effect of rendering the Militia force as efficient as we think it might be made, by confining the requisition of Militia duties to a more limited portion of the people.

We humbly address Your Excellency on this subject, in the hope that some amendment of the law may be introduced into the Provincial Parliament, having a tendency to make the Militia really efficient as a Military force, in case of any emergency requiring its being called into action, without the constant requisition for the assemblage of so large a portion of the male population of the Province as are now subject to the Militia law.

It was moved and seconded, that the last-mentioned Address be read a second time, presently.

Whereupon the question of concurrence was put, and the same was carried in the negative.

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act for stopping up parts of streets in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

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

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The report

The Select Committee, to whom was referred the bill, entitled, "An Act for stopping up parts of streets in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned," beg leave to report:

That no objection occurs to them which can interfere with the passing of the bill.

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
13th day of January, 1840.

On motion made and seconded, it was,

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

On motion made and seconded, it was,

Ordered, that the report of the Select Committee, upon the petition of John F. Taylor, be referred to the Select Committee, appointed to examine and report upon the Contingent Accounts of this House for the present Session.

On motion made and seconded, the House adjourned.

Report of the Select Committee, upon the petition of John F. Taylor, referred to the Select Committee upon the Contingent Accounts.

House adjourns.

TUESDAY, 14th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. BALDWIN,
" " HAMILTON,
" " ADAMSON,
" " CROOKS,
" " MORRIS,

The Honourable Messrs. JOHN MACAULAY,
" " FERGUSSON,
" " JOHN SIMCOE MACAULAY,
" " DE BLAQUIERE,
" " FRASER,
" " MCGILLIVRAY.

Prayers were read.

The Minutes of yesterday were read.

Petitions of Thomas Ward, and others; and of Ebenezer Perry, and others; brought up.

The Honourable Mr. Morris brought up the petition of Thomas Ward, and others, inhabitants of the Town of Port Hope, and its vicinity; and also the petition of Ebenezer Perry, and others, inhabitants of the Town of Cobourg, and its vicinity; which were laid on the table.

Motion for restoring Militia Law repeal bill, to the order of the day;

Pursuant to notice, the Honourable Mr. Adamson moved that the bill to repeal, alter and amend the Militia law of this Province, be restored to the order of the day.

Question put and carried.

Which being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative; and it was,

Ordered accordingly; and,

Ordered, that the House be again put into a Committee of the whole, presently, to take the last-mentioned bill into further consideration.

The bill re-committed.

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

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

A resolution reported;

The Chairman reported that the Committee had taken the said bill again into consideration, and had agreed to a certain resolution, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said resolution was then read by the Clerk, as follows:

The resolution.

Resolved—That a well-organized Militia is most important and necessary for the proper defence of the country, and that the Militia laws of the Province are inadequate to insure so desirable an object, and therefore require amendment.

Read second time and adopted.

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

Tuesday, 14th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

Ordered, that the same be communicated to the Commons House of Assembly for their concurrence.

The same ordered to be communicated to the Assembly.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act for stopping up parts of streets, in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

Sandwich useless streets' stoppage bill, committed;

The Honourable Mr. John Macaulay took the Chair.

After some time the House resumed.

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

Reported ;
And leave granted to sit again.

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

The Honourable Mr. Radcliffe enters.

A Member enters.

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

Message from the Assembly ;

MR. SPEAKER :

The Commons House of Assembly request the Honourable the Legislative Council, to grant leave to the Honourable John Henry Dunn and John Macaulay, to attend and give evidence before the Select Committee on Finance.

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

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
14th day of January, 1840.

On motion made and seconded, it was,

Ordered, that the Honourable Messieurs Dunn and John Macaulay, do have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if they think fit; and,

Leave granted.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Honourable Messieurs Dunn and John Macaulay, have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if they think fit.

And the Assembly acquainted thereof.

The Honourable Mr. Crooks brought up the petition of the Trustees of the Ancaster Literary Institution; and also the petition of T. G. Millar, and others, inhabitants of the Townships of Waterloo and Woolwich; which were laid on the table.

Petitions of the Trustees of the Ancaster Literary Institution; And of T. G. Millar, and others, brought up.

Several Messages from His Excellency the Governor-General, were delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and they were again read by the Clerk, as follows :—

Messages from His Excellency the Governor-General :

C. POULETT THOMSON.

The Governor-General transmits, for the information of the Legislative Council, the Report received from the Commissioners for the improvement of the navigation of the River St. Lawrence, for the year 1839, with its accompanying documents.

Transmitting the report of the Commissioners for the improvement of the navigation of the River St. Lawrence;

Toronto, 14th January, 1840.

C. POULETT THOMSON.

The Governor-General desires to inform the Legislative Council, that after a very full consideration of the subject, Her Majesty's Government have come to the conclusion that they could not advise Her Majesty to confirm the bill passed by the Provincial Legislature during the last Session, but reserved for Her Majesty's confirmation, to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire.

On the subject of Fitz-Gibbon's land grant bill, reserved last Session for the signature of Her Majesty's pleasure;

Her Majesty's Government, sensible of the long and valuable services of Mr. FitzGibbon, came to this decision with much reluctance, but they felt that the confirmation of such an Act would be inconsistent with the principles laid down for the disposal of the waste lands of the Crown in the British Colonies, and confirmed in this Province by an Act of the Legislature, and that it would establish a very inconvenient precedent.

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If, however, the Legislature of Upper Canada should desire to mark their sense of Mr. FitzGibbon's services by a pecuniary grant, the Governor-General would have much satisfaction in recommending such a grant for Her Majesty's approval.

On the subject of Welland Canal private stock purchase bill, reserved last Session for the signification of Her Majesty's pleasure;

The Governor-General takes this opportunity of informing the Legislative Council, that the bill passed last year by the Legislature, but reserved for the signification of Her Majesty's pleasure, entitled, "An Act to authorise the purchase of the private stock of the Welland Canal, on the part of the Province, and for other purposes therein-mentioned," is still under the consideration of Her Majesty's Government.

Toronto, 14th January, 1840.

C. POULETT THOMSON.

In reply to the Address of the Legislative Council, on the subject of Education.

In reply to the Address from the Legislative Council of the 31st ultimo, the Governor-General desires to inform that House, that he is fully alive to the importance, with reference to the permanent well-being—the peace, happiness and prosperity of this Province—of the establishment of some general system of education. He has been commanded by the Queen, to express Her Majesty's willingness to co-operate with the local Legislature, in any measures well calculated to promote that object.

The inquiries which the Governor-General has himself made upon this subject, confirm most strongly his previous opinion, of the urgent necessity which exists for adopting some well considered plan respecting it.

The financial embarrassments of Upper Canada, appear, indeed, at this moment, opposed to any scheme which would require assistance from the Provincial revenue; but if a plan could be devised, by which the necessary means might be supplied, the Governor-General would be prepared, on his part, to devote his most anxious attention to the manner in which the views of the Legislature might be most effectually carried out.

Toronto, 14th January, 1840.

On motion made and seconded, it was,

An Address of thanks ordered to be presented to the Governor-General, for his Messages of this day.

Ordered, that an Address be presented to the Governor-General, respectfully thanking His Excellency for His several Messages just received; and,

A Committee appointed therefor.

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

Report of the Select Committee upon Contingency covering bill, presented;

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to make good certain moneys advanced in compliance with the Address of the House of Assembly, during the last Session of the Legislature, for the contingent expenses thereof," presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to make good certain moneys advanced in compliance with the Address of the House of Assembly, during the last Session of the Legislature, for the contingent expenses thereof," beg leave to report:

That the bill submitted to their consideration, provides the making good the

sum issued and advanced by His Excellency the Lieutenant-Governor of	£7,911	0	6½	
That the sum recommended by the Committee on Contingencies, of last Session, to the Clerk, is	£1,407	11	2	
The Usher Black Rod	311	4	11	
Which, together with several resolutions adopted by your Honourable House, amounting to	402	10	0	
Is				2,121 6 1
That a Warrant, it appears, was issued in favour of the Clerk of the Legislative Council, for	2,160	1	2	
And to the Usher of the Black Rod, for	311	4	11	2,471 6 1
				£350 0 0

It appears, by an error, a Warrant was issued to the Clerk, for the whole sum of 2,160 1 2

And another Warrant issued to the Usher of the Black Rod, for the sum of 311 4 11

Making the sum of £2,471 6 1

Tuesday, 14th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

That of the sum so received by said Clerk and Usher of the Black Rod, the said Clerk returned to the Receiver-General the sum of £311 4s. 11d., leaving a balance in the hands of the said Clerk, to be accounted for by him out of his Contingent Account for the present Session, amounting to £63 13s. 11d.

That, for the first time, it has come to the knowledge of your Committee, by information laid before them by the present Clerk, that a sum of £25 was received by the Clerk, by a Warrant, under the authority of the Act of 41st Geo. III. chap. 12, being the half of £50 provided for by the said Statute, towards the payment of copying Clerks for the two Houses of Parliament, but which your Committee are not aware has ever before been accounted for.

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
14th day of January, 1840.

On motion made and seconded, it was,

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

The Honourable Mr. Hamilton, from the Select Committee to whom was referred the bill, entitled, "An Act for the better regulation of the Office of Reporter to the Court of Queen's Bench in this Province," presented their report. Report of the Select Committee upon Queen's Bench Reporter's Office regulation bill, presented.

Ordered, that the report be received; and,

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

The Committee, to which was referred the bill, entitled, "An Act for the better regulation of the Office of Reporter to the Court of Queen's Bench in this Province," beg leave to report— The report.

That they have examined the Act proposed to be repealed by the said bill, and find that its object was to provide for reporting the judicial opinions of the Judges of the Court of Queen's Bench, for the information of the public. By that Statute, the Governor was authorised to appoint a Reporter to carry into effect the objects of the same, and a salary of £100, per annum, was granted to such Reporter, and the amount thereof raised, by requiring the Attornies of the Court of Queen's Bench to take out a certificate, annually, of their being admitted to practise as Attornies of the said Court, for which they are liable to pay a sum not exceeding two guineas, to be determined by the Law Society, and to be paid into the hands of the Receiver-General.

The Committee has ascertained that the Law Society, in its discretion, has required a fee of one pound, annually, to be paid for each certificate, which has left in the hands of the Receiver-General a surplus over and above the amount required to defray the salary of the Reporter.

The bill referred to the Committee, gives to the Law Society, subject to the approval of the Judges of the Court of Queen's Bench, the appointment of the Reporter, and requires that not only the substance of such of the verbal decisions of the Court as shall be of general importance, shall be reported, but also such decisions as may be delivered in writing.

It also authorises the Law Society to require the payment of such sum as they shall think fit (subject to the approval of the Judges) for each certificate, but the amount cannot exceed £4, that being the sum required to be paid when default shall be made in taking out the certificate at the time appointed. The penalties imposed under the former law, and those proposed to be enacted under the present bill, are required to be paid to the Treasurer of the Law Society, for the uses of the Society, as also the sum accumulated in the hands of the Receiver-General, amounting to £168 11s. 10d.

Wednesday, 15th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

The alterations proposed to be made by this bill in the law, as it now stands, appear to your Committee to be judicious, and they therefore recommend the bill for the adoption of the House, without any amendment.

All which is respectfully submitted.

JOHN HAMILTON,
CHAIRMAN.

Committee Room, Legislative Council,
14th day of January, 1840.

On motion made and seconded, it was,

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

Report of the Select Committee, upon County of Huron new Township's attachment bill, presented.

The Honourable Mr. John Simcoe Macaulay, from the Select Committee to whom was referred the bill, entitled, "An Act to attach certain Townships to the County of Huron," presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to attach certain Townships to the County of Huron," have examined the several provisions thereof, and find that they are in accordance with the enactments quoted in the preamble—they, therefore, recommend the same for the adoption of your Honourable House.

All which is respectfully submitted.

J. S. MACAULAY,
CHAIRMAN.

Committee Room, Legislative Council,
14th day of January, 1840.

On motion made and seconded, it was,

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

House adjourns.

On motion made and seconded, the House adjourned.

WEDNESDAY, 15th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. STEWART,

The Honourable Messrs. ALLAN,

" " MORRIS,

" " ELMSLEY,

" " SULLIVAN,

" " HAMILTON,

" " FRASER,

" " ADAMSON,

" " MCGILLIVRAY.

" " CROOKS,

Prayers were read.

The Minutes of yesterday were read.

Petition of Hamilton Lowry, and others; brought up.

The Honourable Mr. Morris brought up the petition of Hamilton Lowry, and others, inhabitants of the Township of Fitzroy; which was laid on the table.

Speaker reports the receipt of a letter from the Secretary of the St. Lawrence Inland Marine Assurance Company, transmitting the annual return of that Institution.

The Honourable the Speaker reported to the House that he had received a letter from the Secretary of the St. Lawrence Inland Marine Assurance Company, transmitting the annual return of that Institution, as required by its Act of Incorporation.

A Member enters.

The Honourable Mr. John Macaulay enters.

Sandwich useless streets' stoppage bill, re-committed;

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act for stopping up parts of streets, in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

The Honourable Mr. John Macaulay took the Chair.

After some time the House resumed.

Wednesday, 15th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

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

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be referred back to the said Select Committee, to And the bill referred
back to the Select
Committee.
report again thereon.

The Honourable Mr. Crookshank enters. A Member enters.

Pursuant to the order of the day, the House was again put into a Committee of the whole, Contingency covering
bill, re-committed.
upon the bill, entitled, "An Act to make good certain moneys advanced in compliance with
the Address of the House of Assembly, during the last Session of the Legislature, for the con-
tingent expenses thereof," together with the report of the Select Committee thereon.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

Adopted.

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

The Honourable Mr. DeBlaquiere enters. A Member enters.

Pursuant to the order of the day, the House was again put into a Committee of the whole, Queen's Bench Reporter's
Office regulation bill,
re-committed;
upon the bill, entitled, "An Act for the better regulation of the office of Reporter to the Court
of Queen's Bench in this Province," together with the report of the Select Committee thereon.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon County of Huron new
Township's attachment
bill, committed.
the bill, entitled, "An Act to attach certain Townships to the County of Huron," together
with the report of the Select Committee thereon.

The Honourable Mr. DeBlaquiere took the Chair.

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

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

The House was then again put into a Committee of the whole, upon the bill, entitled, County of Huron new
Townships attachment
bill, re-committed;
"An Act to attach certain Townships to the County of Huron," together with the report of
the Select Committee thereon.

The Honourable Mr. DeBlaquiere took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

Adopted.

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

The Honourable the Speaker reported to the House, that deputations from the Commons Speaker reports the
receipt of Clergy
Reserve sale bill;
House of Assembly had brought up a bill, entitled, "An Act to provide for the sale of the
Clergy Reserves, and for the distribution of the proceeds thereof"; also a bill, entitled, "An
Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An
Act to protect the inhabitants of this Province against lawless aggressions from subjects of
foreign countries at peace with Her Majesty"; and also a bill, entitled, "An Act to repeal an Lawless aggression Act
alteration bill;
Act passed in the forty-fourth year of the reign of His late Majesty King George the Third,
entitled, 'An Act for the exemplary punishment of all and every person and persons who shall
seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any Soldier to desert
His Majesty's service, or who shall harbour, conceal, receive or assist any deserter from such
service,' and to make further provision for the punishment of such offenders," to which they
requested the concurrence of this House. And Soldiers desertion
punishment bill,
from the Assembly.

The bill, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the Clergy Reserve sale
bill, read first time;
distribution of the proceeds thereof," was read; and it was,

Wednesday, 15th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

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

And ordered to be printed.

Ordered, that two hundred copies of the said bill, be in the mean time printed for the use of Members.

Lawless aggression Act alteration bill;

The bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act protect the inhabitants of this Province against lawless aggressions from subjects of foreign countries at peace with Her Majesty'; and also the bill, entitled, "An Act to repeal an Act passed in the forty-fourth year of the reign of His late Majesty King George the Third, entitled, 'An Act for the exemplary punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any soldier to desert His Majesty's service, or who shall harbour, conceal, receive or assist any deserter from such service,' and to make further provision for the punishment of such offenders," were severally read ; and it was,

And Soldiers desertion punishment bill ; read first time.

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

Petitions of Hooker Henderson, and others ;

Of Horatio Williams ;

And of James Coleman, and others ; read.

Pursuant to the order of the day, the petition of Hooker Henderson, and others, inhabitants of the County of Grenville, praying for an Act increasing the capital stock of the Commercial Bank of the Midland District; also the petition of Horatio Williams, of the Township of Kitley, in the Johnstown District, praying for an Act conferring upon him the rights and privileges of a British subject; and also the petition of James Coleman, and others, inhabitants of Dundas, West Flamborough, and the adjoining Townships in the District of Gore, praying for an Act increasing the capital stock of the Commercial Bank of the Midland District; were severally read.

Petitions of John Hedley, and others; And of Hamilton Lowry, and others; prayed to be withdrawn.

The Honourable Mr. Morris requested leave to withdraw the petition of John Hedley, and others, inhabitants of the Township of March; and also the petition of Hamilton Lowry, and others, inhabitants of the Township of Fitzroy—respectively praying against the passing of a law for assessing them, in order to the erection of a Court House and Gaol, in the intended new District of Dalhousie ; and,

Same granted.

The same was granted accordingly.

Report of the Select Committee upon Port Darlington Harbour limits extension bill, presented.

The Honourable Mr. Sullivan, from the Select Committee to whom was referred the bill, entitled, "An Act to extend the limits of the Port Darlington Harbour," presented their report.

Read.

Ordered, that it be received ; and,

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

The report.

The Select Committee, to whom was referred the bill sent up from the House of Assembly, entitled, "An Act to extend the limits of Port Darlington Harbour," beg leave to report, as follows :

They find that the notice required by the rule of your Honourable House, has been published in the Upper Canada Gazette, from the twenty-ninth August last, continuously to the meeting of Parliament.

The bill being intended to give a certain monopoly to a corporation, your Committee would have been inclined to consider the want of six months notice an insuperable objection to proceeding ; but they have been informed that the persons who own the land to be included in the legal limits of the Harbour, are themselves petitioners for the passage of this bill, and they think that this fact is in itself a sufficient reason for your Honourable House favourably considering the question of dispensing with the rule requiring six months notice, particularly as the want of a more early insertion of the notice in the Gazette, most probably was occasioned by the unexpectedly early meeting of the Legislature.

Your Committee have perused the bill sent up from the Assembly, and as the persons chiefly to be affected by it have joined in the petition, your Committee respectfully recommend the adoption of the measure, without amendment.

All which is respectfully submitted.

R. B. SULLIVAN,

CHAIRMAN.

Committee Room, Legislative Council,
15th day of January, 1840.

On motion made and seconded, it was,

Thursday, 16th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*,

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

On motion made and seconded, the House adjourned.

House adjourns.

THURSDAY, 16th JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER*.

The Honourable Messrs. MORRIS,

The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,

“ “ FERGUSSON,

Members present.

The Honourable Messrs. BALDWIN,

“ “ JOHN SIMCOE MACAULAY,

“ “ HAMILTON,

“ “ DE BLAQUIERE,

“ “ ADAMSON,

“ “ FRASER,

“ “ STEWART,

“ “ MCGILLIVRAY.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Morris brought up the petition of David Smart, and others, inhabitants of the County of Durham; which was laid on the table.

Petition of David Smart, and others; brought up.

The Honourable Mr. Crooks enters.

A Member enters.

Pursuant to the order of the day, the bill, entitled, “An Act to make good certain moneys advanced in compliance with the address of the House of Assembly during the last Session of the Legislature for the contingent expenses thereof”; and also the bill, entitled, “An Act for the better regulation of the office of Reporter to the Court of Queen’s Bench in this Province,” were severally read a third time, and passed.

Contingency covering bill;

And Queen’s Bench Reporter’s Office regulation bill, read third time and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

And the Assembly acquainted thereof.

The Honourable Messieurs John Macaulay and Sullivan, enter.

Members enter.

Pursuant to the order of the day, the bill, entitled, “An Act to attach certain Townships to the County of Huron,” was read a third time, and passed.

County of Huron new Township’s attachment bill, read third time and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, “An Act to extend the limits of Port Darlington Harbour,” together with the report of the Select Committee thereon.

Port Darlington Harbour limits extension bill, re-committed.

The Honourable Mr. Fraser took the Chair.

After some time the House resumed.

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

Reported.

Ordered, that the report be received; and,

Adopted.

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

The Honourable Mr. Radcliffe enters.

A Member enters.

Pursuant to the order of the day, the bill, entitled, “An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof,” was read a second time; and,

Clergy Reserve sale bill, read second time;

It was moved and seconded, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Motion for committing the same to-morrow;

Whereupon, it was moved, in amendment thereto, that “to-morrow” be expunged, and “this day six months” inserted in lieu thereof.

Motion in amendment thereto;

Which being seconded, the question of concurrence was put, and the same was carried in the negative.

The same negatived.

The original question was then put and carried in the affirmative; and it was,

Original question put and carried.

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

Thursday, 16th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Lawless aggression Act
alteration bill; read
second time;

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to protect the inhabitants of this Province against lawless aggressions from subjects of foreign countries at peace with Her Majesty,'" was read a second time; and it was,

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

Committed;

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

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

Reported;

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

And leave granted to sit
again.

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

Soldiers' desertion
punishment bill;
read second time;

Pursuant to the order of the day, the bill, entitled, "An Act to repeal an Act passed in the forty-fourth year of the reign of His late Majesty King George the Third, entitled, 'An Act for the exemplary punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any Soldier to desert His Majesty's service, or who shall harbour, conceal, receive or assist any deserter from such service,' and to make further provision for the punishment of such offenders," was read a second time; and it was,

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

Committed;

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

The Honourable Mr. McGillivray took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

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

Report of the
Select Committee upon
English Attornies
admission bill, presented.

The Honourable Mr. Fergusson, from the Select Committee to whom was referred the bill, entitled, "An Act to authorise the Judges of the Court of Queen's Bench in this Province to admit Attornies of the Courts of Law, at Westminster and Dublin, to practise as Attornies in the Courts of Law in this Province, and also to authorise the Vice-Chancellor of this Province to admit Solicitors of the High Court of Chancery in England, to practise as Solicitors in the Court of Chancery in this Province," presented their Report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee to whom was referred the bill, entitled, "An Act to authorise the Judges of the Court of Queen's Bench in this Province to admit Attornies of the Courts of Law, at Westminster and Dublin, to practise as Attornies in the Courts of Law in this Province, and also to authorise the Vice-Chancellor of this Province to admit Solicitors of the High Court of Chancery in England, to practise as Solicitors in the Court of Chancery in this Province," beg leave respectfully to Report:

That they have bestowed upon this bill their serious and patient attention, well aware of the importance of its object, and of the desire entertained by the Legislative Council to afford all reasonable facilities to professional Gentlemen, desirous of following the practice of the Law in this Province.

It occurs to your Committee, that two leading objects present themselves in considering this subject, and which ought to regulate all legislation thereon.

In the first place, an adequate supply of legal assistance must be procured for the inhabitants; and, secondly, the respectability and purity of the legal profession, should be fostered and maintained, by every means within the power of the Legislature to control.

The first of these objects has been successfully secured by the incorporation of the "Law Society of Upper Canada"; and the second will, undoubtedly, be best maintained by a reasonable control over the practitioners.

Thursday, 16th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

In time past, (as is well known to the House,) the two branches of the profession have been conjoined; and, in the opinion of your Committee, the period has not yet arrived, when a separation may be wisely effected: it becomes obviously requisite, that due precaution should be used in admitting such persons, nearly without control, (as the bill proposes,) to participate in the rights and privileges of the profession here.

Applications for admission, have been generally entertained without difficulty, and there does not appear to your Committee, either wisdom or justice in departing from the course hitherto pursued.

No respectable and competent individual, it is presumed, will hereafter fail of admission, and although some inconvenience and delay may be incurred, your Committee consider such a circumstance more than compensated, by the assurance of respectability thus secured to the profession, and by the opportunity afforded to the applicant of acquiring a professional introduction, and a local acquaintance with the country.

The Committee, therefore, considering it inexpedient to alter the law, as it now stands, respectfully submit that this bill do not pass the Legislative Council.

All which is respectfully submitted.

ADAM FERGUSSON,
CHAIRMAN.

Committee Room, Legislative Council,
16th day of January, 1840.

On motion made and seconded, it was,

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

On motion made and seconded, it was,

Ordered, that the Honourable Mr. Sullivan be added to the Select Committee to whom was referred the bill, entitled, "An Act for stopping up parts of streets, in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned."

A Member added to the Select Committee upon Sandwich useless streets' stoppage bill.

The Honourable Mr. Hamilton gave notice, that he would, on to-morrow, move that it be—

Notice of moving the adoption of a resolution approving of the official conduct of His Excellency the Lieutenant-Governor.

Resolved—That the administration of the Government of the Province having been assumed by His Excellency the Governor-General, this House cannot allow a Session, which may be the last of this Legislature, to close, without recording its deep sense of the eminent judgment and ability displayed by His Excellency the Lieutenant Governor, Sir George Arthur, in the administration of the Government, during a period of great difficulty—his conduct, on all occasions, exhibiting the most unwearied exertions, while dispensing justice in mercy to maintain the public peace, and to advance the prosperity and happiness of the people of this Province.

The Honourable Mr. John Simcoe Macaulay brought up the petition of Joseph Cawthra, and others, inhabitants of the City of Toronto, and the liberties thereof; which was laid on the table.

Petition of Joseph Cawthra, and others, brought up.

Pursuant to the order of the day, the petitions of Thomas Ward, and others, inhabitants of the Town of Port Hope, and its vicinity; and of Ebenezer Perry, and others, inhabitants of the Town of Cobourg—respectively praying for an Act increasing the capital stock of the Commercial Bank of the Midland District; also the petition of the Trustees of the Ancaster Literary Institution, praying for an Act granting pecuniary assistance thereto; and also the petition of G. T. Millar, and others, inhabitants of the Townships of Waterloo and Woolwich, praying for an Act obliging persons who have crected Dams across the Grand River, to construct an inclined plane, so as to allow the fish to ascend the same; were severally read.

Petitions of Thomas Ward, and others; Of Ebenezer Perry, and others;

Of the Trustees of the Ancaster Literary Institution;

And of G. T. Millar, and others; read.

On motion made and seconded, the House adjourned, until to-morrow, at half an hour past ten of the clock, A. M., and the Clerk was directed to notify the Members in Town thereof.

House adjourns, and the Clerk authorised to notify the Members in Town of the same.

Friday, 17th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

FRIDAY, 17th JANUARY, 1840.

House meets. The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> MORRIS,
	<i>The Honourable Messrs.</i> ELMSLEY,	“ “ SULLIVAN,
	“ “ BALDWIN,	“ “ FERGUSSON,
	“ “ HAMILTON,	“ “ RADCLIFFE,
	“ “ ADAMSON,	“ “ JOHN SIMCOE MACAULAY,
	“ “ CROOKS,	“ “ DE BLAQUIERE,
	“ “ STEWART,	“ “ MCGILLIVRAY.

Prayers were read.

The Minutes of yesterday were read.

Notice of moving the restoration of Militia Law repeal bill, to the order of the day.

The Honourable Mr. Adamson gave notice, that on Tuesday next, he would move that the bill to repeal, alter and amend the Militia Law of this Province, be restored to the order of the day, and that the same do stand upon the orders of that day.

Members enter.

The Honourable Mr. Crookshank, the Honourable and Right Reverend the Lord Bishop of Toronto, and the Honourable Messieurs Dunn, Allan and John Macaulay, enter.

Port Darlington Harbour limits extension bill; And Soldiers desertion punishment bill, read third time and passed;

Pursuant to the order of the day, the bill, entitled, “An Act to extend the limits of Port Darlington Harbour”; and also the bill, entitled, “An Act to repeal an Act passed in the forty-fourth year of the reign of His late Majesty King George the Third, entitled, ‘An Act for the exemplary punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any soldier to desert His Majesty’s service, or who shall harbour, conceal, receive or assist any deserter from such service,’ and to make further provision for the punishment of such offenders,” were severally read a third time, and passed.

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

Resolutions on the subject of internal improvement, discharged from the order of the day, and stand for Tuesday next.

The order of the day being read for putting the House into a Committee of the whole, upon certain resolutions, on the subject of internal improvement; it was,

Ordered, that the same be discharged, and that the said resolutions do stand upon the orders of the day for Tuesday next.

A Member enters.

The Honourable Mr. Fraser enters.

Clergy Reserve sale bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, “An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof.”

The Honourable Mr. Allan took the Chair.

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

Bills brought up from the Assembly. And a certain bill amended by that House returned therefrom.

Deputations from the Commons House of Assembly, brought up several bills, to which they requested the concurrence of this House; and they returned a certain bill sent down from this House, with several amendments made thereto, to which they requested the concurrence of the Legislative Council, and then withdrew.

A Member enters.

The Honourable Mr. Wells enters.

Clergy Reserve sale bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, “An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof.”

The Honourable Mr. Allan took the Chair.

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

A bill brought up from the Assembly.

A deputation from the Commons House of Assembly, brought up a bill, to which they requested the concurrence of this House, and then withdrew.

Clergy Reserves sale bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, “An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof.”

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Saturday, 18th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

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

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

The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company"; also a bill, entitled, "An Act for dividing the Township of Hallowell, in the District of Prince Edward"; also a bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Prince Edward District Bank"; and also a bill, entitled, "An Act define the limits of the Town of London, in the District of London, and to establish a Board of Police therein," to which they requested the concurrence of this House: and that the same deputations had returned the bill sent down from this House, entitled, "An Act to establish a College at Kingston, by the name and style of the University of Queen's College," and acquainted this House, that the Commons House of Assembly had made some amendments in and to the same, to which they requested the concurrence of the Legislative Council. Speaker reports the receipt of Midland District Bank Stock increase bill;
Hallowell Township division bill,
Prince Edward District Bank incorporation bill;
And London police establishment bill: from the Assembly.
Presbyterian College establishment bill, amended by that House.

On motion made and seconded, the House adjourned, until to-morrow, at the hour of eleven of the clock, A. M. House adjourns.

SATURDAY, 18th JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

PRESENT:

<i>The Honourable</i> JONAS JONES, SPEAKER,	<i>The Honourable Messrs.</i> STEWART,	
<i>The Hon. & Rt. Rev. the</i> LORD BISHOP OF TORONTO,	" "	MORRIS,
<i>The Honourable Messrs.</i> DUNN,	" "	SULLIVAN,
" " ELMSLEY,	" "	FERGUSON,
" " BALDWIN,	" "	RADCLIFFE,
" " HAMILTON,	" "	JOHN SIMCOE MACAULAY,
" " CROOKS,	" "	DE BLAQUIERE.

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Morris brought up the petition of S. Washburn, and others, inhabitants of the Prince Edward District; and also the petition of Alexander Shairp, and others, inhabitants of Peterborough, and its vicinity; which were laid on the table. Petitions of S. Washburn, and others;
And of Alexander Shairp, and others; brought up.

The bill brought up yesterday from the Commons House of Assembly, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company"; also the bill, entitled, "An Act for dividing the Township of Hallowell, in the District of Prince Edward"; also the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Prince Edward District Bank"; and also the bill, entitled, "An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein," were severally read; and it was, Midland District Bank Stock increase bill;
Hallowell Township division bill;
Prince Edward District Bank incorporation bill;
And London police establishment bill, read first time.

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

The amendments of the Commons House of Assembly, made in and to the bill sent down from this House, entitled, "An Act to establish a College at Kingston, by the name and style of the University of Queen's College," were then read by the Clerk, as follows:— Amendments of the Assembly to Presbyterian College establishment bill, read first time.

Amendments made by the Commons House of Assembly, in and to the bill sent down by the Honourable the Legislative Council, entitled, "An Act to establish a College at Kingston, by the name and style of 'The University of Queen's College':—

In the Title, line 1.—After "College" expunge the remainder, and insert "by the name and style of the University at Kingston." The amendments.

In the Bill, Press 2, line 25—Expunge of "Queen's College" and insert "at Kingston."

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Press 3, line 4—Expunge “of Queen’s” and insert “at Kingston.”

“ “ “ 5—Expunge “College.”

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
Seventeenth day of January, 1840.

On motion made and seconded, it was,
Ordered, that the foregoing amendments be read a second time, on Monday next.

Clergy Reserve sale bill,
re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, “An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof.”

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Members enter.

The Honourable Messieurs Crookshank, Wells, John Macaulay and John McGillivray, enter.

Reported;

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

Adopted.

Ordered, that the report be received; and,
Ordered, that the last-mentioned bill be read a third time, on Monday next.

A Resolution moved
approving of the official
conduct of His Excellency
the Lieutenant-Governor.

Pursuant to notice, the Honourable Mr. Hamilton moved the adoption of a certain resolution, approving of the official conduct of His Excellency the Lieutenant-Governor.

Which being seconded,

Question put and carried.

The question of concurrence was put thereon, and the same was carried in the affirmative; and,

Resolution adopted.

The said resolution was adopted, as follows:

The resolution.

Resolved, (nemine contradicente,) That the administration of the Government of the Province, having been assumed by His Excellency the Governor-General, this House cannot allow a Session, which may be the last of this Legislature, to close, without recording its deep sense of the eminent judgment and ability displayed by His Excellency the Lieutenant Governor, Sir George Arthur, in the administration of the Government, during a period of great difficulty—his conduct, on all occasions, exhibiting the most unwearied exertions, while dispensing justice in mercy to maintain the public peace, and to advance the prosperity and happiness of the people of this Province.

On motion made and seconded, it was,

A copy of the same
ordered to be transmitted
by the Speaker to His
Excellency.

Ordered, that a copy of the foregoing resolution, be transmitted by the Honourable the Speaker, to His Excellency the Lieutenant-Governor.

Report of the
Select Committee upon
Midland District
additional tax bill,
presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, “An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned,” presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the bill, entitled, “An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned,” beg leave to report—

That the rule of your Honourable House, as to a notice in the Upper Canada Gazette, of the intention of the Magistrates to apply to the Legislature for such an Act, has only been complied with for two months; but your Committee submit whether the amendment to the forty-seventh rule, which is in the following words:—“Resolved, that the forty-seventh rule does not relate to cases in which application is made for the loan of money, for the purpose of building a Gaol or Court House in any District, by consent of the Magistrates in Quarter Sessions assembled, where no new tax is to be levied on the District: Provided no opposition appears to exist against the measure”—does or does not apply to the bill submitted to them. If it does apply, then the necessity for such notice did not exist, unless, indeed, the further object of the bill, of paying off the District debt, makes the amended rule inapplicable to it.

Monday, 20th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Your Committee would further submit, that the Act of last Session, authorised the borrowing of the sum of £1,000, only for the purpose of building the said Wall and Guard-house, and making the Gaol ground secure for the keeping of prisoners. The present bill authorises the sum to be levied, £3,500, so that if the sum first provided, be sufficient for the purposes intended, then the residue, amounting to £2,500, is intended to go to extinguish the debt of the District.

The bill states, in the preamble, that its passage is desired by "the Magistrates, and sundry inhabitants of the Midland District," but your Committee have been unable to discover that there is any other application than that of the Magistrates, and they do not find that there is any petition against the passage of the bill.

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
17th day of January, 1840.

On motion made and seconded, it was,

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

Pursuant to the order of the day, the petition of David Smart, and others, inhabitants of the County of Durham, praying that Her Majesty may be addressed, on the subject of the existing law regulating our commercial intercourse with the neighbouring Republic, and praying that the agricultural interests of this Province may be protected and advanced, by the imposition of an import duty on American produce, equal in amount to what is levied by the American Government on Canadian products; and also the petition of Joseph Cawthra, and others, inhabitants of the City of Toronto, and the liberties thereof, praying for a repeal of the thirty-third section of the Act passed in the seventh year of His late Majesty's reign, which provides for the continuance in office of one half of the Members of the Corporation for two years; were severally read.

Petitions of David Smart, and others;

And of Joseph Cawthra, and others; read.

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

House adjourns.

MONDAY, 20th JANUARY, 1840.

The House met pursuant to adjournment.

House meets

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. STEWART,

Members present.

The Honourable Mr. CROOKSHANK,

" " MORRIS,

The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,

" " SULLIVAN,

The Honourable Messrs. WELLS,

" " FERGUSSON,

" " DUNN,

" " RADCLIFFE,

" " BALDWIN,

" " JOHN SIMCOE MACAULAY,

" " HAMILTON,

" " DE BLAQUIERE,

" " CROOKS,

" " FRASER.

Prayers were read.

The Minutes of Saturday last were read.

The Honourable the Speaker reported to the House that, in obedience to their order of Saturday last, he had transmitted to His Excellency the Lieutenant-Governor, the resolution of the Legislative Council, approving of his official conduct, and that His Excellency had given the following reply to the letter which accompanied the said resolution:—

Speaker reports the transmission to the Lieutenant-Governor of the Resolution of the House, approving of the official conduct of His Excellency.

GOVERNMENT HOUSE,
Toronto, 20th January, 1840.

SIR,

I have the honour to acknowledge your letter of the 18th instant, transmitting, by order of the Legislative Council, a resolution of that House, which had been passed unanimously on that day.

His Excellency's reply to the Speaker's letter which accompanied the same.

Monday, 30th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

I request you will do me the honour, to make known to the Legislative Council, that I most highly appreciate such a testimonial, and that the sentiments of the House could not possibly have been embodied in terms more entirely gratifying to my feelings.

For the marked courtesy with which you have carried into effect the orders of the House, I beg you will accept my best acknowledgments.

I have the honour to remain,

SIR,

Your most obedient,

Humble Servant,

GEORGE ARTHUR.

The Honourable THE SPEAKER,
of the Legislative Council,
§c. §c. §c.

On motion made and seconded, it was,

Ordered to be printed

Ordered, that two hundred copies of the last-mentioned documents, be printed for the use of Members.

Members enter.

The Honourable Messieurs John Macaulay and McGillivray, enter.

Clergy Reserve sale bill, read third time;

Pursuant to the order of the day, the bill, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," was read a third time.

Motion for amending the same.

Whereupon, it was moved and seconded, that the said bill do not now pass, but that it be amended, as follows:—

The amendment.

Press 1, line 1—After "Whereas" expunge the remainder of the bill, and insert, "by an Act passed in the thirty-first year of the reign of His late Majesty King George the Third, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," it was enacted that it should and might be lawful for His Majesty, His Heirs and Successors, to authorise the Governor or Lieutenant-Governor of each of the Provinces hereinbefore named respectively, or the person administering the Government therein, to make from and out of the lands of the Crown within such Provinces, such allotment and appropriation of lands, for the support and maintenance of a Protestant Clergy within the same, as might bear a due proportion to the amount of such lands within the same, as have at any time been granted by or under the authority of His Majesty; and that whenever any grant of lands within either of the said Provinces should thereafter be made, by or under the authority of His Majesty, His Heirs or Successors, there should at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above-mentioned purpose, within the Township or Parish to which such lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as circumstances would admit, and that no such grant should be valid and effectual, unless the same should contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands so allotted and appropriated, should be as nearly as the circumstances and nature of the case would admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and should be as nearly as the same can be estimated at the time of the making such grant, equal in value to the seventh part of the lands so granted: And whereas it was in and by the said in part recited Act further enacted, that all and every the rents, profits and emoluments, which might at any time arise from such lands so allotted and appropriated as aforesaid, should be applicable solely to the maintenance and support of a Protestant Clergy within the Province in which the same is situated, and to no other use or purpose whatever: And whereas, in pursuance of the said Act, such proportionable allotments and appropriations of lands as aforesaid, have from time to time been reserved

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THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

for the purposes therein-mentioned, which lands are known by the name of Clergy Reserves: And whereas it is wisely provided by the said Act, section forty-first, that the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting and endowing Parsonages or Rectories within the said Provinces, and also respecting the presentation of Incumbents or Ministers to the same, and also respecting the manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose, contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs and Successors: And whereas, by a Message to both Houses of the Provincial Legislature, bearing date the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and thirty-two, His Excellency Major-General Sir John Colborne, K. C. B., signified to both Houses His Majesty's most gracious invitation, to consider how far the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal that part of its provisions which relate to the lands allotted and appropriated in this Province to the support and maintenance of a Protestant Clergy, could be called into exercise for the spiritual and temporal interests of His Majesty's faithful subjects in this Province: And whereas it is expedient for the peace, welfare and good government of this Province, that this power should be now exercised: Be it therefore enacted, &c. That the lands reserved, allotted and appropriated, for the support and maintenance of a Protestant Clergy within this Province, under the authority of the said Act of the Parliament of Great Britain, passed in the thirty-first year of his said late Majesty's reign, shall be and remain vested in Her Majesty, Her Heirs and Successors, freed and absolutely discharged from all and every of the trusts, conditions, limitations or restrictions contained in or imposed or declared by the said last-mentioned Act.

2. And be it, &c. That from and after the passing of this Act, no grant, sale, lease or other disposition of any of the said allotments or appropriations of land, or of any part thereof, shall be made otherwise than in pursuance of instructions which shall from time to time be given by Her Majesty, Her Heirs or Successors, after the passing of this Act."

Upon which a debate ensued.

Deputations from the Commons House of Assembly brought up a bill, entitled, "An Act to incorporate the Farmers' Joint Stock Banking Company, under the style and title of the President, Directors and Company, of the Farmers' Bank"; also a bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company"; also a bill, entitled, "An Act to authorise the Chartered Banks of Lower Canada to establish Agencies, and carry on the business of Banking within this Province"; and also a bill, entitled, "An Act to increase the capital stock of the Gore Bank, and the number of shares to be held therein," to which they requested the concurrence of this House, and then withdrew.

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

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

The debate upon the amendment proposed to the bill, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," was then resumed.

After some time the debate closed, and the question of concurrence was put upon the said amendment, and the same was carried in the negative.

Whereupon the question was put whether the bill last-mentioned do now pass, which was carried in the affirmative; and,

Debated.

Farmers' Bank incorporation bill;

Upper Canada Bank Stock increase bill;

Lower Canada chartered Banks agencies establishment bill;

And Gore Bank Stock increase bill, brought up from the Assembly.

Read first time.

Debate upon the motion to amend Clergy Reserves sale bill, resumed.

The question of amendment put and negatived.

Question for passing the bill, put and carried.

Monday, 20th January, 1840.

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Bill signed.

The Speaker signed the same; and then it was,

And the Assembly acquainted thereof

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

Messages from His Excellency the Governor-General.

Several Messages from His Excellency the Governor-General, were delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and they were then again read by the Clerk, as follows:—

C. POULETT THOMSON.

Transmitting a return from the Saint Lawrence Inland Marine Assurance Company.

The Governor-General transmits, for the information of the Legislative Council, the Return received from the St. Lawrence Inland Marine Assurance Company, for the year 1839.

Toronto, 20th January, 1840.

C. POULETT THOMSON.

Transmitting a report of the Trustees for Macadamizing the East York Road

The Governor-General transmits, for the information of the Legislative Council, the Report made to him by the Trustees of the East York Macadamized road, for the year 1839.

Toronto, 20th January, 1840.

C. POULETT THOMSON.

Acquainting the House of the confirmation by Her Majesty in Council of the Debentures negotiation facility bill, reserved last Session for the signification of Her Majesty's pleasure.

The Governor-General has to inform the Legislative Council, that the bill passed by them during the last Session, entitled, "An Act to afford further facilities to negotiate Debentures for the completion of certain works," and reserved for the signification of Her Majesty's pleasure, has been specially confirmed by her Majesty in Council.

Toronto, 20th January, 1840.

C. POULETT THOMSON.

On the subject of Gold and Silver Coins value regulation bill, reserved last Session for the signification of Her Majesty's pleasure.

The Governor-General has to inform the Legislative Council, that the Act passed by them during their last Session, entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within the Province," has been referred by Her Majesty's commands for the consideration of the Lords Commissioners of the Treasury.

After a careful deliberation, their Lordships have reported that it would not be proper to advise Her Majesty to confirm either this Act, or the Ordinance lately passed in the Lower Province for the same purpose; and the Governor-General transmits herewith, for the information of the Legislative Council, an extract of a minute made by their Lordships, on the 22nd November last, explaining fully the grounds on which their opinion is founded.

Toronto, 20th January, 1840.

(For Document, see Appendix E.)

C. POULETT THOMSON.

Transmitting a supplemental return of the population of the District of Newcastle.

The Governor-General transmits, for the information of the Legislative Council, a supplemental return of the Population of the District of Newcastle, received since his last communication to the House with population returns.

Toronto, 20th January, 1840.

C. POULETT THOMSON.

Transmitting the annual accounts of the Treasurers of the Districts of Newcastle and Johnstown.

The Governor-General transmits, for the information of the Legislative Council, the annual Accounts of the Treasurers of the under-mentioned Districts, for the past year:

NEWCASTLE.

JOHNSTOWN.

Toronto, 20th January, 1840.

C. POULETT THOMSON.

Transmitting the copy of a letter addressed by the Deputy Post Master General of British North America, enclosing a general statement of the Revenue of the Post Office in the Canadas.

The Governor-General transmits herewith, for the information of the Legislative Council, the copy of a letter addressed to his Secretary, by the Deputy Post Master General of British North America, enclosing a general statement of the revenue of the Post Office in the Canadas, for the year ending 5th July, 1839.

Toronto, 20th January, 1840.

Monday, 20th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

C. POULETT THOMSON.

The Governor-General transmits, for the information of the Legislative Council, the reports received from the Boards of Education of the Western and London Districts, for the year 1839.

Transmitting the reports of the Boards of Education of the Western and London Districts.

Toronto, 20th January, 1840.

On motion made and seconded, it was,

Ordered, that an Address be presented to His Excellency the Governor-General, for the purpose of carrying into effect the provisions of the 31st. Geo. III. chap 31, previous to the confirmation, by Her Majesty, of the bill passed this day, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," and that the nineteenth rule of this House be dispensed with, as respects the same; and,

An Address ordered to be presented to the Governor-General, for the purpose of carrying into effect the provisions of the 31st Geo. III, Chap. 31st, previous to the confirmation by Her Majesty of the Clergy Reserve sale bill; And the nineteenth rule of the House dispensed with.

Ordered, that a Select Committee be appointed to draft such Address; and,

A Select Committee appointed to draft an Address;

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

Members composing the same.

The Honourable Mr. Morris, from the last-mentioned Select Committee, reported the draft of an Address, which he read in his place; and,

Their report presented. Draft of an Address read twice and adopted.

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

Ordered, that the last-mentioned Address be engrossed, and read a third time to-morrow.

The Honourable Mr. Crooks brought up the petition of the President and Directors of the Gore Bank; which was laid on the table.

Petitions of the President and Directors of the Gore Bank:

The Honourable Mr. Hamilton brought up the petition of Lewis Donnelly, of the Town of Niagara; which was laid on the table.

And of Lewis Donnelly; brought up.

The Honourable Mr. Radcliffe moved for leave to bring in the petition of F. K. Carey, and others, of the Township of Delaware, in the London District, and that the rule of this House limiting the time for presenting petitions for private bills, be dispensed with.

Leave to bring up the petition of F. K. Carey, and others, and for dispensing with the rule which limits the time for presenting petitions for private bills, moved;

Which being seconded, the question of concurrence was put, and the same was carried in the affirmative; and,

Question put and carried.

The said petition was brought in accordingly.

And the petition brought up.

The order of the day being read, for the House to be again put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to protect the inhabitants of this Province against lawless aggressions from subjects of foreign countries at peace with Her Majesty,'" it was,

Lawless aggression Act alteration bill, discharged from the order of the day, and stands for to-morrow.

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

On motion made and seconded, it was,

Ordered, that an Address be presented to the Governor-General, respectfully thanking His Excellency for His several Messages received this day; and,

An Address of thanks ordered to be presented to the Governor-General, for his Messages of this day.

Ordered, that the Honourable Messieurs John Macaulay and Fergusson, do present the same.

A Committee appointed therefor.

The order of the day being read, for putting the House into a Committee of the whole, upon the bill, entitled, "An Act to authorise the Judges of the Court of Queen's Bench in this Province, to admit Attornies of the Courts of Law at Westminster and Dublin, to practise as Attornies in the Courts of Law in this Province, and also to authorise the Vice-Chancellor of this Province to admit Solicitors of the High Court of Chancery in England, to practise as Solicitors in the Court of Chancery in this Province," together with the report of the Select Committee thereon; it was,

English Attornies admission bill, discharged from the order of the day, and stands for to-morrow.

Ordered, that it be discharged, and that the said bill, and the report thereon, do stand upon the orders of the day for to-morrow.

The order of the day being read, for putting the House into a Committee of the whole, upon the bill, entitled, "An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned," and the report of the Select Committee thereon: it was,

Midland District additional tax bill, discharged from the order of the day, and stands for to-morrow.

Ordered, that it be discharged, and that the said bill, together with the report thereon, do stand upon the orders of the day for to-morrow.

Pursuant to the order of the day, the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland

Midland District Bank Stock increase bill, read second time;

Tuesday, 21st January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

District, and for increasing the number of shares to be held in the capital stock of the Company," was read a second time; and it was,

And referred to a
Select Committee.

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

Members composing the
same.

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

Hallowell Township
division bill;

Pursuant to the order of the day, the bill, entitled, "An Act for dividing the Township of Hallowell, in the District of Prince Edward"; and also the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Prince Edward District Bank," were severally read a second time; and it was,

And Prince Edward District
Bank incorporation bill,
read second time.

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

London police
establishment bill, read
second time;

Pursuant to the order of the day, the bill, entitled, "An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein," was read a second time; and it was,

And referred to a
Select Committee;

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

Members composing the
same.

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

Amendments of the
Assembly to Presbyterian
College establishment
bill, read second time.

Pursuant to the order of the day, the amendments of the Commons House of Assembly made in and to the bill sent down from this House, entitled, "An Act to establish a College at Kingston, by the name and style of 'The University of Queen's College,'" were read a second time; and it was,

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

Committed;

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

The Honourable Mr. Fraser took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said amendments, and recommended the same to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Forty-fourth rule
dispensed with.

Ordered, that the forty-fourth rule of the House be dispensed with, in so far as it respects the said amendments, and that the same be read a third time, presently.

The amendments read
third time and passed;
Same signed;

The said amendments were then read a third time accordingly, and passed.

And the Assembly
acquainted thereof.

Whereupon the Speaker signed the same; and it was,

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have acceded to their amendments, made in and to the last-mentioned bill.

Petitions of
S. Washburn,
and others;

Pursuant to the order of the day, the petition of S. Washburn, and others, inhabitants of the Prince Edward District, praying for an Act incorporating a Banking Company therein; and also the petition of Alexander Shairp, and others, inhabitants of Peterborough, and its vicinity, praying for an Act increasing the capital stock of the Commercial Bank of the Midland District; were severally read.

House adjourns.

On motion made and seconded, the House adjourned, until to-morrow, at the hour of eleven of the clock, A. M.

TUESDAY, 21st JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER,
The Honourable Messrs. CROOKSHANK,
" " DUNN,
" " ELMSLEY,
" " HAMILTON,
" " ADAMSON,
" " CROOKS,

The Honourable Messrs. STEWART,
" " MORRIS,
" " FERGUSSON,
" " RADCLIFFE,
" " JOHN SIMCOE MACAULAY,
" " MCGILLIVRAY.

Tuesday, 21st January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, Governor-General.

Prayers were read.

The Minutes of yesterday were read.

To the bill passed yesterday, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof":—

Protest of the Bishop of Toronto, and of the Hon. Mr. De Blaquiere, against the passing of Clergy Reserve sale bill.

DISSENTIENT,

Because, the principle of the bill is anti-Christian; for it not only encourages religious division, but promotes indifference to truth, and thus leads directly to infidelity.

Because, it is subversive of the Constitution and form of Government under which we live, inasmuch as an Established Church is part and parcel of the Constitution of Great Britain and Ireland, and all their dependencies: for without such a Church, and a Protestant Church too, the British Constitution cannot be enjoyed either at home or abroad.

Because, the bill is founded on an assumption of authority which is not conferred upon the Legislature by the 31st Geo. III. chap. 31, which grants certain powers, under special restraints, in respect to future Clergy reservations, but not the power of distributing those already made, to purposes not contemplated in the Constitutional Act, much less of appropriating them in a manner that leads to the utter extinction of the Church of the Sovereign, as the Established Church of the Province.

Because, the bill deprives the Established Church of nearly three-fourths of her acknowledged property—renders her Clergy stipendiaries to the Colonial Government, and, by attempting to reduce those to an equality with unauthorised teachers, violates one of the most sacred doctrines of the Church Catholic.

Because, instead of being a final settlement of the Clergy Reserves, or a healing measure of peace, it provides for annual interference on the part of the Legislature, while, by frequent enumerations of the various denominations, it calls into action the worst passions of the heart, in order to swell their respective numbers, on which the proportion of assistance is made to depend.

Because, by placing the proceeds of the Reserves in Provincial Stock, which is at present unsaleable, and which the first financial difficulty will sweep away, it exposes all the Clergy and Teachers to the peril of irremediable destitution, should the credit of the Province fail. Moreover, were the funds safe, yet the financial provisions of the bill are altogether delusive, and must produce the most cruel disappointments: for instead of supporting sixteen or twenty Clergymen and Teachers in every Township, as they seem to promise, they will not be able to bear the charge of one.

Because, the bill, as affirmed by its supporters, recognises the Roman Catholics, under the seventh clause, along with the other denominations, as sharers in the provision, solemnly set apart for the maintenance of a Protestant Clergy, though in direct opposition to the spirit and enactments of the 31st Geo. III. chap. 31, which expressly excludes Roman Catholics, because otherwise provided for.

Because, the question of the Clergy Reserves might have been easily settled, in a way which would have given general satisfaction, by re-investment, for religious purposes within the Province, in the Crown, leaving the details to the wisdom of the Imperial Government.

In fine, we dissent from the bill, because, it makes the monstrous attempt of constituting seventeen or eighteen religious establishments in one and the same Province; and because, we desire to record our determined opposition to a measure so hostile to the best interests of the Colony, and which, in our belief, stands without a parallel, for its reckless injustice and irreligious tendencies, in the annals of Christian legislation.

JOHN TORONTO.

P. B. DE BLAQUIERE.

Tuesday, 21st January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

To the bill passed yesterday, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof":—

DISSENTIENT,

Protest of the Hon. Messrs. J. S. Macaulay and Crookshank, against the passing of the last mentioned bill.

First—Because, though designated in the preamble as a final measure, its advocates admit that future legislation on the same subject will be required.

Second—Because, the future legislation, admitted to be necessary, will be the action of a Parliament differing greatly in character from that to which this question has heretofore been submitted: such Parliament may desire to divert the Clergy Reserve fund from its original destination, and be thereby brought into collision with the Imperial Legislature.

Third—Because, it involves a principle, which, if tacitly assented to by the Imperial Parliament, will soon be required to be carried out within the limits of the United Kingdom.

Fourth—Because, it will, in a certain degree, appropriate a fund created under an Act of the Imperial Legislature, for a specific and well-ascertained purpose, to objects of a directly contrary character.

Fifth—Because, one-half of the Clergy Reserve fund, being divisible under a quarternary census, an incessant struggle for superiority in numbers will be maintained among the several religious denominations to be benefited by such division, and consequently the desire of procuring proselytes will prevail over the legitimate objects of the Christian Pastors' duty, thereby promoting, and continuing among a large body of the people, the same degree of agitation and animosity which has hitherto disturbed the harmony of the community.

Sixth—Because, the object sought might have been attained by an unconditional re-investment of the Clergy Reserves in the Crown; a proceeding which might have been applied by the Imperial Legislature to the Clergy Reserve lands in Lower Canada, without recognizing a principle, the extension of which to other portions of Her Majesty's Dominions, may be productive of events dangerous to the existence of the Empire.

J. S. MACAULAY.

GEO. CROOKSHANK.

To the bill passed yesterday, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof":—

DISSENTIENT,

Protest of the Hon. Mr. Elmsley, against the passing of the last mentioned bill.

First—Because, by thus despoiling a large portion of the community of their rightful property, the principle is established that, evil may be done that good may ensue. The vested right of the Church of England to the exclusive possession of the Clergy Reserves, stamped with all the authority and solemnity of an Act of the Imperial Parliament, is hereby sacrificed and violated, upon the hollow pretext of expediency—a principle subversive of all right, Divine and human.

Second—Because, so far from settling this all engrossing question, upon basis calculated to ensure permanent satisfaction, the apple of discord still remains amongst us, by the continuance of the power to make future reservations.

Third—Because, an ample fund is thus provided to maintain, encourage and perpetuate, the disunion at present existing amongst Christians, and to provide for the future increase of dissent, and the propagation of error in the fundamental and essential principles of Christianity.

Fourth—Because, if it be determined upon to deprive the Church of England of its property, the proceeds thereof would be best disposed of in promoting Education.

Fifth—Because, although power is given to the Provincial Legislature, to vary and repeal the several provisions contained in the Constitutional Act, respecting the allotment and appropriation of the Clergy Reserves, such power must, of necessity, be limited to the details of the measure, and can not be construed to extend to the principle; absolute departure from the

Tuesday, 21st January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

original intentions of the Imperial Parliament, could never have been meant. The Provincial Parliament have therefore no Constitutional power to enact the bill which passed this House yesterday, inasmuch as the vital principle of the 31st Geo. III. chap. 31, is sacrificed, and a precedent established fraught with peril to our dearest interests, spiritual and temporal.

J. ELMSLEY.

Pursuant to the order of the day, the Address to His Excellency the Governor-General, in relation to the bill, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," was read a third time, and passed.

Address to the Governor-General, in relation to Clergy Reserve sale bill, read third time, and passed;

Whereupon the Speaker signed the same, and it is as follows:—

Same signed;

To His Excellency the Right Honourable CHARLES POULETT THOMSON, Governor-General of British North America, and Captain-General and Governor-in-Chief, in and over the Provinces of Upper Canada, Lower 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 ———, in Provincial Parliament assembled, beg leave to inform Your Excellency, that we have, during the present Session, passed a bill, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," which bill contains clauses altering the provisions of the Imperial Statute, passed in the thirty-first year of the reign of His late Majesty King George the Third, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' respecting the allotment and appropriation of lands for the support of a Protestant Clergy within this Province; and we further pray, that in order to give effect to the same, Your 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.

The Address.

On motion made and seconded, it was,

Ordered, that the last-mentioned Address, be sent by the Clerk of this House to the Commons House of Assembly, for their concurrence.

Sent to the Assembly for concurrence.

The order of the day being read, for the House to be again put into a Committee of the whole, upon certain resolutions, relative to the internal improvement of this Province; it was,

Ordered, that the same be discharged, and that the said resolutions do stand upon the orders of the day for Thursday next.

Resolutions on internal improvement, discharged from the order of the day, and stands for Thursday next.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the Judges of the Court of Queen's Bench in this Province, to admit Attornies of the Courts of Law at Westminster and Dublin, to practise as Attornies in the Courts of Law in this Province, and also to authorise the Vice-Chancellor of this Province to admit Solicitors of the High Court of Chancery in England, to practise as Solicitors in the Court of Chancery in this Province," together with the report of the Select Committee thereon.

English Attornies admission bill, committed;

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

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

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

Midland District additional tax bill, committed;

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The Honourable Mr. McGillivray took the Chair.

House resumes.

After some time the House resumed.

A Member enters.

The Honourable Mr. Fraser enters.

Hallowell Township
division bill, committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act for dividing the Township of Hallowell, in the District of Prince Edward."

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

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

Prince Edward District
Bank incorporation bill,
discharged from the
order of the day, and
stands for Friday next.

The order of the day being read, for the House to be put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Prince Edward District Bank," it was,

Ordered, that the same be discharged, and that the said bill do stand upon the orders of the day for Friday next.

Motion for restoring
Militia Law repeal bill, to
the order of the day, and
for referring the bill again
to a Committee of the
whole House.

Pursuant to notice, the Honourable Mr. Adamson moved, that the bill to repeal, alter and amend, the Militia law of this Province, be restored to the order of the day, and that the said bill be referred again to a Committee of the whole House, presently; which being seconded,

Question put and carried.

The question of concurrence was put thereon, and the same was carried in the affirmative; and,

The bill re-committed.

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

The Honourable Mr. Stewart took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

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

Farmers' Bank incorpora-
tion bill;

Pursuant to the order of the day, the bill entitled, "An Act to incorporate the Farmers' Joint Stock Banking Company, under the style and title of the President, Directors and Company, of the Farmers' Bank"; also the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company"; also the bill, entitled, "An Act to authorise the Chartered Banks of Lower Canada to establish Agencies, and carry on the business of Banking within this Province"; and also the bill, entitled, "An Act to increase the capital stock of the Gore Bank, and the number of shares to be held therein," were severally read a second time; and it was,

Upper Canada Bank
Stock increase bill;

Lower Canada chartered
Banks agencies
establishment bill;

And Gore Bank Stock
increase bill,
read second time;

Ordered, that they be referred to the Select Committee, appointed to report upon the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company."

And referred to the
Select Committee upon
Midland District Bank
Stock increase bill.

Lawless aggression Act
alteration bill,
re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to protect the inhabitants of this Province against lawless aggressions from subjects of foreign countries at peace with Her Majesty.'"

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

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

House adjourns.

On motion made and seconded, the House adjourned.

Wednesday, 22nd January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

WEDNESDAY, 22nd JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

PRESENT:

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

The Honourable Messrs. MORRIS,
" " JOHN MACAULAY,
" " SULLIVAN,
" " FERGUSON,
" " RADCLIFFE,
" " MCGILLIVRAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

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

Petitions of the Managing Committee of the House of Industry;

The Honourable Mr. Morris brought up the petition of John Howell, and others, inhabitants of the District of Prince Edward; which was laid on the table.

And of John Howell, and others, brought up.

On motion made and seconded, it was,

Ordered, that the Honourable Mr. Crooks be added to the Select Committee, appointed to report upon the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company."

Hon. Mr. Crooks added to the Select Committee upon Midland District Bank Stock increase bill.

Pursuant to the order of the day, the bill, entitled, "An Act for dividing the Township of Hallowell, in the District of Prince Edward," was read a third time, and passed.

Hallowell Township division bill, read third time, and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly acquainted thereof.

A deputation from the Commons House of Assembly, returned the Address to His Excellency the Governor-General, sent down from this House, on the subject of the bill, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," and acquainted the Legislative Council, that the Commons House of Assembly had concurred in the same:—the same deputation brought up a bill, entitled, "An Act to authorise the raising of a sum of money, in the District of Niagara, for the purpose of relieving the said District from debt," to which they requested the concurrence of this House, and then withdrew.

Address to the Governor-General, in relation to Clergy Reserve sale bill, concurred in by the Assembly.

Niagara District debt liquidation bill, brought up from the Assembly.

Pursuant to the order of the day, the bill to repeal, alter and amend the Militia law of this Province, was read a third time, and passed; and it was,

Militia law repeal bill, read third time and passed;

Ordered, that the title be, "An Act to repeal part of and amend the Militia laws of this Province."

Title ordered;

Whereupon the Speaker signed the said bill; and it was,

Bill signed;

Ordered, that the same be sent to the Commons House of Assembly, by the Clerk of this House, for their concurrence.

And sent to the Assembly for concurrence.

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to incorporate certain persons, under the style and title of the Oakville Hydraulic Company"; and also a bill, entitled, "An Act authorising the levying of an additional tax on the District of Dalhousie, for the purpose of building a Gaol and Court House therein," to which they requested the concurrence of this House, and then withdrew.

Oakville Hydraulic Company's incorporation bill;

And Dalhousie District additional tax bill, brought up from the Assembly.

The Honourable Mr. Dunn enters.

A Member enters.

On motion made and seconded, it was,

Ordered, that a Committee be appointed, on the part of this House, to meet a Committee on the part of the Commons House of Assembly, this day, at four of the clock, P. M., for the purpose of waiting upon His Excellency the Governor-General, to know when His Excellency would be pleased to receive the bill, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," and also the joint Address of the two Houses, requesting His Excellency to transmit the said bill to England, and to present the same; and,

A Committee appointed to meet a Committee of the Assembly, to know when His Excellency would receive Clergy Reserve sale bill, and the joint Address in relation thereto, and to present the same.

Wednesday, 22nd January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Members composing the Committee on the part of this House;

Ordered, that the Honourable Messieurs Baldwin and Sullivan, do compose the Committee, on the part of this House, for the above purpose; and,

And the Assembly acquainted thereof.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs Baldwin and Sullivan, to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, this day, at four of the clock, P. M., for the purpose of waiting upon His Excellency the Governor-General, to know when His Excellency would be pleased to receive the bill, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," and also the joint Address of the two Houses, requesting His Excellency to transmit the said bill to England, and to present the same.

Lawless aggression Act alteration bill; read third time, but not passed.

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to protect the inhabitants of this Province against lawless aggressions from subjects of foreign countries at peace with Her Majesty,'" was read a third time; and it was,

Ordered, that this bill do not now pass, but that the same be again referred to a Committee of the whole House, to-morrow.

Niagara District debt liquidation bill;

The bill brought up from the Assembly this day, entitled, "An Act to authorise the raising of a sum of money, in the District of Niagara, for the purpose of relieving the said District from debt"; also the bill, entitled, "An Act to incorporate certain persons, under the style and title of the Oakville Hydraulic Company"; and also the bill, entitled, "An Act authorising the levying of an additional tax on the District of Dalhousie, for the purpose of building a Gaol and Court House therein," were severally read; and it was,

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

Petitions of the President and Directors of the Gore Bank:

Of Lewis Donnelly;

And of Francis K. Carey, and others; read.

Pursuant to the order of the day, the petition of the President and Directors of the Gore Bank, praying for an Act increasing the capital stock of that Institution; also the petition of Lewis Donnelly, of the Town of Niagara, praying for remuneration for a certain loss sustained by him whilst on service in Major Dickson's Troop of Cavalry; and also the petition of Francis K. Carey, and others, inhabitants of the Township of Delaware, in the London District, praying for an Act authorising the said Francis K. Carey, to erect a Dam across the River Thames, at or near Killworth, in the said Township; were severally read.

Motion for leave to bring in River Thames Mill Dam erection bill;

The Honourable Mr. Radcliffe, moved for leave to bring in a bill for authorising the erection of a Dam across the River Thames, at or near Killworth, in the Township of Delaware:

Question put and carried;

Which being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative; and,

Bill brought in, and read first time.

A bill for that purpose was then brought in accordingly, and read; and it was, Ordered, that the same be read a second time to-morrow.

Further report of the Select Committee upon Sandwich useless streets' stoppage bill, presented.

The Honourable Mr. Allan, from the Select Committee, to whom was again referred the bill, entitled, "An Act for stopping up parts of Streets in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned," presented their further report.

Ordered, that it be received; and,

Read.

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

The further report.

The Select Committee, to whom was referred the bill, entitled, "An Act for stopping up parts of Streets in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned," beg to Report:

That they have examined the bill, and they find that its object is to allow of the stopping up of certain back Streets in the Town Plot of Sandwich, which appear to be useless as public Highways, and to substitute in lieu thereof a certain Street running through the property of John Prince, Esquire, one of the signers of the petition.

Your Committee find the usual notice published in the Gazette, not for the whole period required by the rule of this House, but for reasons given upon former occasions, applicable to the publication of notices of measures to be introduced during the present Session, your Committee respectfully recommend that the rule be dispensed with.

Wednesday, 22nd January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Your Committee beg to state, that Her Majesty's Surveyor General of this Province, being a Member of your Committee, informs your Committee, that he is aware of no public grounds upon which the bill is liable to objection on the part of the Crown.

The petition is signed by many respectable inhabitants of the Town of Sandwich, interested in the welfare of the said Town, and there appears no counter petition.

Your Committee, therefore, recommend to your Honourable House the passage of the bill, without amendment.

All which is humbly submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
22nd day of January, 1840.

On motion made and seconded, it was,

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

The Honourable Mr. Fergusson, from the Select Committee to whom was referred the bill, entitled, "An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein," presented their report. Report of the Select Committee upon London police establishment bill, presented.

Ordered, that it be received; and,

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

Read.

The Select Committee, to whom was referred the bill, entitled, "An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein," beg leave to Report: The report.

That the bill appears to proceed upon a petition from the inhabitants of the Town of London, very numerous and respectably signed—that notice has been given for four months in the Upper Canada Gazette, and that it is the recommendation of your Committee to the Honourable House, to pass the bill, without amendment.

All which is humbly submitted.

ADAM FERGUSSON,
CHAIRMAN.

Committee Room, Legislative Council,
22nd day of January, 1840.

On motion made and seconded, it was,

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

The House was then put into a Committee of the whole upon the same, accordingly. Committed;

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

Adopted.

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

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to alter and amend an Act, entitled, 'An Act to authorise the erection of the County of Hastings into a separate District, and to continue the additional assessment for the District of Victoria,'" presented their report. Report of the Select Committee upon Victoria District erection law alteration bill, presented.

Ordered, that it be received; and,

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

Read.

The Select Committee, to whom was referred the bill, entitled, "An Act to alter and amend an Act, entitled, 'An Act to authorise the erection of the County of Hastings into a separate District, and to continue the additional assessment for the District of Victoria,'" beg leave to Report: The report.

Wednesday, 22nd January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

That the notice required by the rules of your Honourable House, in regard to bills of the nature of that submitted to them, appears to have been inserted in the Upper Canada Gazette only three months; but as it levies no new rate upon the inhabitants, your Committee are of opinion that it comes within the meaning of the exception made by the amendment to the forty-seventh rule, which declares, that it does not apply to cases in which application is made for the loan of money for the purpose of building a Gaol or Court House in any District, by consent of the Magistrates in Quarter Sessions assembled, provided no opposition appears to exist against the measure; and no such opposition has been made to the present measure.

Should your Honourable House concur in opinion, in regard to the notice, your Committee would recommend the bill to your favourable consideration, with the amendments appended to this their report.

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
22nd January, 1840.

In the title, line 1—After the word “to” expunge “alter and amend” and insert “extend the period for which the Magistrates of the District of Victoria are authorised to levy an additional rate in the said District by”; between the words “Act” and “entitled” insert “passed in the seventh year of the reign of His late Majesty King William the Fourth”

“ “ “ 3—After the word “District” expunge the remainder of the title.

In the bill, Press 1, line 1—After “to” expunge “alter and amend” and insert “extend the period for which the Magistrates of the District of Victoria are authorised to levy an additional rate in the said District by”; after the word “Act” insert “passed in the seventh year of the reign of His late Majesty King William the Fourth”

Press 1, line 3—After the words “of the” insert the word “said”

“ “ “ 5—After “therein” insert “be continued”

“ “ “ 12—After “clauses” insert “of the said Act”

“ “ “ 14—After “authorised” insert “and empowered”

“ “ “ 18—After “debt” insert “and interest”

“ “ “ 24—After “resolution” insert “which shall be”

“ 2, “ 7—After “heretofore” insert “collected and paid”

“ “ “ 11—After “District” insert “for no other purpose whatsoever”

On motion made and seconded, it was,

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

Committed :

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

The Honourable Mr. Stewart took the Chair.

After some time the House resumed.

Reported the adoption of the report of the Select Committee.

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

Ordered, that the report be received.

Message from the Assembly :

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

Mr. SPEAKER :

The House of Assembly have concurred in the request of the Honourable the Legislative Council, and have appointed a Committee of four of their Members, to meet the Committee appointed by your Honourable House, to wait upon His Excellency the Governor-General, to know when His Excellency will be pleased to receive the bill, entitled, “An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof,” and also

Acquainting this House of their having appointed a Committee to meet a Committee of the Council, to know when His Excellency would receive Clergy Reserve sale bill, and the Joint Address in relation thereto, and to present the same.

Thursday, 23rd January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

the joint Address of the two Houses, requesting His Excellency to transmit the said bill to England, and to present the same.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
22nd day of January, 1840.

The Honourable Mr. Fergusson moved, for leave to bring in a bill to admit persons not resident within this Province, to vote by proxy at elections of Presidents and Directors in the Chartered Banks of this Province. Motion for leave to bring in Non-residents proxy bill;

Which being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative; and, Question put and carried.

A bill for that purpose was then brought in accordingly, and read; and it was, Ordered, that the same be read a second time to-morrow. The bill brought in, and read first time.

On motion made and seconded, the House adjourned, until to-morrow, at half an hour past ten of the clock, A. M. House adjourns.

THURSDAY, 23rd JANUARY, 1840.

The House met pursuant to adjournment. House meets.

PRESENT:

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

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

Members present.

Prayers were read.

The Minutes of yesterday were read.

To the bill passed yesterday, entitled, "An Act to repeal part of and amend the Militia laws of this Province":— Protest of the Hon. Messrs. J. S. Macaulay, Allan and Sullivan, against the passing of Militia Law repeal bill.

DISSENTIENT,

Because, having been disposed of by the adoption of a resolution, to which the concurrence of the House of Assembly was requested, there being then present an unusually full House, it was afterwards restored to the order of the day, and finally passed, by a small number of Members, with a bare majority.

Because, the bill is imperfect, in not providing sufficient pains and penalties, and ought not therefore to have been passed, it being manifestly inconvenient to request the concurrence of the House of Assembly to a measure, which, if assented to by that House, would be absolutely inoperative and nugatory; nor could such a bill be perfected in this House, without a direct infringement of the privileges of the House of Assembly.

J. S. MACAULAY.

W. ALLAN.

R. B. SULLIVAN.

The Honourable Mr. Crooks brought up the petition of Thomas Millman, and others, inhabitants of the District of Gore; which was laid on the table. Petition of Thomas Millman, and others, brought up.

Pursuant to the order of the day, the bill, entitled, "An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein," was read a third time, and passed; London police establishment bill, read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof

Thursday, 23rd January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Resolutions on Internal Improvement, discharged from the order of the day.

The order of the day being read, for the House to be again put into a Committee of the whole, upon certain resolutions, relative to the internal communications of this Province; it was,

Ordered, that the same be discharged.

Sandwich useless streets' stoppage bill, re-committed;

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act for stopping up parts of Streets in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned," together with the further report of the Select Committee thereon.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported that the Committee had taken the said bill, and the further report thereon, into consideration, had made some progress therein, and asked leave to sit again this day.

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

Leave granted. Members enter.

The Honourable Messieurs Dunn and John McDonald, enter.

Niagara District debt liquidation bill, read second time;

Pursuant to the order of the day, the bill entitled, "An Act to authorise the raising of a sum of money, in the District of Niagara, for the purpose of relieving the said District from debt," was read a second time; and it was,

And referred to a Select Committee;

Ordered, that the same be referred to a Select Committee, to report thereon; and,

Members composing the same.

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

Oakville Hydraulic Company's incorporation bill;

Dalhousie District additional tax bill,

And River Thames Mill Dam erection bill; read second time.

Pursuant to the order of the day, the bill entitled, "An Act to incorporate certain persons, under the style and title of the Oakville Hydraulic Company"; also the bill, entitled, "An Act authorising the levying of an additional tax on the District of Dalhousie, for the purpose of building a Gaol and Court House therein"; and also the bill for authorising the erection of a Dam across the River Thames, at or near Killworth, in the Township of Delaware, were severally read a second time; and it was,

Ordered, that they be referred to Committees of the whole House, to-morrow.

Report of the Joint Committee appointed to know when His Excellency would receive Clergy Reserve sale bill, and the Address of the two Houses in relation to the same;

Address presented;

The Honourable Mr. Sullivan, from the joint Committee, appointed to wait upon the Governor-General, to know when His Excellency would be pleased to receive the bill, entitled, "An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," and the Address of both Houses to His Excellency, requesting him to transmit the said bill to England, and to present the same, reported that His Excellency had been pleased to receive the said bill and address forthwith, and to reply to the said Address, as follows:—

Honourable Gentlemen; and Gentlemen:

His Excellency's reply thereto.

I will transmit the bill for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof, together with your joint Address, as required by law, without any delay, to Her Majesty's Principal Secretary of State.

Accept my warmest acknowledgments for the ready attention you have given to this important subject, to which it was my duty to invite your consideration.

I congratulate you, most sincerely, upon having thus terminated, so far as depends on your exertions, the agitation of a question which has now, for nearly twenty years, been the fruitful source of disagreement in the Legislature, and of strife and contention among the people of this Province.

May the Great Author of all Peace, prosper your work; and in the restoration of tranquillity to the country, and the extension of the blessings of religious instruction amongst the people, may you reap the reward of your labours.

A Member enters.

The Honourable Mr. McGillivray enters.

Lawless aggression Act alteration bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to protect the inhabitants of this Province against lawless aggressions from subjects of foreign countries at peace with Her Majesty.'"

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

Thursday, 23rd January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

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

Ordered, that the report be received; and,

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

Press 1, line 9—After the word “that” expunge the words “the first clause of” The amendments.

“ “ “ 16—After the word “same” insert “for which any person convicted of such Felony would by the laws of this Province be liable to suffer death”

“ 2, “ 2—After the word “any” insert “such”; and after the word “Felony” insert “as aforesaid”

“ “ “ 5—After the word “any” insert “such”; and after the word “Felony” insert “as aforesaid”

“ “ “ 6—After the word “any” insert “such”

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

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

Pursuant to the order of the day, the bill to admit persons not resident within this Province, to vote by proxy at elections of Presidents and Directors in the Chartered Banks of this Province, was read a second time; and it was, Non-residents proxy bill, read second time;

Ordered, that the same be referred to the Select Committee, appointed to report upon the bill, entitled, “An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company.” And referred to the Select Committee upon Midland District Bank stock increase bill.

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

Pursuant to order, the House was again put into a Committee of the whole, upon the bill, entitled, “An Act for stopping up parts of Streets in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned,” together with the further report of the Select Committee thereon. Sandwich useless streets' stoppage bill, re-committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

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

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

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

A deputation from the Commons House of Assembly, returned the bill, entitled, “An Act to extend the time for completing the expenditure upon the Post Road between Cornwall and L'Original,” and acquainted this House, that the Commons House of Assembly had adopted the amendment made by the Legislative Council in and to the same, and then withdrew. Amendment to Cornwall and L'Original road completion time extension bill, acceded to by the Assembly.

The Honourable Messieurs Elmsley and Radcliffe, enter. Members enter.

A deputation from the Commons House of Assembly brought up a bill, entitled, “An Act to enable Her Majesty to remunerate the services of Sir Allan Napier MacNab, Speaker of the Commons House of Assembly,” to which they requested the concurrence of this House, and then withdrew. Sir Allan MacNab's remuneration bill, brought up from the Assembly.

The said bill was then read; and it was, Read first time.

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

On motion made and seconded, it was,

Ordered, that the Clerk of this House be directed to procure two hundred of the printed copies of certain letters, produced and read by the Honourable Mr. De Blaquiére, during the discussion upon the bill, entitled, “An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof.” Copies of certain letters produced by the Hon. Mr. De Blaquiére, during the discussion of Clergy Reserve sale bill, ordered to be printed.

The Honourable Mr. Fergusson brought up the petition of Thomas Sanders, and others, inhabitants of Guelph, in the Gore District; which was laid on the table. Petitions of Thomas Sanders, and others;

The Honourable Mr. Burnham brought up the petition of the President and Directors of the Port Hope Harbour and Wharf Company; which was laid on the table. And of the President and Directors of the Port Hope Harbour and Wharf Company, brought up.

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

Friday, 24th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

FRIDAY, 24th JANUARY, 1840.

House meets. The House met pursuant to adjournment.

PRESENT:

Members present.	The Honourable JONAS JONES, SPEAKER, The Honourable Messrs. DUNN, " " BURNHAM, " " BALDWIN, " " MORRIS,	The Honourable Messrs. JOHN MACAULAY, " " FERGUSSON, " " JOHN SIMCOE MACAULAY, " " JOHN McDONALD, " " MCGILLIVRAY.
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Prayers were read.

The Minutes of yesterday were read.

Lawless aggression Act alteration bill, (as amended) read third time and passed;

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to protect the inhabitants of this Province against lawless aggressions, from subjects of foreign countries at peace with Her Majesty,'" was, as amended, read a third time; and,

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

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

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

Members enter.

The Honourable Messieurs Elmsley and Crooks, enter.

Sandwich useless streets' stoppage bill, read third time and passed;

Pursuant to the order of the day, the bill, entitled, "An Act for stopping up parts of Streets, in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned," was read a third time, and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Prince Edward District Bank incorporation bill, committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Prince Edward District Bank."

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to the Select Committee, appointed to report upon the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company."

Ordered, that the report be received; and,

And referred to the Select Committee, upon Midland District Bank Stock increase bill.

Ordered, that the last-mentioned bill be referred to the Select Committee, appointed to report upon the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company."

A Member enters.

The Honourable Mr. Adamson enters.

Oakville Hydraulic Company's incorporation bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the Oakville Hydraulic Company."

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

Friday, 24th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

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

Ordered, that the Honourable Messieurs Adamson and Crooks, do compose the same for that purpose. Members composing the same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act authorising the levying of an additional tax on the District of Dalhousie, for the purpose of building a Gaol and Court House therein." Dalhousie District additional tax bill, committed.

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill for authorising the erection of a Dam across the River Thames, at or near Killworth, in the Township of Delaware. River Thames Mill Dam erection bill, committed.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

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

Pursuant to the order of the day, the bill, entitled, "An Act to enable Her Majesty to remunerate the services of Sir Allan Napier MacNab, Knight, Speaker of the Commons House of Assembly," was read a second time; and it was, Sir Allan MacNab's remuneration bill, read second time.

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

On motion made and seconded, it was,

Ordered, that the Honourable Mr. John Simcoe Macaulay, be added to the Select Committee, appointed to report upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the York Bridge Company." A Member added to the Select Committee upon York Bridge Company's incorporation bill.

On motion made and seconded, it was,

Ordered, that the petition of John Stuart, of the Town of London, praying for an Act annulling the marriage heretofore solemnized between him and Elizabeth Van Rensselaer, his wife, be referred to a Select Committee, to report thereon by bill or otherwise; and, Petition of John Stuart, referred to a Select Committee;

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

The Honourable Mr. John McDonald brought up the petition of MacPherson, Crane, and others, inhabitants of the Town of Kingston; which was laid on the table. Petition of MacPherson, Crane, and others; brought up.

A deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to provide for the management of the Estate of William Handley, Esquire"; and also a bill, entitled, "An Act for the relief John W. Dempsey," to which they requested the concurrence of this House, and then withdrew. Handley's estate management bill; And Dempsey's relief bill, brought up from the Assembly.

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

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

Several Messages from His Excellency the Governor-General, were delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and they were then again read by the Clerk, as follows:— Messages from His Excellency the Governor-General:

Friday, 24th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

C. POULETT THOMSON.

Transmitting the report of the Brockville and St. Francis Macadamized road Trustees.

The Governor-General transmits, for the information of the Legislative Council, the Report of the Trustees of the Macadamized road from Brockville to St. Francis, for the year 1839.

Toronto, 24th January, 1840.

C. POULETT THOMSON.

Transmitting the report of the Trustees of the Toronto General Hospital.

The Governor-General transmits, for the information of the Legislative Council, the Report of the Trustees of the Toronto General Hospital, for the year 1839.

Toronto, 24th January, 1840.

On motion made and seconded, it was,

An Address of thanks ordered to be presented to the Governor-General, for the foregoing Messages.

Ordered, that an Address be presented to the Governor-General, respectfully thanking His Excellency for His several Messages just received; and,

A Committee appointed therefor.

Ordered, that the Honourable Messieurs Baldwin and Sullivan, do present the same.

Report of the Select Committee upon Boundary line Commissioners law amendment bill, presented;

The Honourable Mr. Elmsley, from the Select Committee to whom was referred the bill, entitled, "An Act to alter and amend the Act passed during the third Session of the present Parliament, entitled, 'An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province,'" presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to which has been referred the bill, entitled, "An Act to alter and amend the Act passed during the third Session of the present Parliament, entitled, 'An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province,'" beg leave to Report:—

That they have examined the provisions of this bill, and on comparing them with the original Act, find that they are designed to facilitate the proceedings of the Commissioners, and to render them less expensive.

Some of the Commissioners, who have been appointed under this law, have suggested amendments, which the Committee consider it proper to mention in this report, although they are not prepared to recommend them for immediate adoption.

They are, as follows:—

"Authority to charge the lands of absentees with a proportion of the expenses incurred for surveys, by which the boundaries of their lands are necessarily determined: say that the Treasurer of the District should pay such charge, in the first instance, and the claim, as authenticated, to remain as a lien upon the land, bearing interest, and to accumulate, as other arrears of tax, until paid by distress, so soon as any can be found upon it."

"Power to consider of the interests of parties holding lands under lease; such as from the Crown or Clergy Corporations, &c., that such expenses as they incur, or may pay for fixing their boundaries, may be set off against any rent they may have to pay."

"That upon application to establish boundaries, where any of the parties interested apprehend waste, by the cutting of timber or removal of buildings pending the inquiry, and until the final decision of the Board, the Commissioners, upon an affidavit of the facts, to be authorised to issue an injunction upon all parties to stay such waste; and that individuals sustaining damage upon lands that may be awarded them, may maintain an action for such waste committed from the date of such injunction."

"Authority to appoint a Clerk to the Board."

"A clause to declare how far the Board are bound, by the provisions of the Act 59th Geo. III. chap. 14, as some modification of it would seem to be necessary, and various opinions are given as to its true construction: and also if the Board have power to award compensation, as has been done in the case of the Gore Commissioners."

"An amendment of the sixth clause of the 1st Vict. chap. 19, by enlarging the period for final decision, upon special cause, to be entered on the Minutes."

Friday, 24th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

With respect to the proposal to declare how far Boards of Commissioners are bound by the provisions of the Act 59th Geo. III. chap. 14, the Committee have to remark, that the Select Committee of your Honourable House, which had the original bill under consideration, in the year 1838, appear to have considered the Act above referred to, as remaining in full force. But, as it is desirable to remove all doubts upon a point of such importance, the Committee have prepared a declaratory clause, as an amendment to the bill.

Your Committee, understanding that in some cases the Surveyors, who, in conformity to the Act of 1838, were appointed Commissioners, have made surveys, and afterwards sat in judgment upon their own work, have considered it proper that they should be restrained from so acting in a double capacity; and with this view, have prepared an amendment, which they now submit, together with another clause, providing for the service of notice on the acknowledged Agents of landholders, who may be absent from the Province.

In the first clause of the present bill, your Committee consider certain amendments necessary, which they have appended to their report.

All which is respectfully submitted.

J. ELMSLEY,
CHAIRMAN.

Committee Room, Legislative Council,
24th January, 1840.

AMENDMENTS.

- Press 1, line 19—After "situate" insert "or of which it shall be a Boundary Line"
- " 2, " 3—After "situate" insert "or of which it shall be a Boundary Line"
- " " " 6—Add to the clause, "Provided always, that the judgment and final decision of the said Commissioners, shall be published once in the Gazette of this Province."
- " " " 24—After "Act" insert "so far as the same may not have been varied by the first Act herein-mentioned, or by the provisions in this Act."

Add to the bill—"And be it further enacted by the authority aforesaid, That no Deputy Surveyor, being a Boundary Commissioner, shall be employed to make any survey under the authority of the Board of which he is a member, nor act as a Commissioner in the decision of any case in which the Boundaries in dispute may at any time heretofore have been surveyed or reported on by him; or of which any survey may have been made by him which can directly or indirectly affect the question at issue."

"And be it further enacted by the authority aforesaid, That when the owner of any lot or lots in fee, or for any less estate of freehold, from whom redress may be sought, shall be absent from the Province, the warrant or precept authorised to be issued by the fourth section of the Act herein first mentioned, shall and may be issued and delivered to the known agent of such owner as aforesaid, and shall have as full force and effect as if the same had been issued to the said owner in person."

"And whereas doubts have arisen, how far the provisions of an Act passed in the fifty-ninth year of the reign of King George the Third, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors, and the admeasurement of lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish, on a permanent footing, the Boundary Lines of the different Townships of this Province,' and further to regulate the manner in which lands are hereafter to be surveyed," are binding upon Boundary Commissioners: Be it therefore further enacted by the authority aforesaid, That all the provisions contained in the second section of the said Act, relating to Boundaries, are hereby declared to be and remain in full force

Friday, 24th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

and virtue, in all cases in which the said Commissioners may be called on to hear and determine matters in dispute touching any line or boundary of any lot, township or concession."

On motion made and seconded, it was,

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

Boundary line Commissioners law amendment bill, committed;

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

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Amendments reported;

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

Ordered, that the report be received; and,

Read first time.

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

The amendments.

Press 1, line 19—After "situate" insert "or of which it shall be a boundary line"

" 2, " 3—After "situate" insert "or of which it shall be a boundary line"

" " " 6—Add to the clause "Provided always, that the judgment and final decision of the said Commissioners, shall be published once in the Gazette of this Province"

" " " 24—After "Act" insert "so far as the same may not have been varied by the first Act herein-mentioned, or by the provisions in this Act contained"

Add to the bill—"And be it further enacted by the authority aforesaid, That no Deputy Surveyor, being a Boundary Commissioner, shall be employed to make any Survey, under the authority of the Board of which he is a Member, nor act as a Commissioner in the decision of any case in which the boundaries in dispute may, at any time heretofore, have been surveyed or reported on by him; or where any Survey may have been made by him which can directly or indirectly affect the question at issue."

"And be it further enacted by the authority aforesaid, That when the owner of any lot or lots, in fee, or for any less estate of freehold, from whom redress may be sought, shall be absent from the Province, the warrant or precept authorised to be issued by the fourth section of the Act herein first mentioned, shall and may be issued and delivered to the known agent of such owner as aforesaid, and shall have as full force and effect as if the same had been issued to the said owner in person."

"And whereas doubts have arisen how far the provisions of an Act passed in the fifty-ninth year of the reign of King George the Third, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors, and the admeasurement of lands, and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish on a permanent footing, the Boundary lines of the different Townships of this Province,' and further to regulate the manner in which lands are hereafter to be surveyed," are binding upon Boundary Commissioners: Be it therefore further enacted by the authority aforesaid, That all the provisions contained in the second section of the said Act, relating to Boundaries, are hereby declared to be and remain in full force and virtue, in all cases in which the said Commissioners may be called on to hear and determine matters in dispute, touching any line or boundary of any lot, township or concession."

Read second time, and adopted.

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

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

Motion for leave to bring in Small Bank notes issue prevention bill;

The Honourable Mr. Morris moved for leave to bring in a bill for preventing the issue of Bank Notes, for the payment of a less amount than five shillings.

Friday, 24th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Which being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative; and, Question put and carried.

A bill for that purpose was then brought in accordingly, and read; and it was, Bill brought in, and read first time.
Ordered, that the same be read a second time to-morrow.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the style and title of the Oakville Hydraulic Company," presented their report. Report of the Select Committee upon Oakville Hydraulic Company's incorporation bill, presented;

Ordered, that it be received; and,

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

The Select Committee, to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the style and title of the Oakville Hydraulic Company," beg leave to Report:— The report.

That they have examined the said bill, which to them appears to contain all the provisions necessary to protect the rights of individuals, as well as those of the public, except that there is no provision against Banking; and although it seems to your Committee, that from the capital stock being limited to £20,000, there is little risk of the Charter, should it become a law, being made use of for that purpose, yet they submit a proviso to the fourth clause, restricting the Company in that respect: and being of opinion that the erection of Mills at Oakville, would be highly advantageous, as well to the vicinity as to the trade of the Province, they recommend it to the favourable consideration of your Honourable House.

Notice of the intended application for a Charter, has been published in the Upper Canada Gazette for five months, and your Committee are not aware that there has been any counter petition.

They, however, deem it necessary to recommend the adoption of a clause, reserving to the Legislature the right to vary or repeal the said Act, should they see fit.

All which is respectfully submitted.

P. ADAMSON,
CHAIRMAN.

Committee Room, Legislative Council,
24th January, 1840.

Press 4, line 9—Add to the clause: "Provided always, that nothing herein-contained, shall authorise the said Company to carry on the business of Banking."

" 8, " 10—After the word "shall" insert the word "the"

Add to the bill—" 18. And be it further enacted by the authority aforesaid, That it shall remain in the power of the Legislature to make any alterations in the provisions of this Act, or addition thereto, which may seem to them expedient."

On motion made and seconded, it was,

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

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

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Press 4, line 9—After "hundred" insert: "Provided always, that nothing herein-contained, shall authorise the said Company to carry on the business of Banking." The amendments.

" 8, " 10—After "shall" insert "be"

" 9, " 12—After "whatsoever" add to the bill: " 18. And be it further enacted by the authority aforesaid, That it shall remain in the power of the Legislature to make any alteration in the provisions of this Act, or addition thereto, which may seem to them expedient."

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Read second time, and adopted.

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

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

Report of the Select Committee upon York Bridge Company's incorporation bill, presented.

The Honourable Mr. Elmsley, from the Select Committee to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the style and title of the York Bridge Company," presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the style and title of the York Bridge Company," beg leave to Report:—

That the requisite petition and publication of a notice in the Gazette, were respectively presented and published last year, when a similar measure to the one now submitted to your Honourable House was brought into the other House of Parliament, but not at a sufficiently early season to permit of its being, on that occasion, brought under the notice of the Legislative Council.

That no counter petition has been presented, nor is there any apparent objection to the incorporation of the proposed Company.

The Committee have prepared some amendments, which are hereunto appended, for the consideration of your Honourable House.

All which is respectfully submitted.

J. ELMSLEY,
CHAIRMAN.

Committee Room, Legislative Council,
24th January, 1840.

AMENDMENTS.

Press 1, line 2—Expunge "greatly conduce to the advancement of" and insert "be a great public convenience to"

" " " 21—After "necessary" insert, "Provided always that such Estate shall"

" " " 21—Expunge "over" and insert "exceed"

" 2, " 7—After "Niagara" insert "at such time and"

" " " 13—Expunge "and such election shall then and there be made by a majority of shares voted for"

" 4, " 8—After "make" insert "such"

" 5, " 5—Expunge "nothing herein-contained shall extend to prevent"

" " " 6—Expunge "from paying" and insert "shall pay"

" 6, " 18—Expunge "thereon" and insert "on the said Bridge"

" " " 19—Expunge "ten per cent. more than is" and insert "those which are"

" 8, " 6—After "shall" insert "for every such offence"

On motion made and seconded, it was,

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

Report of the Select Committee upon Inn-keeper's Licence further regulation bill, presented.

The Honourable Mr. Morris, from the Select Committee to whom was referred the bill, entitled, "An Act for further regulating the manner of granting Licenses to Innkeepers, and to the Keepers of Ale and Beer Houses within this Province," presented their report:—

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act for further regulating the manner of granting Licenses to Innkeepers, and to the Keepers of Ale and Beer Houses within this Province," beg leave to Report:—

Saturday, 25th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

That, in the first enacting clause, the portion of the Act proposed to be therein repealed, has not been correctly quoted; but, in a subsequent clause, this error may be assumed to be corrected. The Committee have not, therefore, at this late period of the Session, thought fit to recommend an amendment, conceiving that it would not be prudent to risk the loss of a measure of so great importance, because of a slight imperfection.

The Committee are of opinion, that the day chosen for the meeting of the Special Session, to be held for the purpose of granting licenses, will not be found generally convenient, many of the country roads being, at that time of the year, almost impassable.

The Committee feel assured, that the necessity of a consolidation of the Statutes of the two Provinces, will be deemed so essential, that it cannot long be delayed, when an opportunity will be afforded for introducing such clauses and amendments as may be found necessary.

The Committee have ascertained that a clerical error exists in the eighth clause, which they conceive may be amended by the Speakers of the two Houses, whose attention they beg respectfully to solicit to this point, not deeming it advisable to suggest an amendment to this money bill, where any other course of rectification appeared to be available.

All which is respectfully submitted.

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
24th January, 1840.

On motion made and seconded, it was,

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

Pursuant to the order of the day, the petition of the Managing Committee of the House of Industry, in the City of Toronto, praying for a grant of money in aid of the said Institution, and for the erection of new buildings therefor; and also the petition of John Howell, and others, inhabitants of the District of Prince Edward, praying for an Act incorporating a Banking Company therein; were severally read.

Petitions of the
Managing Committee of
the House of Industry;

And of John Howell, and
others, read.

On motion made and seconded, the House adjourned.

House adjourns.

SATURDAY, 25th JANUARY, 1840.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER,
The Honourable Messrs. BURNHAM,
" " ELMSLEY,
" " ADAMSON,
" " CROOKS,

The Honourable Messrs. MORRIS,
" " FERGUSSON,
" " JOHN SIMCOE MACAULAY,
" " JOHN McDONALD,
" " MCGILLIVRAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Morris brought up the petition of John Machar, and John Mowat, and also the petition of James Sampson, and others, subscribers to the New Hospital, erected at Kingston.

Petitions of
John Machar, and
another;
Of James Sampson, and
others;

The Honourable Mr. John Simcoe Macaulay brought up the petition of Dexter De Everardo, and others, freeholders and inhabitants of the Townships of Pelham and Thorold, in the Niagara District; which was laid on the table.

And of Dexter De
Everardo, and others,
brought up.

The Honourable Messieurs Baldwin and Sullivan, enter.

Members enter.

A deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to extend the period for which the Magistrates of the District of Victoria are authorised to levy an additional rate in the said District, by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the erection

Hastings additional
assessment period
extension bill,
brought up from the
Assembly.

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of the County of Hastings into a separate District," to which they requested the concurrence of this House, and then withdrew.

Read first time.

The said bill was then read ; and it was,

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

A Member enters.

The Honourable Mr. Dunn enters.

Boundary Line Commissioners law amendment bill, (as amended);

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend the Act passed during the third Session of the present Parliament, entitled, 'An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province'; and also the bill, entitled, "An Act to incorporate certain persons, under the style and title of the Oakville Hydraulic Company"; were severally, as amended, read a third time; and,

And Oakville Hydraulic Company's incorporation bill, (as amended,) read third time, and passed.

The question being put whether these bills, as amended, should pass, it was carried in the affirmative;

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, with certain amendments, to which they request the concurrence of the Commons House of Assembly.

Dalhousie District additional tax bill, read third time, and passed.

Pursuant to the order of the day, the bill, entitled, "An Act authorising the levying of an additional tax on the District of Dalhousie, for the purpose of building a Gaol and Court House therein," was read a third time, and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Sir Allan MacNab's remuneration bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to enable Her Majesty to remunerate the services of Sir Allan Napier MacNab, Knight, Speaker of the Commons House of Assembly."

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Reported.

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

House divided upon the question for receiving the report.

Upon the question being put whether this report be received, the House divided equally;

Negated by the casting vote of the Speaker.

Whereupon the Honourable the Speaker gave the casting vote in the negative; and it was,

Ordered, that the said report be not received.

The bill re-committed.

The House was then again put into a Committee of the whole, upon the last-mentioned bill.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Reported;

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

House again divided upon the question for receiving the report.

Upon the question being put whether the last-mentioned report be received, the House again divided equally;

Carried by the casting vote of the Speaker.

Whereupon the Honourable the Speaker gave the casting casting vote in the affirmative; and it was,

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, on Monday next; and,

Members summoned.

Ordered, that the Members in Town be summoned to attend in their places on that day.

York Bridge Company's incorporation bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the York Bridge Company," together with the report of the Select Committee thereon.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

Amendments reported.

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

Ordered, that the report be received; and,

Read first time.

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

Saturday, 25th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Press 1, line 2—After “would” expunge “greatly conduce to the advancement of” and insert “be a great public convenience to” The amendments.

“ “ “ 21—After “necessary” insert, “Provided always that such Estate shall”; after “not” expunge “over” and insert “exceed”

“ 2, “ 7—After “Niagara” insert “at such time and”

“ “ “ 13—After “mentioned” expunge to “in” in line 14.

“ 4, “ 8—After “make” insert “such”

“ 5, “ 5—After “that” expunge “nothing herein-contained shall extend to prevent”

“ “ “ 6—Expunge “from paying” and insert “shall pay”

“ 6, “ 18—After “tolls” expunge “thereon” and insert “on the said Bridge”

“ “ “ 19—After “exceed” expunge “ten per cent. more than is” and insert “those which are”

“ 8, “ 6—After “shall” insert “for every such offence”

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

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, “An Act for further regulating the manner of granting Licenses to Innkeepers, and to the Keepers of Ale and Beer Houses within this Province,” together with the report of the Select Committee thereon. Innkeepers license further regulation bill, committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

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

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

Ordered, that the last-mentioned bill be read a third time, on Monday next.

Pursuant to the order of the day, the bill for preventing the issue of Bank Notes, for the payment of a less amount than five shillings, was read a second time; and it was, Small Bank notes issue prevention bill, read second time;

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

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

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the order of the day, the petition of Thomas Millman, and others, inhabitants of the District of Gore; and of Thomas Saunders, and others, inhabitants of Guelph, in the District of Gore—respectively praying for a repeal of the Act authorising the levying of a tax upon the inhabitants of the Gore, London and Western Districts, to meet the interest upon the loan authorised to be advanced to the Great Western Rail-road Company; and also the petition of the President and Directors of the Port Hope Harbour and Wharf Company, praying for an Act increasing the capital stock of the said Company; were severally read. Petitions of Thomas Millman, and others; Of Thomas Saunders, and others; And of the President and Directors of the Port Hope Harbour and Wharf Company, read.

On motion made and seconded, it was,

Ordered, that two hundred copies of the reply of His Excellency the Governor-General, upon the occasion of presenting to His Excellency the bill, entitled, “An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof,” as also the joint Address, requesting His Excellency to transmit the said bill to England, be printed for the use of Members. The Joint Address to the Governor-General, requesting His Excellency to transmit to England the Clergy Reserve sale bill, and His Excellency's reply thereto, ordered to be printed.

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

Monday, 27th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

MONDAY, 27th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. STEWART,

The Honourable Mr. CROOKSHANK,

“ “ MORRIS,

The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,

“ “ JOHN MACAULAY,

The Honourable Messrs. WELLS,

“ “ SULLIVAN,

“ “ DUNN,

“ “ FERGUSSON,

“ “ ALLAN,

“ “ RADCLIFFE,

“ “ ALEXANDER McDONELL,

“ “ JOHN SIMCOE MACAULAY,

“ “ BURNHAM,

“ “ WILKINS,

“ “ ELMSLEY,

“ “ JOHN McDONALD,

“ “ BALDWIN,

“ “ MCGILLIVRAY.

“ “ CROOKS,

Prayers were read.

The Minutes of Saturday last were read.

Order of the day read for a third reading of Sir Allan MacNab's remuneration bill;

The order of the day being read, for a third reading of the bill, entitled, “An Act to enable Her Majesty to remunerate the services of Sir Allan Napier MacNab, Knight, Speaker of the Commons House of Assembly”; it was,

Motion for reading the bill a third time in three months;

Moved and seconded, that the said bill be not now read a third time, but that the same be read a third time this day three months;

Question put and negatived.

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

Motion for not reading the bill a third time, but that a conference be requested with the Assembly on the same;

It was then moved and seconded, that the bill be not now read a third time; but that it be,

Resolved, That a conference be requested with the House of Assembly on the subject of the bill sent up from that House, entitled, “An Act to enable Her Majesty to remunerate the services of Sir Allan Napier MacNab, Knight, Speaker of the Commons House of Assembly,” and that the Conferrees on the part of this House be instructed to inform the Conferrees on the part of the House of Assembly, that this House is not disposed to prevent the passage of any measure, which is desired by the Assembly to place their Speaker on a footing in point of income with the Speaker of this House; and that this House will assent to any general measure embracing the present Parliament.

Question put and negatived.

Whereupon the question of concurrence was put, and the same was carried in the negative.

The bill read third time, and passed;

The last-mentioned bill was then read a third time and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Protest of the Hon. Messrs. Crooks, McGillivray, Morris, John McDonald, and Burnham, against the passing of the last mentioned bill.

To the bill just passed, entitled, “An Act to enable Her Majesty to remunerate the services of Sir Allan Napier MacNab, Knight, Speaker of the Commons House of Assembly”;

DISSENTIENT,

JA'S. CROOKS,
JOHN MCGILLIVRAY,
W. MORRIS,
JOHN McDONALD,
Z. BURNHAM.

York Bridge Company's incorporation bill, (as amended); read third time, and passed.

Pursuant to the order of the day, the bill, entitled, “An Act to incorporate certain persons, under the style and title of the York Bridge Company,” was, as amended, read a third time; and,

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

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

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

Monday, 27th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Pursuant to the order of the day, the bill for preventing the issue of Bank Notes, for the payment of a less amount than five shillings, was read a third time, and passed. Small Bank notes issue prevention bill, read third time, and passed;

Ordered, that the title be, "An Act to prevent the circulation of printed Promissory Notes under the value of Five Shillings": Title ordered;

Whereupon the Speaker signed the said bill; and it was, Bill signed;

Ordered, that the same be sent to the Commons House of Assembly, by the Clerk of this House, for their concurrence. And sent to the Assembly for concurrence.

The Honourable Mr. John Macaulay brought up the petition of Lonson Hilliard, of the Town of Prescott; which was laid on the table. Petitions of Lonson Hilliard;

The Honourable Mr. John McDonald brought up the petition of George P. Ridout, Vice President of the Board of Trade of the City of Toronto; which was laid on the table. Of the Vice President of the Board of Trade of the City of Toronto;

The Honourable Mr. Fergusson brought up the petition of John Wetenhall, and others, inhabitants of the County of Halton; which was laid on the table. And of John Wetenhall, and others; brought up.

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," and to whom was also referred the bill to admit persons not resident within this Province, to vote by proxy at any elections of Presidents and Directors in the Chartered Banks of this Province, presented their report upon the last-mentioned bill. Report of the Select Committee upon Non-residents proxy bill, presented.

Ordered, that the report be received; and,

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

The Select Committee, to whom was referred the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," and also the bill to admit persons not resident within this Province, to vote by proxy at any elections of Presidents and Directors in the Chartered Banks of this Province, beg leave to Report upon the last-mentioned bill:— The report.

That they have examined the said bill, and recommend the following amendments, viz. :—

Press 1, line 10—After the word "for" expunge "individuals not resident within this Province" and insert "any person or body politic or corporate, resident in any part of Her Majesty's dominions, or any inhabitant of this Province who may be temporarily absent from the same"

" " " 13—After "Banks" insert "for themselves or in trust for others"

" " " 17—After the word "respectively" expunge the remainder of the clause, and insert, "any thing in an Act passed during the last Session of Parliament, entitled, "An Act to alter and amend an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Gore Bank,' or in any other Act to the contrary notwithstanding."

" And be it further enacted by the authority aforesaid, That for the purpose of entitling any person to be elected a Director of any of the said Banks, it shall be necessary that such person shall have held the quantity of stock which qualifies him to be so elected, for at least the same time that stock is required to be held, to entitle any stockholder to vote at such election."

" Provided always, and be it further enacted by the authority aforesaid, That from and after the first day of June next, it shall not be lawful for any one person at any Bank Election to use proxies, or vote by proxy, to an extent beyond fifty votes, and that no officer of any Bank, except the Directors thereof, shall use any proxy, or vote by proxy, for any stockholder or stockholders of the Bank to which he or they may belong."

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
25th January, 1840.

Monday, 27th January, 1840.

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On motion made and seconded, it was,

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

Handley's estate management bill, read second time;

Pursuant to the order of the day, the bill, entitled, "An Act to provide for the management of the Estate of William Handley, Esquire," was read a second time; and it was,

And referred to a Select Committee; Members composing the same.

Ordered, that the same be referred to a Select Committee, to report thereon; and,

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

Dempsey's relief bill, read second time;

Pursuant to the order of the day, the bill, entitled, "An Act for the relief of John W. Dempsey," was read a second time; and it was,

And referred to a Select Committee.

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

Members composing the same.

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

Hastings additional assessment period extension bill, read second time;

Pursuant to the order of the day, the bill, entitled, "An Act to extend the period for which the Magistrates of the District of Victoria are authorised to levy an additional rate in the said District, by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the erection of the County of Hastings into a separate District,'" was read a second time; and it was,

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

Committed;

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

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

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

Inn-keeper's Licence further regulation bill, read third time, and passed;

Pursuant to the order of the day, the bill, entitled, "An Act for further regulating the manner of granting Licenses to Innkeepers, and to the Keepers of Ale and Beer Houses within this Province," was read a third time, and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Petitions of MacPherson, Crane, and others;

Pursuant to the order of the day, the petition of MacPherson, Crane, and others, inhabitants of the Town of Kingston, praying for an Act increasing the capital stock of the Commercial Bank of the Midland District; also the petition of John Machar, and John Mowat, and of James Sampson, and others, subscribers to the New Hospital, erected at Kingston—respectively praying that the said building may, for a short period, be occupied and used by the Professors in the University at Kingston; and also the petition of Dexter De Everardo, and others, freeholders and inhabitants of the Townships of Pelham and Thorold, in the Niagara District, praying for an Act granting a further sum of money, to be expended in the permanent completion of the Great Western Canboro' road, leading from the Falls of Niagara to Amherstburgh; were severally read.

Of John Machar, and another;

Of James Sampson, and others;

And of Dexter De Everardo, and others, read.

Motion for leave to bring in Kingston College new Hospital occupancy bill;

The Honourable Mr. Morris moved for leave to bring in a bill, to enable the Trustees of a College, about to be established at Kingston, to use and occupy a certain building in the said Town, commonly called the new Hospital.

Question put and carried.

Which being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative.

Bill brought in and read first time.

A bill for that purpose was then brought in accordingly, and read; and it was,

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

Toronto incorporation law amendment continuation bill;

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto';

Monday, 27th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

also a bill, entitled, "An Act to repeal so much of the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to provide for the disposal of the public lands in this Province, and for other purposes therein-mentioned,' as may enable Her Majesty to make a grant of land to James FitzGibbon, Esquire"; also a bill, entitled, "An Act authorising the payment of pensions to Militia-men, and Widows of deceased Militia-men, under certain restrictions, and for other purposes therein-mentioned"; also a bill, entitled, "An Act to confirm and regulate certain sales of land for taxes, in the District of Ottawa"; also a bill, entitled, "An Act to extend the limits of the Gaols of this Province"; also a bill, entitled, "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this Province"; also a bill, entitled, "An Act to incorporate certain persons, under the name and style of the President, Directors and Company, of the Bronté Harbour"; also a bill, entitled, "An Act to revive and amend the laws relating to duties on Stills in this Province"; and also a bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Freeholders' Bank of Upper Canada," to which they requested the concurrence of this House: and they returned the bill, entitled, "An Act to incorporate certain persons, under the style and title of the Oakville Hydraulic Company," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

The bill, entitled, "An Act to revive and amend the laws relating to duties on Stills in this Province," was then read; and it was,

Ordered, that the forty-fourth rule of this House be dispensed with, as it respects the last-mentioned bill, and that the same be read a second time, presently.

The said bill was then read a second time accordingly; and it was,

Ordered, that the same be referred to a Select Committee, to report thereon; and,

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

The bill, entitled, "An Act to incorporate certain persons, under the name and style of the President, Directors and Company, of the Bronté Harbour," was then read; and it was,

Ordered, that the forty-fourth rule be dispensed with, as it respects the last-mentioned bill, and that the same be read a second time, presently.

The said bill was then read a second time accordingly; and it was,

Ordered, that the same be referred to a Select Committee, to report thereon; and,

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

The bill, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto'; also the bill, entitled, "An Act to repeal so much of the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to provide for the disposal of the public lands in this Province, and for other purposes therein-mentioned,' as may enable Her Majesty to make a grant of land to James FitzGibbon, Esquire"; also the bill, entitled, "An Act authorising the payment of pensions to Militia-men, and Widows of deceased Militia-men, under certain restrictions, and for other purposes therein-mentioned"; also the bill, entitled, "An Act to confirm and regulate certain sales of land for taxes, in the District of Ottawa"; also the bill, entitled, "An Act to extend the limits of the Gaols of this Province"; and also the bill, entitled, "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this Province," were then severally read; and it was,

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

The bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Freeholders' Bank of Upper Canada," was then read; and it was,

Ordered, that the forty-fourth rule of this House be dispensed with, as it respects the last-mentioned bill, and that the same be read a second time, presently.

FitzGibbon's land grant bill;

Militia pension payment bill;

Ottawa land tax sale confirmation bill;

Gaol limits extension bill;

Rebellion claims payment provision bill; Bronté Harbour incorporation bill;

Still duty revival bill;

And Freeholders Bank incorporation bill, brought up from the Assembly.

Amendments to Oakville Hydraulic Company's incorporation bill, acceded to by that House.

Still duty revival bill, read first time;

Forty-fourth rule dispensed with;

Bill read second time;

And referred to a Select Committee;

Members composing the same.

Bronté Harbour incorporation bill, read first time;

Forty-fourth rule dispensed with;

Bill read second time;

And referred to a Select Committee; Members composing the same.

Toronto incorporation law amendment continuation bill;

FitzGibbon's land grant bill;

Militia pension payment bill;

Ottawa land tax sale confirmation bill;

Gaol limits extension bill;

And Rebellion claims payment provision bill, read first time.

Freeholders Bank incorporation bill, read first time;

Forty-fourth rule dispensed with;

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Bill read second time;

The said bill was then read a second time accordingly; and it was,

And referred to the Select Committee upon Midland District Bank stock increase bill.

Ordered, that the same be referred to the Select Committee, appointed to report upon the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company."

House adjourns.

On motion made and seconded, the House adjourned.

TUESDAY, 28th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER,

The Honourable Messrs. JOHN MACAULAY,

The Honourable Messrs. DUNN,

" " FERGUSSON,

" " ALLAN,

" " RADCLIFFE,

" " BURNHAM,

" " JOHN SIMCOE MACAULAY,

" " ELMSLEY,

" " JOHN McDONALD,

" " BALDWIN,

" " MCGILLIVRAY.

" " MORRIS,

Prayers were read.

The Minutes of yesterday were read.

Hastings additional assessment period extension bill, read third time, and passed;

Pursuant to the order of the day, the bill, entitled, "An Act to extend the period for which the Magistrates of the District of Victoria are authorised to levy an additional rate in the said District, by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the erection of the County of Hastings into a separate District,'" was read a third time, and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

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

Non-residents proxy bill, committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill to admit persons not resident within this Province, to vote by proxy at elections of Presidents and Directors in the Chartered Banks of this Province, and the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Amendments reported.

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

Adopted.

Ordered, that the report be received; and,

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

A Member enters.

The Honourable Mr. Crooks enters.

Kingston College new Hospital occupancy bill, read second time.

Pursuant to the order of the day, the bill to enable the Trustees of a College, about to be established at Kingston, to use and occupy a certain building in the said Town, commonly called the new Hospital, was read a second time; and it was,

The rule limiting the time for receiving petitions for private bills dispensed with, as respects the Petitions of John Machar, and another, and of James Sampson, and others.

Ordered, that the Rule made on the twentieth day of April, one thousand eight hundred and twenty-one, which limits the time for receiving petitions for private bills, be dispensed with, as respects the petitions of John Machar and John Mowat, and of James Sampson, and others, subscribers to the new Hospital erected at Kingston, respectively praying that the said building may, for a short period, be occupied and used by the Professors in the University at Kingston; and,

The last mentioned petitions referred to a Select Committee;

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

Members composing the same.

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

A Member enters.

The Honourable Mr. Sullivan enters.

Tuesday, 28th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Pursuant to the order of the day, the bill, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto'; and also the bill, entitled, "An Act to repeal so much of the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to provide for the disposal of the Public Lands in this Province, and for other purposes therein-mentioned,' as may enable Her Majesty to make a grant of land to James FitzGibbon, Esquire," were severally read a second time; and it was,

Toronto incorporation law amendment continuation bill;

And FitzGibbon's land grant bill, read second time.

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

Pursuant to the order of the day, the bill entitled, "An Act authorising the payment of Pensions to Militia Men, and Widows of deceased Militia Men, under certain restrictions, and for other purposes therein-mentioned," was read a second time; and it was,

Militia pension payment bill, read second time;

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

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

Committed;

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

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

Reported and leave asked to sit again;

Upon the question being put whether this report be received, the same was carried in the negative; and,

Question for receiving the report negatived.

The House was then again put into a Committee of the whole, to take the said bill into further consideration.

The bill re-committed;

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into further consideration, and recommended that it be referred to a Select Committee, to report thereon.

Reported;

Ordered, that the report be received; and,

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

And referred to a Select Committee.

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

Members composing the same.

Pursuant to the order of the day, the bill, entitled, "An Act to confirm and regulate certain sales of land for taxes, in the District of Ottawa," was read a second time; and it was,

Ottawa land tax sale confirmation bill, read second time;

Ordered, that the same be referred to a Select Committee, to report thereon; and,

And referred to a Select Committee;

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

Members composing the same.

Pursuant to the order of the day, the bill, entitled, "An Act to extend the limits of the Gaols of this Province"; and also the bill, entitled, "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this Province," were severally read a second time; and it was,

Gaol limits extension bill;

And Rebellion claims payment provision bill, read second time.

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

The Honourable Mr. Fergusson moved for leave to bring in a bill for repealing the law authorising the levying of a tax upon the inhabitants of the Gore, London and Western Districts, to meet the interest on the loan authorised to be advanced to the Great Western Rail-road Company;

Motion for leave to bring in Gore, London and Western Districts rail-road tax repeal bill;

Which being seconded, the question of concurrence was put thereon, and the same was carried in the negative.

Question put and negatived.

The Honourable Mr. John Macaulay, from the Select Committee to whom was referred the bill, entitled, "An Act for the relief of John W. Dempsey," presented their report.

Report of the Select Committee upon Dempsey's relief bill, presented.

Ordered, that it be received; and,

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

Read.

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The report.

The Select Committee, to whom was referred the bill, entitled, "An Act for the relief of John W. Dempsey," beg leave to Report:—

That having inquired into the circumstances upon which the Act is founded, they find the same to be correct, and therefore recommend that the bill do pass, without any amendment.

JOHN MACAULAY.

Legislative Council Committee Room,
28th January, 1840.

On motion made and seconded, it was,

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

On motion made and seconded, it was,

Members added to the Select Committee upon Still duty revival bill.

Ordered, that the Honourable Messieurs Willson and Burnham, be added to the Select Committee appointed to report upon the bill, entitled, "An Act to revive and amend the laws relating to Duties on Stills in this Province."

House adjourns.

On motion made and seconded, the House adjourned.

WEDNESDAY, 29th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. DUNN,
" " ALLAN,
" " BURNHAM,
" " BALDWIN,
" " ADAMSON,
" " MORRIS,

The Honourable Messrs. JOHN MACAULAY,
" " SULLIVAN,
" " FERGUSSON,
" " RADCLIFFE,
" " JOHN McDONALD,
" " WILLSON.

Prayers were read.

The Minutes of yesterday were read.

Non-residents proxy bill, read third time, and passed;

Pursuant to the order of the day, the bill to admit persons not resident within this Province, to vote by proxy at elections of Presidents and Directors in the Chartered Banks of this Province, was read a third time, and passed; and it was,

Title ordered;

Ordered, that the title be, "An Act to authorise Stockholders in the Chartered Banks, to vote by proxy, when temporarily absent from this Province, or non-resident therein."

Bill signed;

Whereupon the Speaker signed the said bill; and it was,

And sent to the Assembly for concurrence.

Ordered, that the same be sent, by the Clerk of this House, to the Commons House of Assembly, for their concurrence.

FitzGibbon's land grant bill, committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to repeal so much of the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to provide for the disposal of the public lands in this Province, and for other purposes therein-mentioned,' as may enable Her Majesty to make a grant of land to James FitzGibbon, Esquire."

The Honourable Mr. John Macaulay took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

And referred to a Select Committee;

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

Members composing the same.

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

Wednesday, 29th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto.'" Toronto incorporation law amendment continuation bill, committed;

The Honourable Mr. Willson took the Chair.

After some time the House resumed.

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

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to extend the limits of the Gaols of this Province." Gaol limits extension bill, committed;

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Ordered, that the Honourable Messieurs Burnham and Fergusson, do compose the same for that purpose. Members composing the same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this Province." Rebellion claims payment provision bill, committed;

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

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

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to continue an Act passed in the sixth year of His late Majesty's reign, entitled, 'An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province'; also a bill, entitled, "An Act to compel certain persons not assessed to perform statute labour"; and also a bill, entitled, "An Act to tax the wild lands adjoining certain roads, in the County of Haldimand, in the District of Niagara, and the County of Norfolk, in the District of Talbot, for a limited period, for the purpose of keeping said roads in repair," to which they requested the concurrence of this House: and they returned the bill, entitled, "An Act to incorporate certain persons, under the style and title of the York Bridge Company," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same. The same deputations returned the bill sent down from the Legislative Council, entitled, "An Act to prevent the circulation of printed Promissory Notes, under the value of five shillings," and acquainted this House, that the Commons House of Assembly had made an amendment in and to the same, to which they requested the concurrence of the Legislative Council. The same deputations returned the bill sent down from this House, entitled, "An Act to naturalize Elijah Nellis," and acquainted this House, that the Commons House of Assembly had passed the same, without any amendment, and then withdrew. Coinage law continuation bill;

The amendment of the Commons House of Assembly, made in and to the bill sent down from this House, entitled, "An Act to prevent the circulation of printed Promissory Notes, under the value of five shillings," was then read by the Clerk, as follows:— Statute labour performance bill;

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Amendment made by the House of Assembly, to the bill sent down from the Honourable the Legislative Council, entitled, "An Act to prevent the circulation of printed Promissory Notes, under the value of five shillings":—

The amendment.

Add to the bill—"And that any person who shall make or issue any such note or undertaking for the payment of money, shall be liable to pay to the holder thereof treble the amount of the note or undertaking so issued, to be recovered by action in any Court of Requests in this Province."

"And be it further enacted by the authority aforesaid, That in case any such note or undertaking now made or issued before the passing of this Act, shall be presented for payment to the maker or makers thereof, and in case default shall be made in the payment of the same in the current coin, or in the current Bank Notes of this Province, whether such note or undertaking shall purport to be payable in money, or in Bank Notes or otherwise, the person making such default, shall be liable to pay to the holder of such note or undertaking treble the amount for which the same is made, to be recovered by action in any Court of Requests in this Province."

"Provided always, and be it further enacted by the authority aforesaid, That nothing contained in this Act, shall be construed to give authority to any person or persons, or body corporate, to issue any note or undertaking for the payment of money, who are now by law prohibited from issuing the same."

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
Twenty-ninth day of January, 1840.

On motion made and seconded, it was,

Forty-fourth rule
dispensed with;

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it relates to the said amendment, and that the same be read a second time, presently.

Amendment read second
time;

The said amendment was then read a second time accordingly; and it was,

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

Committed;

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

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the last-mentioned amendment, and recommended the same to the adoption of the House.

Adopted;

Ordered, that the report be received; and,

Ordered, that the said amendment be read a third time, presently.

Read third time and
passed;

The same was then read a third time accordingly, and passed;

Same signed;

Whereupon the Speaker signed the said amendment; and it was,

And the Assembly
acquainted thereof.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have acceded to the amendment made by the Commons House of Assembly in and to the last-mentioned bill,

Mill dams damage
settlement bill;

Deputations from the Commons House of Assembly brought up a bill, entitled, "An Act to settle, by a more easy and less expensive mode than now by law exists, the damages which have been, or may hereafter be sustained, by the proprietors of land, overflowed by means of the erection of Mill Dams"; also a bill, entitled, "An Act to remunerate John Kidd, for certain services"; and also a bill, entitled, "An Act to alter and amend an Act passed in the forty-fifth year of the reign of His late Majesty King George the Third, entitled, 'An Act to regulate the packing, curing and inspection of Beef and Pork,' to which they requested the concurrence of this House: and they returned the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to protect the inhabitants of this Province against lawless aggressions, from subjects of foreign countries at peace with Her Majesty," and acquainted this House, that the Commons House of Assembly had acceded to the amendments, made by the Legislative Council in and to the same, and then withdrew.

Kidd's remuneration
bill;

And beef and pork
inspection law alteration
bill, brought up from the
Assembly.

Amendments to Lawless
aggression Act alteration
bill, acceded to by that
House.

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THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

The bill, entitled, "An Act to continue an Act passed in the sixth year of His late Majesty's reign, entitled, 'An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by law,' and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province," was then read; and it was,

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it relates to this bill, and that the same be read a second time, presently.

The said bill was then read a second time accordingly; and it was,

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

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

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, presently.

The same was then read a third time accordingly, and passed:

Whereupon the Speaker signed the said bill; and it was,

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

The bill, entitled, "An Act to compel persons not assessed to perform Statute Labour"; also the bill, entitled, "An Act to tax the wild Lands adjoining certain Roads, in the County of Haldimand, in the District of Niagara, and the County of Norfolk, in the District of Talbot, for a limited period, for the purpose of keeping said roads in repair"; also the bill, entitled, "An Act to settle, by a more easy and less expensive mode than now by law exists, the damages which have been, or may hereafter be sustained, by the proprietors of land overflowed by means of the erection of Mill Dams"; also the bill, entitled, "An Act to remunerate John Kidd, for certain services"; and also the bill, entitled, "An Act to alter and amend an Act passed in the forty-fifth year of the reign of His late Majesty King George the Third, entitled, 'An Act to regulate the packing, curing and inspection of Beef and Pork,'" were then severally read; and it was,

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act for the relief of John W. Dempsey," together with the report of the Select Committee thereon.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

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

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

The Honourable Mr. John Macaulay, from the Select Committee to whom was referred the bill, entitled, "An Act authorising the payment of Pensions to Militia Men, and Widows of deceased Militia Men, under certain restrictions, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

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

The Select Committee, to which the bill, entitled, "An Act authorising the payment of pensions to Militia Men, and Widows of deceased Militia Men, under certain restrictions, and for other purposes therein-mentioned," has been referred, beg leave to Report:—

That they have carefully examined the provisions of this bill, which are intended to introduce new and salutary regulations respecting the payment of Militia pensions, and the entry and erasure of names of persons who claim, or who may have been already admitted to receive pensions, under the existing laws.

As it is understood that a bill will be introduced, during the present Session, continuing the laws under which pensions, arising from the late War with the United States of America,

Coinage law continuation bill, read first time;

Forty-fourth rule dispensed with;

Bill read second time;

Committed;

Reported;

Adopted;

Read third time, and passed;

Same signed;

And the Assembly acquainted thereof.

Statute labour performance bill;

Haldimand and Norfolk wild land tax bill;

Mill dams damage settlement bill;

Kidd's remuneration bill;

And beef and pork inspection law alteration bill, read first time.

Dempsey's relief bill, committed;

Reported, and leave asked to sit again.

Leave granted.

Report of the Select Committee upon Militia pension payment bill, presented.

Read.

The report.

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have been granted, and also amending, in a very important particular, the Act passed in the year 1838, to provide pensions for the Widows and Children of Militia Men, killed during the late rebellion, and for wounded or disabled Militia Men, your Committee recommend this bill, without amendment, for the adoption of your Honourable House.

All which is respectfully submitted.

JOHN MACAULAY,
CHAIRMAN.

Legislative Council Committee Room,
29th January, 1840.

On motion made and seconded, it was,

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

On motion made and seconded, it was,

Ordered, that the Honourable Mr. John Simcoc Macaulay, be added to the Select Committee appointed to examine and report upon the Contingent Accounts of the present Session.

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act to repeal so much of the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to provide for the disposal of the public lands in this Province, and for other purposes therein-mentioned,' as may enable Her Majesty to make a grant of land to James FitzGibbon, Esquire," presented their report.

Ordered, that it be received; and,

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

The Select Committee, to which has been referred the bill, entitled, "An Act to repeal so much of the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to provide for the disposal of the public lands in this Province, and for other purposes therein-mentioned,' as may enable Her Majesty to make a grant of land to James FitzGibbon, Esquire," beg leave to Report:—

That on examining the provisions of this bill, they recommend, for the adoption of the House, the amendments hereunto annexed.

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Legislative Council Committee Room,
29th January, 1840.

After the words "An Act to," in the first line of the title, expunge the remainder of the title unto the word "enabled" in seventh line.

Press 2, line 7—After "bill" expunge the remainder of the preamble.

" " " 23—After "same" expunge the remainder of the clause.

" 3, " 3—Expunge this line.

" " " 4—Expunge "aforesaid."

" " " 8—After "Act" add "any thing contained in the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to provide for the disposal of the public lands in this Province, and for other purposes therein-mentioned,' to the contrary thereof in any wise notwithstanding."

On motion made and seconded, it was,

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

Pursuant to order, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto.'"

A Member added to the Select Committee appointed to examine and report upon the Contingent Accounts.

Report of the Select Committee upon FitzGibbon's land grant bill, presented.

Read.

The report.

Toronto incorporation law amendment continuation bill, re-committed;

Wednesday, 29th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Line 1—After “Whereas” expunge the remainder of the preamble, and insert, “it is expedient that an Act passed in the seventh year of the reign of His late Majesty, entitled, “An Act to alter and amend an Act passed in the fourth year of His Majesty’s reign, entitled, ‘An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto,” be continued for a limited period, with certain amendments.” The amendments.

Line 13—After “that” expunge the remainder of the bill, and insert, “the thirty-third and thirty-fifth clauses of the said Act be and the same are hereby repealed, and that the said Act, with the exception of the said clauses, together with the present Act, be continued and remain in force for three years, and from thence to the end of the then next ensuing Session of Parliament, and no longer: Provided always, that nothing in this Act contained, shall be held or construed to extend to prevent any Alderman or Common Councilman of the said City now elected, from holding his office in the said Corporation, until the first Monday in February, which will be in the year of our Lord one thousand eight hundred and forty-one.”

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

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

Pursuant to order, the House was again put into a Committee of the whole, upon the bill, entitled, “An Act to repeal so much of the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, ‘An Act to provide for the disposal of the public lands in this Province, and for other purposes therein-mentioned,’ as may enable Her Majesty to make a grant of land to James FitzGibbon, Esquire,” together with the report of the Select Committee thereon. FitzGibbon’s land grant bill, re-committed;

The Honourable Mr. John Macaulay took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

In the Title, line 1.—After the word “to” expunge to the word “enabled” in line 6. The amendments.

In the bill, Press 2, line 7—After “bill” expunge the remainder of the preamble.

Press 2, line 23—After “same” expunge the remainder of the clause.

“ 3, “ 3—Expunge this line.

“ “ “ 4—Expunge “aforesaid.”

“ “ “ 8—After “Act” insert “any thing contained in the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, ‘An Act to provide for the disposal of the public lands in this Province, and for other purposes therein-mentioned,’ to the contrary thereof in any wise notwithstanding.”

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

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

The Honourable Mr. Crooks enters. A Member enters.

Thursday, 30th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Petitions of
Lonson Hilliard;

Of the Vice President of
the Board of Trade of
the City of Toronto;

And of John Wetenhall,
and others; read.

House adjourns.

Pursuant to the order of the day, the petition of Lonson Hilliard, of the Town of Prescott, praying for an Act conferring upon him the rights and privileges of a British Subject; also the petition of George P. Ridout, Vice President of the Board of Trade of the City of Toronto, praying for the establishment of Agencies in this Province for the Banks of Lower Canada; and also the petition of John Wetenhall, and others, freeholders and inhabitants of the County of Halton, praying for a repeal of the Act authorising the levying of a tax upon the inhabitants of the Gore, London, and Western Districts, to meet the interest on the loan authorised to be advanced to the Great Western Rail-road Company, were severally read.

On motion made and seconded, the House adjourned.

THURSDAY, 30th JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Messrs. DUNN,

“ “ ALLAN,

“ “ BURNHAM,

“ “ ELMSLEY,

“ “ BALDWIN,

The Honourable Messrs. MORRIS,

“ “ SULLIVAN,

“ “ FERGUSSON,

“ “ RADCLIFFE,

“ “ JOHN SIMCOE MACAULAY,

“ “ JOHN McDONALD,

Prayers were read.

The Minutes of yesterday were read.

FitzGibbon's land
grant bill, (as amended),
read third time, and
passed.

Pursuant to the order of the day, the bill, entitled, “An Act to repeal so much of the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, ‘An Act to provide for the disposal of the Public Lands in this Province, and for other purposes therein-mentioned,’ as may enable Her Majesty to make a grant of land to James FitzGibbon, Esquire,” was, as amended, read a third time: and,

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

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly
for concurrence.

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

Dempsey's relief bill,
re-committed;

Pursuant to the order of the day, the House was again put into a Committee of whole, upon the bill, entitled, “An Act for the relief of John W. Dempsey,” together with the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill again into consideration, had made some further progress therein, and recommended that the same be referred back to the same Select Committee, to whom it was formerly referred, to report further thereon.

Ordered, that the report be received; and,

And referred back to the
Select Committee.

Ordered, that the last-mentioned bill be referred back to the same Select Committee, to whom it was formerly referred, to report further thereon.

Militia pension payment
bill, re-committed;

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, “An Act authorising the payment of pensions to Militia Men, and Widows of deceased Militia Men, under certain restrictions, and for other purposes therein-mentioned,” together with the report of the Select Committee thereon.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

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

Thursday, 30th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Pursuant to the order of the day, the bill, entitled, "An Act to compel certain persons not assessed to perform Statute Labour," was read a second time; and it was,

Statute labour performance bill, read second time.

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

Pursuant to the order of the day, the bill, entitled, "An Act to tax the wild lands adjoining certain roads, in the County of Haldimand, in the District of Niagara, and the County of Norfolk, in the District of Talbot, for a limited time, for the purpose of keeping said roads in repair," was read a second time; and it was,

Haldimand and Norfolk wild land tax bill, read second time.

Ordered, that the same be referred to a Select Committee, to report thereon; and,

And referred to a Select Committee;

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

Members composing the same.

Pursuant to the order of the day, the bill, entitled, "An Act to settle, by a more easy and less expensive mode than now by law exists, the damages which have been, or may hereafter be sustained, by the proprietors of land, overflowed by means of the erection of Mill Dams," was read a second time; and it was,

Mill dams damage settlement bill, read second time.

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

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

Committed;

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

House resumes.

Pursuant to the order of the day, the bill, entitled, "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this Province," was read a third time, and passed;

Rebellion claims payment provision bill, read third time, and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

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

And the Assembly acquainted thereof.

Pursuant to the order of the day, the bill, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto,'" was, as amended, read a third time; and it was,

Toronto incorporation law amendment continuation bill, (as amended,) read third time but not passed;

Ordered, that the same do not now pass; and,

Ordered, that the bill be further amended, as follows:—

The same further amended;

"And be it further enacted by the authority aforesaid, That Her Majesty's Executive Councillors in and for this Province, being Justices of the Peace in and for the Home District, shall and may exercise jurisdiction over offences committed within the said City of Toronto, as such Justices, any thing in the said Act, entitled, "An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto," to the contrary thereof notwithstanding."

The further amendment

On motion made and seconded, it was,

Ordered, that the last-mentioned amendment be engrossed, and the said bill, as amended, read a third time this day.

Pursuant to the order of the day, the bill, entitled, "An Act to remunerate John Kidd, for certain services," was read a second time; and it was,

Kidd's remuneration bill, read second time;

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

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

Committed,

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

Adopted

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

Thursday, 30th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Beef and Pork
inspection law alteration
bill, read second time,

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend an Act passed in the forty-fifth year of the reign of His late Majesty King George the Third, entitled, 'An Act to regulate the packing, curing and inspection of Beef and Pork,'" was read a second time; and it was,

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

Report of the Select
Committee upon
Bronté Harbour
incorporation bill,
presented;

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the name and style of the President, Directors and Company, of the Bronté Harbour," presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the name and style of the President, Directors and Company, of the Bronté Harbour," beg leave to Report:—

That they have examined into the several provisions of the said bill, and find it to be similar to the Act of Incorporation of the Port Credit Harbour Company.

The Committee have observed, that no authority is given to the Directors, to reduce the amount of toll authorised to be levied; but the Committee being of opinion, that a general measure will soon be required to give such authority to the Directors of the several Harbour Companies, do not deem it necessary to suggest an amendment to the present bill.

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
30th January, 1840.

On motion made and seconded, it was,

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

Report of the Select
Committee upon
Gaol limits extension bill,
presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to extend the limits of the Gaols of this Province," presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to extend the limits of the Gaols of this Province," beg leave to Report:—

That they have considered, with much attention, the bill committed to them, and feel no hesitation in reporting, that it ought not, in their opinion, to pass this House.

Whether imprisonment for debt is expedient or not, does not constitute the present question. It resolves simply into the query, whether the municipal limits of the County Town shall or shall not be considered a reasonable extension of relief to unfortunate debtors.

Your Committee consider that it is unreasonable, and inconsistent with any purpose of the law, as it now stands, to claim any further relaxation; and undoubtedly the safe custody of the debtor, and the object of imprisonment for debt, would be materially injured by such an extension.

Upon the whole, therefore, your Committee cannot recommend the passing of this bill.

All which is respectfully submitted.

Z. BURNHAM,
CHAIRMAN.

Committee Room, Legislative Council,
30th January, 1840.

On motion made and seconded, it was,

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

Thursday, 30th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Pursuant to order, the bill, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto,'" was, as further amended, read a third time; and,

Toronto incorporation law amendment continuation bill, as further amended, read third time, and passed;

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

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

The Honourable Mr. Crooks brought up the petition of John S. Cartwright, and others, Magistrates and Inhabitants of the Midland District; which was laid on the table.

Petition of John S. Cartwright, and others, brought up.

The Honourable Mr. Crooks gave notice, that he would, on to-morrow, move that the bill, entitled, "An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned," be restored to the order of the day, and that the forty-eighth rule of this House be dispensed with, in so far as it relates to the last-mentioned petition, and that the same be read to-morrow.

Notice of moving the restoration of Midland District additional tax bill to the order of the day, and for dispensing with the forty-eighth rule of the House, in so far as it relates to the last-mentioned petition.

The Honourable Mr. Fergusson brought up the petition of A. D. Fordyce, and others, inhabitants of Fergus, in the Gore District; which was laid on the table.

Petition of A. D. Fordyce, and others, brought up.

The Honourable Mr. Sullivan, from the Select Committee to whom was referred the bill for authorising the erection of a Dam across the River Thames, at or near Killworth, in the Township of Delaware, presented their report.

Report of the Select Committee upon River Thames Mill Dam erection bill, presented.

Ordered, that it be received; and,

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

Read.

The Select Committee, to whom was referred the bill authorising the erection of a Dam across the River Thames, have considered the said bill, and recommend the same for the adoption of your Honourable House, with the following amendments, to be inserted before the last clause.

The report.

All which is respectfully submitted.

R. B. SULLIVAN,
CHAIRMAN.

Committee Room, Legislative Council,
30th January, 1840.

"And be it further enacted by the authority aforesaid, That the owner or owners of the said lot of land, for the time being, shall be held to possess, and be beneficially interested in the said Dam so to be erected, so that he or they may be enabled to sustain actions at Law or in Equity, against any person or persons who may hereafter break down, destroy or injure the said Dam, or who shall in any wise prevent the use and enjoyment thereof by the owner or owners of the said lot of land."

"And be it further enacted by the authority aforesaid, That if the said Dam shall not be erected and used for the purposes above-mentioned, within two years from the passing of this Act, the privilege and right granted, shall from thenceforth cease and determine, as if this Act had not been passed."

On motion made and seconded, it was,

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

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

The last mentioned bill committed.

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

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

Amendments reported.

Ordered, that the report be received: and,

Adopted.

Thursday, 30th January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

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

A Member enters.

The Honourable Mr. John Macaulay enters.

Report of the Select Committee upon the Petitions of John Machar, and John Mowat, and of James Sampson, and others, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the petition of John Machar, and John Mowat, and of James Sampson, and others, subscribers to the new Hospital, erected at Kingston, respectively praying that the said building may, for a short period, be occupied and used by the Professors in the University at Kingston, presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the petition of James Sampson, and others, inhabitants of the Town of Kingston, praying that the building, which was erected for a General Hospital in that Town, may be leased to the Trustees of a University about to be established therein, beg leave to Report:—

That they have considered the prayer of the petition, and the statements of individuals, inhabitants of that place, who were called before your Committee, and are of opinion that a law should be passed, carrying the prayer of the said petition into effect, and have submitted a bill for that purpose.

All which is respectfully submitted.

JAMES CROOKS,

CHAIRMAN.

Committee Room, Legislative Council,
30th January, 1840.

Kingston College new Hospital occupancy bill, read first time.

Forty-fourth rule dispensed with;

Read second time.

The bill reported by the last-mentioned Select Committee, was then read; and it was Ordered, that the forty-fourth rule of this House be dispensed with, as far as it relates to the same, and that the said bill be read a second time, presently.

The same was then read a second time accordingly; and it was,

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

Motion for summoning Members in Town to attend in their places;

The Honourable Mr. John Simcoe Macaulay moved, that the Members in Town be summoned to attend in their places to-morrow;

Question put and negatived.

Which being seconded, the question of concurrence was put, and carried in the negative.

Report of the Select Committee upon the Petition of John Stuart, presented.

The Honourable Mr. Morris, from the Select Committee to whom was referred the petition of John Stuart, of the Town of London, praying for an Act annulling the marriage heretofore solemnized between him and Elizabeth Van Rensselaer, his wife, presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the petition of John Stuart, praying for a divorce, beg leave to report as follows:

That they find in proceedings for a divorce before the House of Lords, the allegations contained in the petition are proved before a Committee of the whole House, on the second reading of the bill.

Your Committee do not desire to enter into the legal question of the right of the House to entertain the petition, or to pass a bill of divorce; they think it highly desirable that a Legislative power for this purpose should exist in the Province, and they therefore respectfully recommend, that your Honourable House permit the introduction and passage of a bill of divorce, if the evidence to be produced should substantiate the allegations of the petitioner, and if no good ground of opposition shall appear to be urged on the part of the party against whom the divorce is prayed for.

All which is respectfully submitted.

W. MORRIS,

CHAIRMAN.

Committee Room, Legislative Council,
30th January, 1840.

Thursday, 30th January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

The Honourable Mr. Sullivan moved for leave to bring in a bill, to annul the marriage heretofore solemnized between John Stuart and Elizabeth Van Rensselaer, his wife.

Which being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative; and,

A bill for that purpose was then brought in accordingly, and read; and it was, Ordered, that the same be read a second time, on Monday next.

Deputations from the Commons House of Assembly brought up a bill, entitled, "An Act to increase the capital stock of the Port Hope Harbour Company, and to extend the period for completing the said Harbour"; also a bill, entitled, "An Act to alter and amend an Act passed in the thirty-second year of the reign of His late Majesty King George the Third, entitled, "An Act to establish the Winchester Measure throughout this Province"; also a bill, entitled, "An Act to authorise Her Majesty to take possession of lands for the erection of Fortifications in this Province, under certain restrictions"; also a bill, entitled, "An Act to repeal, amend and consolidate the Registry Laws of this Province"; and also a bill, entitled, "An Act granting a further sum of three hundred and fifty-nine pounds, for completing the Bridge over the River Thames, at Chatham, in the Western District," to which they requested the concurrence of this House, and then withdrew.

The bill, entitled, "An Act to increase the capital stock of the Port Hope Harbour Company, and to extend the period for completing the said Harbour"; also the bill, entitled, "An Act to alter and amend an Act passed in the thirty-second year of the reign of His late Majesty King George the Third, entitled, "An Act to establish the Winchester Measure throughout this Province"; also the bill, entitled, "An Act to authorise Her Majesty to take possession of lands, for the erection of Fortifications in this Province, under certain restrictions"; and also the bill, entitled, "An Act granting a further sum of three hundred and fifty-nine pounds, for completing the Bridge over the River Thames, at Chatham, in the Western District," were then severally read; and it was,

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

The bill, entitled, "An Act to repeal, amend and consolidate the Registry Laws of this Province," was then read; and it was,

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it relates to the said bill, and that the same be read a second time, presently.

The said bill was then read a second time accordingly; and it was,

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

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

The Honourable Mr. John Macaulay, from the Select Committee to whom was referred the bill, entitled, "An Act for the relief of John W. Dempsey," presented their further report.

Ordered, that it be received; and,

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

The Select Committee, to which has been again referred the bill, entitled, "An Act for the relief of John W. Dempsey," have the honour to Report:—

That the object of this bill is to admit to practise as an Attorney, in the Court of King's Bench, an individual who has served, under Articles of Clerkship, for a term of five years, with the Clerk of the Common Pleas of this Province; and it is grounded on the assumption, that inasmuch as the several prothonotaries of the Court of Crown and Pleas, and the secondary of the Court of Queen's Bench in England, are each allowed to have three Clerks at the same time, who, after three years service, may be admitted in that Kingdom to practise as Attornies, it is also reasonable to extend the same provisions to the Clerk of the Crown and Pleas in this Province.

The Select Committee have ascertained, that the Clerk of the Crown is a Barrister of this Province, but not practising as such. It will, however, be observed, that the admission of Mr. Dempsey, as an Attorney, is not proposed because he was articulated to Mr. Small in his capacity as a Barrister, but in that of Clerk of the Crown, and that consequently the passing of the present bill may, perhaps, be considered a precedent in any future cases in which Mr.

Friday, 31st January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Small's Clerks may apply to be admitted to practise as Attornies in the Courts of this Province.

Your Select Committee, nevertheless, remain of opinion that this bill should pass.

All which is respectfully submitted.

JOHN MACAULAY,
CHAIRMAN.

Legislative Council Committee Room,
30th January, 1840.

On motion made and seconded, it was,

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

Motion for leave to bring in Less than five dollars Bank notes issue prevention bill.

The Honourable Mr. Sullivan moved for leave to bring in a bill for preventing the making or issuing any Bank Bills, or Promissory Notes, in the nature of Bank Bills, of a smaller denomination, or for the payment of a smaller sum than one pound five shillings.

Question put and carried.

Which being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative; and,

Bill brought in and read first time.

A bill for that purpose was then brought in accordingly, and read; and it was,

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

Members in Town summoned.

Ordered, that the Members in Town be summoned to attend in their places, on that day.

Petition of James Gilliland, and others, brought up.

The Honourable Mr. Willson brought up the petition of James Gilliland, and others, inhabitants of the District of Niagara; which was laid on the table.

On motion made and seconded, it was,

Contingent Accounts ordered to be laid on the Table.

Ordered, that the Contingent Accounts of this House, for the present Session, be laid on the table, to-morrow.

House adjourns.

On motion made and seconded, the House adjourned.

FRIDAY, 31st JANUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. BALDWIN,

The Honourable Mr. CROOKSHANK,

“ “ MORRIS,

The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,

“ “ SULLIVAN,

The Honourable Messrs. WELLS,

“ “ FERGUSSON,

“ “ DUNN,

“ “ RADCLIFFE,

“ “ ALLAN,

“ “ JOHN SIMCOE MACAULAY,

“ “ BURNHAM,

“ “ JOHN McDONALD,

“ “ ELMSLEY,

“ “ WILLSON.

Prayers were read.

The Minutes of yesterday were read.

Militia pension payment bill;

Pursuant to the order of the day, the bill, entitled, “An Act authorising the payment of pensions to Militia Men, and Widows of deceased Militia Men; under certain restrictions, and for other purposes therein-mentioned”; and also the bill, entitled, “An Act to remunerate John Kidd, for certain services,” were severally read a third time, and passed;

And Kidd's remuneration bill, read third time, and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

River Thames Mill dam erection bill, read third time, and passed;

Pursuant to the order of the day, the bill for authorising the erection of a Dam across the River Thames, at or near Killworth, in the Township of Delaware, was read a third time, and passed; and it was,

Title ordered;

Ordered, that the title be, “An Act to authorise the construction of a Mill Dam across the River Thames.”

Bill signed;

Whereupon the Speaker signed the said bill; and it was,

And sent to the Assembly for concurrence.

Ordered, that the same be sent, by the Clerk of this House, to the Commons House of Assembly, for their concurrence.

Friday, 31st January, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to compel certain persons not assessed to perform Statute labour." Statute labour performance bill, committed;

The Honourable Mr. Willson took the Chair.

After some time the House resumed.

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

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

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

A deputation from the Commons House of Assembly, returned the bill, entitled, "An Act to alter and amend an Act passed during the third Session of the present Parliament, entitled, 'An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province,'" and acquainted this House, that the Commons House of Assembly have made certain amendments in and to the amendments of the Legislative Council, made in and to the said bill, to which they requested the concurrence of this House, and then withdrew. Amendments to Boundary line Commissioners' law amendment bill, amended by the Assembly.

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

Amendments made by the Commons House of Assembly, in and to the amendments made by the Honourable the Legislative Council, in and to the bill sent up from this House, entitled, "An Act to alter and amend an Act passed during the third Session of the present Parliament, entitled, 'An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province':— The amendments of the Assembly.

Press 1—Expunge from "Boundary Line," in line seven, to "after" in line eleven.

" 1—Expunge from "Member," in line seventeen, to "and" in line twenty-three.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

Thirty-first day of January, 1840.

On motion made and seconded, it was,

Ordered, that the last-mentioned amendments be read a second time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend an Act passed in the forty-fifth year of the reign of His late Majesty King George the Third, entitled, 'An Act to regulate the packing, curing and inspection of Beef and Pork.'" Beef and Pork inspection law alteration bill, committed

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the name and style of the President, Directors and Company, of the Bronté Harbour," together with the report of the Select Committee thereon. Bronté Harbour incorporation bill, committed;

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

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

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

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

The Honourable Messieurs Crooks and John Macaulay, enter. Members enter.

Pursuant to the order of the day, the House was again put into a Committee of whole, upon the bill, entitled, "An Act to extend the limits of the Gaols of this Province," together with the report of the Select Committee thereon. Gaol limits extension bill, re-committed;

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Friday, 31st January, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Reported;

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

And the report of the Select Committee adopted.

Ordered, that the report be received; and,

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

Kingston College new Hospital occupancy bill, committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill to enable the Trustees of a College, about to be established at Kingston, to use and occupy a certain building in the said Town, commonly called the new Hospital.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be engrossed, and the same read a third time to-morrow.

Dempsey's relief bill, re-committed;

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act for the relief of John W. Dempsey," together with the further report of the Select Committee thereon.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

Reported and leave asked to sit again in three months;

The Chairman reported that the Committee had taken the said bill and report into consideration, had made some further progress therein, and asked leave to sit again this day three months.

Leave granted.

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

Motion for restoring Midland District additional tax bill to the order of the day, and for dispensing with the forty-eighth rule of the House, in so far as it relates to the Petition of John S. Cartwright, and others;

Pursuant to the order of the day, the Honourable Mr. Crooks moved that the bill, entitled, "An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned," be restored to the order of the day, and that the forty-eighth rule of this House be dispensed with, as far as it regards the petition of John S. Cartwright, and others, inhabitants of the Midland District, praying for an Act imposing an additional rate on the inhabitants of the said District, and that the said petition be read, presently.

Question put and carried.

Which being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative.

The petition was then read accordingly; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the last-mentioned bill into further consideration.

Port Hope Harbour Company's stock increase bill;

Winchester Measure law alteration bill;

Fortification lands Crown possession bill;

Chatham Bridge further grant bill;

And less than five dollar Bank notes issue prevention bill, read second time.

Pursuant to the order of the day, the bill, entitled, "An Act to increase the capital stock of the Port Hope Harbour Company, and to extend the period for completing the said Harbour"; also the bill, entitled, "An Act to alter and amend an Act passed in the thirty-second year of the reign of His late Majesty King George the Third, entitled, 'An Act to establish the Winchester Measure throughout this Province'; also the bill, entitled, "An Act to authorise Her Majesty to take possession of lands for the erection of Fortifications in this Province, under certain restrictions"; also the bill, entitled, "An Act granting a further sum of three hundred and fifty-nine pounds, for completing the Bridge over the River Thames, at Chatham, in the Western District"; and also the bill, for preventing the making or issuing any Bank Bills, or Promissory Notes, in the nature of Bank Bills, of a smaller denomination, or for the payment of a smaller sum than one pound five shillings; were severally read a second time; and it was,

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

Report of the Select Committee upon Ottawa land tax sale confirmation bill, presented;

The Honourable Mr. Burnham, from the Select Committee to whom was referred the bill, entitled, "An Act to confirm and regulate certain sales of land for taxes, in the District of Ottawa," presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to confirm and regulate certain sales of land for taxes, in the District of Ottawa," beg leave respectfully to Report:—

Saturday, 1st February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

That the objects contemplated in the bill, seem reasonable and just; that the enactments appear to your Committee to have been prepared with due regard to the interests and rights of parties; and that, in the opinion of the Committee, the bill should be passed without amendment.

All which is respectfully submitted.

Z. BURNHAM,
CHAIRMAN.

Committee Room, Legislative Council,
31st January, 1840.

On motion made and seconded, it was,

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

The Honourable Mr. John Simcoe Macaulay brought up the petition of Lewis Bright, Messenger to the Honourable the Legislative Council, praying for relief; which was laid on the table. Petition of Lewis Bright, brought up.

On motion made and seconded, it was,

Ordered, that the forty-eighth rule of this House be dispensed with, as far as it relates to the last-mentioned petition, and that the same be read, presently. Forty-eighth rule dispensed with.

The said petition was then read accordingly; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration. And the last mentioned Petition read.

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

SATURDAY, 1st FEBRUARY, 1840.

The House met pursuant to adjournment. House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. ALLAN,
" " BURNHAM,
" " ELMSLEY,
" " BALDWIN,

The Honourable Messrs. SULLIVAN,
" " FERGUSSON,
" " JOHN SIMCOE MACAULAY,
" " JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill, entitled, "An Act to compel certain persons not assessed to perform Statute labour"; also the bill, entitled, "An Act to alter and amend an Act passed in the forty-fifth year of the reign of His late Majesty King George the Third, entitled, 'An Act to regulate the packing, curing and inspection of Beef and Pork'; and also the bill, entitled, "An Act to incorporate certain persons, under the name and style of the President, Directors and Company, of the Bronté Harbour"; were severally read a third time, and passed. Statute labour performance bill;
Beef and Pork inspection law alteration bill;
And Bronto Harbour incorporation bill, read third time and passed;

Whereupon the Speaker signed the same; and it was, Same signed;

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment. And the Assembly acquainted thereof.

Pursuant to the order of the day, the bill to enable the Trustees of a College, about to be established at Kingston, to use and occupy a certain building in the said Town, commonly called the New Hospital, was read a third time, and passed; and it was, Kingston College new Hospital occupancy bill, read third time and passed;

Ordered, that the title be, "An Act to authorise the temporary occupation, by the proposed University at Kingston, of the General Hospital at Kingston, upon certain terms therein-mentioned." Title ordered;

Whereupon the Speaker signed the said bill; and it was, Bill signed;

Ordered, that the same be sent to the Commons House of Assembly, by the Clerk of this House, for their concurrence. And sent to the Assembly for concurrence.

On motion made and seconded, it was,

Saturday, 1st February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Ordered, that the petition of John S. Cartwright, and others, inhabitants of the Midland District, praying for an Act imposing an additional rate on the inhabitants of the said District, be referred to the Committee of the whole House, upon the bill, entitled, "An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned."

Midland District
additional tax bill,
re-committed;

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the last-mentioned bill, as also upon the petition of John S. Cartwright, and others.

The Honourable Mr. Willson took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, on Monday next.

Members enter.

The Honourable Messieurs Morris and John Macaulay, enter.

Port Hope Harbour
Company's stock
increase bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to increase the capital stock of the Port Hope Harbour Company, and to extend the period for completing the said Harbour."

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, on Monday next.

Winchester measure law
alteration bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend an Act passed in the thirty-second year of the reign of His late Majesty King George the Third, entitled, 'An Act to establish the Winchester Measure throughout this Province.'"

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

Amendments reported;

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

Ordered, that the report be received; and,

Read first time.

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

The amendments.

Press 2, line 9—After "that" insert "so much of"

" " " 10—After "Act" expunge to "that," in line eleven, and insert "as enacts"

" " " 12—After "informers" insert "be and the same is hereby repealed 3"; after "and" insert "be it further enacted by the authority aforesaid"

" " " 13—After "considered" insert "prima facie"

Read second time, and
adopted.

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

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

Fortification lands Crown
possession bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise Her Majesty to take possession of lands, for the erection of Fortifications in this Province, under certain restrictions."

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, on Monday next.

Chatham Bridge further
grant bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting a further sum of three hundred and fifty-nine pounds, for completing the Bridge over the River Thames, at Chatham, in the Western District."

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Saturday, 1st February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

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

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

Ordered, that the last-mentioned bill be read a third time, on Monday next.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, for preventing the making or issuing any Bank Bills, or Promissory Notes, in the nature of Bank Bills, of a smaller denomination, or for the payment of a smaller sum than one pound five shillings. Less than five dollar Bank Notes issue prevention bill, committed;

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

Several Messages, from His Excellency the Governor-General, were delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and they were then again read by the Clerk, as follows:— Messages from His Excellency the Governor-General:

C. POULETT THOMSON.

The Governor-General transmits, for the information of the Legislative Council, the Report made to him by the Trustees of the Macadamized Road between Kingston and Napanee, for the year 1839. Transmitting the report of the Trustees of the Macadamized Road between Kingston and Napanee.

Toronto, 31st January, 1840.

C. POULETT THOMSON.

The Governor-General transmits herewith, for the information of the Legislative Council, the Report made to him by the Board of Education, of the Ottawa District, for the year 1839. Transmitting the report of the Board of Education of the Ottawa District.

Toronto, 31st January, 1840.

C. POULETT THOMSON.

The Governor-General transmits herewith, for the information of the Legislative Council, the Return furnished by the Clerk of the Peace, of the religious denominations, in the Home District, for the year 1839. Transmitting the return of the Religious denominations in the Home District.

Toronto, 31st January, 1840.

The House was then again put into a Committee of the whole, upon the bill for preventing the making or issuing any Bank Bills, or Promissory Notes, in the nature of Bank Bills, of a smaller denomination, or for the payment of a smaller sum than one pound five shillings. Less than five dollar Bank notes issue prevention bill, re-committed;

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

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

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

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

Mr. SPEAKER:

The Commons House of Assembly request that the Honourable the Legislative Council, will grant leave to the Honourable Mr. Burnham, to attend a Select Committee of this House, to which was referred the petition of Messieurs Macdonell and Mears. Requesting that the Hon. Mr. Burnham may have leave to attend a Select Committee of that House.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

First day of February, 1840.

On motion made and seconded, it was,

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

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Honourable Mr. Burnham has leave to attend a Select Committee of the Commons House of Assembly, as desired by that House, in their Message received this day, if he thinks fit. And the Assembly acquainted thereof.

Monday, 3rd February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

House adjourns.

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

MONDAY, 3rd FEBRUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER,
The Honourable Messrs. ALLAN,
" " ELMSLEY,
" " BURNHAM,

The Honourable Messrs. BALDWIN,
" " MORRIS,
" " FERGUSSON,
" " JOHN McDONALD.

Prayers were read.

The Minutes of Saturday last were read.

Midland District additional tax bill;

Pursuant to the order of the day, the bill, entitled, "An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned"; and also the bill, entitled, "An Act to increase the capital stock of the Port Hope Harbour Company, and to extend the period for completing the said Harbour"; were severally read a third time, and passed.

And Port Hope Harbour Company's stock increase bill, read third time, and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

A Member enters.

The Honourable Mr. John Simcoe Macaulay enters.

Winchester measure law alteration bill, (as amended,) read third time, and passed;

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend an Act passed in the thirty-second year of the reign of His late Majesty King George the Third, entitled, 'An Act to establish the Winchester Measure throughout this Province,' was, as amended, read a third time; and,

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

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

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

Fortification lands Crown possession bill;

Pursuant to the order of the day, the bill, entitled, "An Act to authorise Her Majesty to take possession of lands, for the erection of Fortifications in this Province, under certain restrictions"; and also the bill, entitled, "An Act granting a further sum of three hundred and fifty-nine pounds, for completing the Bridge over the River Thames, at Chatham, in the Western District"; were severally read a third time, and passed.

And Chatham Bridge further grant bill, read third time, and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

Ottawa land tax sale confirmation bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to confirm and regulate certain sales of land for taxes, in the District of Ottawa," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Amendments reported.

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

Ordered, that the report be received; and,

Read first time.

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

The amendments.

Press 3, line 8—After "within" expunge "two" and insert "three"

" 4, " 3—After "forty" expunge "three" and insert "four"

Read second time, and adopted.

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

Monday, 3rd February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

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

The Honourable Mr. Willson enters.

A Member enters.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the petition of Lewis Bright, Messenger to the Honourable the Legislative Council, praying for relief.

Petition of Lewis Bright, committed;

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said petition, and had agreed to certain resolutions, which they recommended to the adoption of the House.

Certain resolutions reported.

Ordered, that the report be received; and,

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

Read first time.

Resolved—That from the long and faithful services of Lewis Bright, Messenger of this House, and his advanced age, this House is of opinion that he should be permitted to retire from the further discharge of the duties of his situation, and strongly recommend his petition to the favourable consideration of the House of Assembly.

The resolutions.

Resolved—That the foregoing resolution, with the petition of Lewis Bright, be transmitted to the Assembly.

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

Read second time and adopted.

Ordered accordingly.

The Honourable Messieurs Wells and Sullivan, enter.

Members enter.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, for preventing the making or issuing any Bank Bills, or Promissory Notes, in the nature of Bank Bills, of a smaller denomination, or for the payment of a smaller sum than one pound five shillings.

Less than five dollar Bank notes issue prevention bill, re-committed;

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

House resumes.

Pursuant to the order of the day, the amendments of the Commons House of Assembly, made in and to the amendments of the Legislative Council, in and to the bill, entitled, "An Act to alter and amend an Act passed during the third Session of the present Parliament, entitled, 'An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province,'" were read a second time; and it was,

Amendments of the Assembly to the amendments of the Council, made in and to the Boundary line Commissioners law amendment bill, read second time.

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

Pursuant to the order of the day, the bill to annul the Marriage heretofore solemnized between John Stuart and Elizabeth Van Renssalaer, his wife, was read a second time; and it was,

Stuart's divorce bill, read second time.

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

Pursuant to the order of the day, the petition of A. D. Fordyce, and others, inhabitants of Fergus, in the District of Gore, praying for a repeal of the Act authorising the levying of a tax upon the inhabitants of the Gore, London and Western Districts, to meet the interest on the loan authorised to be advanced to the Great Western Rail-road Company; and also the petition of James Gilliland, and others, inhabitants of the District of Niagara, praying for an Act authorising the conveyance of certain allowances, found to be inconvenient and impracticable for roads, as compensation to those persons through whose lands new roads may have been opened; were severally read.

Petitions of A. D. Fordyce, and others;

And of James Gilliland, and others; read.

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," together with the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company," presented their report upon the last-mentioned bill.

Report of the Select Committee upon Upper Canada Bank Stock increase bill; presented;

Ordered, that it be received; and,

Monday, 3rd February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Read.

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

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," together with the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company," beg leave to Report upon the last-mentioned bill:—

That your Committee are of opinion, that the capital stock of the Banks already chartered, is far too limited to afford to the increased commerce and trade of the Province, that accommodation, which its great extension, of late years, seems to require, and far too limited to insure a circulating medium, commensurate with the wants of the inhabitants, in their dealings with each other. Your Committee, therefore, beg leave to recommend the bill to the favourable consideration of your Honourable House.

Your Committee beg further to report, that they considered it became their duty to refer to certain instructions from Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, to His Excellency Sir George Arthur, K. C. H., Lieutenant-Governor of this Province, dated twenty-eighth December, 1837, as contained in a letter from the Board of Trade, addressed to James Stephen, Esquire, dated twenty-sixth April, 1837, as they evidently affect any Act of the Legislature of this Province, which may be passed extending its Bank capital, which are to the following effect:—

1st. That the sum to which the personal responsibility of the respective shareholders may be limited, should not be less than twice the amount of the shares held by each.

2nd. That the Bank should be bound to make up and publish, for the information of the proprietors, in some public Newspaper circulating in the Colony where the Bank may be established, and, in certain cases, also in the London Gazette, general half-yearly Accounts, shewing the whole of the amount of its debts and assets, at the close of each half year; shewing also the amount of its notes, payable on demand, which had been in circulation in each week of such half year, together with the amount of the specie, and other assets immediately available in each such week for the discharge of such notes; and that copies of such half-yearly Accounts, should be laid before the Government of the Colony in which such Bank shall be established.

3rd. That such Banks should be at all times liable to furnish, to the Governor of the Colony, on his requisition, similar Accounts.

4th. That the funds of the Bank should not be employed in loans, or advances upon land or other property not readily convertible into money, nor in the purchase of any property, but be confined to what are understood to be the legitimate operations of Banking, viz.: advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange.

5th. The introduction of provisions for the forfeiture of the Charter on any suspension of cash payments, which may continue for the space of sixty days.

6th. For the conversion into specie on demand of paper issued by any Branch Banks at the place of issue, as well as at the principal establishment.

7th. For the payment of one-half, at least, of the subscribed capital, prior to the Bank being opened for business, and of the whole, within a period not exceeding twelve months from the date of such opening.

8th. For the restriction of the amount of paper discounted, on which the names of Directors, or officers of the Bank, shall appear as drawers, acceptors or endorsers, to an amount not exceeding one third part of the whole discounts of the Bank.

9th. The prohibiting the Bank, in its corporate capacity, from purchasing or holding its own stock.

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10th. A provision to be made for the responsibility of each shareholder continuing till a certain time—say one year after his share is transferred.

11th. No notes, under a specific amount, (£1 or \$5,) to be issued by the Company.

Your Committee find, that No. 1 is provided for in the present bill, and No. 7 and 10, are not intended to apply to Banks already chartered, and which have been in actual operation for many years past. No. 2 appears to be already provided for in the statements which the law requires to be laid periodically before the Legislature; and No. 6 is provided for in the Charters already granted.

To meet the requirements of Nos. 3, 4, 5, 8, 9 and 11, your Committee have embodied, in this report, clauses embracing their objects; also a clause making the provisions of the original Charter applicable to the additional stock proposed to be granted by the several bills submitted to them, together with the following amendments:—

Press 1, line 16—After the word “the” insert “twenty-second clause of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, “An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Bank of Upper Canada.”

“ “ “ 17—After the word “reign” insert “King William the Fourth”

“ 3, “ 23—Add to the sixth clause, “and also to all the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, “An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Bank of Upper Canada,” except in so far as the same are or may be varied or repealed by this present Act, or by any former Act passed by the Legislature of this Province.”

Add to the bill—“And be it further enacted, &c. That the funds of the Bank shall not be employed in loans, or advances upon land or other property not readily convertible into money, nor in the purchase of any property, except as excepted in the fifteenth clause of the said Act, passed in the fifty-ninth year of the reign of His late Majesty King George Third, but be confined to what are understood to be the legitimate operations of Banking, viz.: advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange.”

“And be it further enacted, &c. That it shall not be lawful for the said Corporation to issue any note or bill under the value of twenty-five shillings, of lawful money of Upper Canada.”

“And be it further enacted, &c. That if at any time after the passing of this Act, the said President, Directors and Company, should refuse, on demand being made at their Banking House, or any Branch or Branches already or hereafter to be established, during the regular hours of doing business, to redeem in specie or other lawful money of this Province, their said bills, notes or other evidences of debt issued by the said Company, and made payable at their Banking House, or at such Branch or Branches respectively, for the period of six months, then and in such case the Charter of the said Corporation shall be forfeited.”

“And be it further enacted, &c. That it shall be the duty of the said Corporation, to furnish to the Governor of this Province such statement of their affairs as is required by any Act of the Legislature of this Province, to be laid before the two Houses of the Parliament thereof, at all times when he shall require the same.”

“And be it further enacted, &c. That it shall not be lawful for the said Corporation, to discount any note, draft, bill or other security on which the names of any Director or other officers shall appear as drawers, acceptors or endorsers, to a greater amount than one-third part of the whole discounts of the Bank.”

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“And be it further enacted, &c. That it shall not be lawful for the said Bank, to purchase or hold in its corporate capacity any stock in the said Corporation.”

“And be it further enacted, &c. That the said Bank, as already established, shall continue to be established at the City of Toronto, any thing in the twenty-first clause of the said Act, passed in the fifty-ninth year of the reign of His late Majesty King George the Third, to the contrary thereof in any wise notwithstanding.”

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
30th day of January, 1840.

On motion made and seconded, it was,

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

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, “An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company,” presented their report.

Ordered, that it be received; and,

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

The Select Committee, to whom was referred the bill, entitled, “An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company,” beg leave to Report:—

That your Committee are of opinion, that the capital stock of the Banks already chartered, is far too limited to afford to the increased commerce and trade of the Province, that accommodation, which its great extension, of late years, seems to require, and far too limited to insure a circulating medium, commensurate with the wants of the inhabitants, in their dealings with each other. Your Committee, therefore, beg leave to recommend the bill to the favourable consideration of your Honourable House.

Your Committee beg further to report, that they considered it became their duty to refer to certain instructions from Lord Glenelg, Her Majesty’s Principal Secretary of State for the Colonies, to His Excellency Sir George Arthur, K. C. H., Lieutenant-Governor of this Province, dated twenty-eighth December, 1837, as contained in a letter from the Board of Trade, addressed to James Stephen, Esquire, dated twenty-sixth April, 1837, as they evidently affect any Act of the Legislature of this Province, which may be passed extending its Banking capital, which are to the effect, as set forth in the report of the Select Committee upon the Upper Canada Bank bill.

Your Committee find, that No. 1 is provided for in the present bill, and Nos. 7 and 10, are not intended to apply to Banks already chartered, and which have been in actual operation for many years past. No. 2 appears to be already provided for in the statements which the law requires to be laid periodically before the Legislature; and No. 6 is provided for in the Charter already granted.

To meet the requirements of Nos. 3, 4, 5, 8, 9 and 11, your Committee have embodied, in this report, clauses embracing their objects; also a clause making the provisions of the original Charter applicable to the additional stock proposed to be granted by the several bills submitted to them, together with the following amendments:—

Press 1, line 17—After the word “the” expunge “second clause of an Act passed in the sixth year of,” and insert, “the twenty-first clause of an Act passed in the second year of”

Report of the Select
Committee upon
Midland District Bank
Stock increase bill;
presented;

Read.

The report.

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Press 1, line 18—After the word “reign” insert “King William the Fourth, entitled, “An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District” ; also the second clause of an Act passed in the sixth year of His said late Majesty’s reign.”

“ 3, “ 19—Add to the sixth clause, “and also to all the provisions of an Act passed in the second year of the reign of His late Majesty King William the Fourth, entitled, “An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District,” except in so far as the same are or may be varied or repealed by this present Act, or by any former Act passed by the Legislature of this Province.”

Add to the bill—“And be it further enacted, &c. That the funds of the Bank shall not be employed in loans or advances upon land or other property not readily convertible into money, nor in the purchase of any property, except as excepted in the fourteenth clause of the said Act, passed in the second year of the reign of His late Majesty King William Fourth, but be confined to what are understood to be the legitimate operations of Banking, viz. : advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange.”

“And be it further enacted, &c. That if at any time after the passing of this Act, the said President, Directors and Company, should refuse, on demand being made at their Banking House, or any Branch or Branches already or hereafter to be established, during the regular hours of doing business, to redeem in specie or other lawful money of this Province, their said bills, notes or other evidences of debt issued by the said Company, and made payable at their Banking House, or at such Branch or Branches, for the period of six months, then and in such case the Charter of the said Corporation shall be forfeited.”

“And be it further enacted, &c. That it shall be the duty of the said Corporation to furnish to the Governor of this Province, such statement of their affairs as is required by any Act of the Legislature of this Province, to be laid before the two Houses of the Parliament thereof, at all times when he shall require the same.”

“And be it further enacted, &c. That it shall not be lawful for the said Corporation to discount any Note, Draft, Bill or other Security, on which the names of any Director or other Officers shall appear as drawers, acceptors or endorsers, to a greater amount than one-third part of the whole discounts of the Bank.”

“And be it further enacted, &c. That it shall not be lawful for the said Bank to purchase or hold, in its corporate capacity, any Stock in the said Corporation.”

“And be it further enacted, &c. That the said Bank, as already established, shall continue to be established at the Town of Kingston, any thing in the twenty-first clause of the said Act, passed in the fifty-ninth year of the reign of His late Majesty King George the Third, to the contrary thereof in anywise notwithstanding.”

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,

Third day of February, 1840.

On motion made and seconded, it was,

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FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

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

Report of the
Select Committee upon
Gore Bank Stock
increase bill, presented.

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," together with the bill, entitled, "An Act to increase the capital stock of the Gore Bank, and the number of shares to be held therein," presented their report upon the last-mentioned bill.

Ordered, that it be received; and,

Read.

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

The Select Committee, to whom was referred the bill, entitled, "An Act to increase the capital stock of the Gore Bank, and the number of shares to be held therein," beg leave to Report:—

The report.

That in addition to the reasons stated in the reports of your Committee, on the bills for increasing the capital stock of the Commercial Bank, and the Bank of Upper Canada, they beg leave to add, that the Gore Bank, situated as it is, at the Western extremity of Lake Ontario, in a rich and highly fertile agricultural country, seems entitled to be considered with particular favour, more especially as the amount of capital stock at present is only £100,000—the whole of which is paid in, and which, with the addition proposed by the bill under their consideration, will increase it to £250,000, a capital exceedingly small, in the view of your Committee, as besides the demand for Banking accommodation, in its own immediate vicinity, the whole of the country lying westerly to Lakes Eric and Huron, are without a Branch of either of the Chartered Banks, and there are, at present, but three or four agencies in that extensive region.

Your Committee, considering that the restrictions, transmitted by the Imperial Government, apply equally to any increase in the capital stock of this Institution, as to the other Chartered Banks, have appended to this their report, clauses embracing such of them as are not already contained in its Charter, or in the present bill; also such as the proposed increase of its capital appears to make necessary.

Press 1, line 13—After the word "second" expunge the word "and"; after the word "fifth" add the words "thirteenth and twenty-first"

Add to the bill—"And be it further enacted, &c. That the provisions of an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Gore Bank," shall apply to this present Act, except in so far as the same are or may be varied or repealed by this or any other Act passed by the Legislature of this Province."

"And be it further enacted, &c. That the funds of the Bank, shall not be employed in loans or advances upon lands or other property not readily convertible into money, nor in the purchase of any property, except as excepted in the fourteenth clause of the said Act, passed in the sixth year of the reign of His late Majesty King William the Fourth, but be confined to what are understood to be the legitimate operations of Banking, viz.: advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange."

"And be it further enacted, &c. That it shall not be lawful for the said Corporation, to issue any note or bill under the value of twenty-five shillings, of lawful money of Upper Canada.

"And be it further enacted, &c. That if at any time after the passing of this Act, the said President, Directors and Company, should refuse, on demand being made at their Banking-house, or any Branch or Branches already or hereafter to be established, during the regular hours of doing business, to redeem in specie, or other lawful money of this Province, their said bills, notes, or other evidences of debt issued by the said Company, and made

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payable at their Banking-house, or at such Branch or Branches, for the period of six months, then and in such case, the Charter of the said Corporation shall be forfeited."

"And be it further enacted, &c. That it shall be the duty of the said Corporation to furnish to the Governor of this Province, such statement of their affairs as is required by any Act of the Legislature of this Province, to be laid before the two Houses of the Parliament thereof, at all times when he shall require the same."

"And be it further enacted, &c. That it shall not be lawful for the said Corporation to discount any Note, Draft, Bill or other Security, on which the names of any Director or other Officers shall appear as drawers, acceptors or endorsers, to a greater amount than one-third part of the whole discounts of the Bank."

"And be it further enacted, &c. That it shall not be lawful for the said Bank to purchase or hold, in its corporate capacity, any Stock in the said Corporation."

"And be it further enacted, &c. That the said Bank, as already established, shall continue to be established at the Town of Hamilton, any thing in the twenty-first clause of the said Act, passed in the fifty-ninth year of the reign of His late Majesty King George the Third, to the contrary thereof in anywise notwithstanding."

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
Third day of February, 1840.

On motion made and seconded, it was,

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

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," together with the bill, entitled, "An Act to authorise the Chartered Banks of Lower Canada to establish Agencies, and carry on the business of Banking within this Province," presented their report upon the last-mentioned bill.

Ordered, that it be received; and,

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

The Select Committee, to whom was referred the bill, entitled, "An Act to authorise the Chartered Banks of Lower Canada to establish Agencies, and carry on the business of Banking within this Province," beg leave to Report:—

That convinced, as they are, that a very considerable increase to the Banking capital of this Province is necessary to promote its agricultural and commercial prosperity, and that the Banks of Lower Canada, from the large amount of capital paid in, as well as their highly respectable standing, would afford a ready means of attaining that object, were they authorised by law to carry on the business of Banking in it, yet in the bill submitted to them, your Committee find no security that that benefit would accrue from its passage: for although, by the third clause, any Branch to be established in this Province, and which might issue notes, is bound to redeem them, yet having no assets in the Province, and the Parent Institution being without the jurisdiction of our Courts of Justice, it might prove exceedingly difficult to enforce the penalties mentioned in it. Your Committee have been unable to procure a copy of their Charter; but they can readily understand, that the provisions of them may be very different from those of the Banks of this Province, and also different in their provisions from the instructions transmitted by the Imperial Government, alluded to in the report of your Committee upon the bills for increasing the capital stock of the Banks of this Province, and which are insisted upon as necessary to be contained in any Charter which may hereafter be granted by the Legislature.

Report of the Select Committee upon Lower Canada chartered Banks agencies establishment bill, presented;

Read.

The report.

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In the bill, your Committee find no pledge that the Banks of Lower Canada intend introducing any paper of their own, in aid of the circulating medium of this Province, nor is there any provision to compel them to do so. It also appears to them, that the advantage of Banking in either Province, ought to be reciprocal. It is indeed ascertained, that the Banks of both Provinces, have Agencies, or are about to establish them in either; but the ordinary business of those Agencies, is confined to discounting Bills of Exchange, and not mercantile or commercial paper, which almost alone gives facilities to trade, and a capital wherewith to extend the transactions of business men.

Anxious, as they are, to promote a friendly feeling between the mercantile community in Provinces so intimately connected, and between which there ought to exist the greatest harmony, and also to encourage the introduction of capital into Upper Canada, yet this can only be satisfactorily done upon terms of perfect equality and reciprocity, neither of which seem to your Committee to be secured by the bill submitted to them; and as both Provinces are believed to be on the eve of a great political change—a change, which, if carried out, will blend their interests indissolubly together—they submit whether it may not be for the interest of both to postpone, till that event takes place, any enactment in regard to Banking, when the advantage will also be secured of having the advice of all the parties, interested in carrying out the principles alluded to in this report.

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
1st day of February, 1840.

On motion made and seconded, it was,

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

Notice of moving an Address to His Excellency the Governor-General, on the subject of our commercial relations with the United States of America.

The Honourable Mr. Fergusson gave notice, that he would, on to-morrow, move that an Address be presented to His Excellency the Governor-General, on the subject of our Commercial relations with the United States of America.

Petitions of William Sewell, and others;

The Honourable Mr. Willson brought up the petition of William Sewell, and others, inhabitants of the District of Niagara; which was laid on the table.

And of the Sheriff of the Midland District, brought up.

The Honourable Mr. John McDonald brought up the petition of Allan McDonell, Esquire, Sheriff of the Midland District; which was laid on the table.

Certain resolutions moved in relation to Stuart's divorce bill;

The Honourable Mr. Sullivan moved, that it be—

The resolutions.

Resolved—That the bill for the divorce of John Stuart, be discharged from the order of the day, for to-morrow, and that it be referred to a Committee of the whole House, on Wednesday next, and that it stand first on the order of the day, and that the Members in Town be summoned, and that the rule requiring notice, be dispensed with, so far as relates to the notice.

Resolved—That the petitioner be heard, by Counsel, before the Committee, as well as the party against whom the divorce is prayed, at the option of the parties; and that the witnesses produced in support of the allegations in the petition of John Stuart, as well as on the part of the party against whom the divorce is prayed, be also heard before the Committee.

Resolved—That a copy of the said bill, certified by the Clerk of this House, together with notice of the above resolutions, be delivered to Elizabeth Van Rensselaer Stuart, against whom the divorce is prayed, and that such delivery of the copy of the said bill and notice, be made, on behalf of the petitioner, and be proved before the Committee.

Read first time.
Read second time and adopted.

Which being seconded, the said resolutions were read by the Clerk, and the same being read a second time, the question of concurrence was put on each, and they were severally agreed to by the House; and it was,

Ordered accordingly.

Message from the Assembly:

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

Tuesday, 4th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Mr. SPEAKER :

The Commons House of Assembly, request that the Honourable the Legislative Council, will grant leave to the Honourable and Right Reverend the Bishop of Toronto, the Honourable William Allan, and the Honourable George Crookshank, to attend a Committee of this House, appointed to inquire and report upon the proceedings of the Loyal and Patriotic Society.

Requesting that the Bishop of Toronto, and the Hon. Messieurs Allan and Crookshank, may be permitted to attend a Select Committee of that House.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
Third day of February, 1840.

On motion made and seconded, it was,

Ordered, that the Honourable and Right Reverend the Lord Bishop of Toronto, and the Honourable Messieurs Allan and Crookshank, do have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if they think fit; and,

Leave granted.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Honourable and Right Reverend the Lord Bishop of Toronto, and the Honourable Messieurs Allan and Crookshank, have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if they think fit.

And the Assembly acquainted thereof.

The Honourable Mr. Allan gave notice, that he would, on to-morrow, move that the bill for preventing the making or issuing any Bank Bills, or Promissory Notes, in the nature of Bank Bills, of a smaller denomination, or for the payment of a smaller sum than one pound five shillings, be restored to the order of the day, and that the House be again put into a Committee of the whole, to-morrow, to take the said bill into further consideration, and that the Members in Town be summoned to attend in their places, on that day.

Notice of moving the restoration of Less than five dollar Bank notes issue prevention bill, to the order of the day.

On motion made and seconded, it was,

Ordered, that the Honourable Messieurs Stewart and Sullivan, be discharged from the Select Committee, to whom was referred the bill, entitled, "An Act to provide for the management of the Estate of William Handley, Esquire," and that the Honourable Messieurs Fergusson and Willson, be appointed in their room.

Honourable Messieurs Stewart and Sullivan, discharged from the Select Committee appointed to report upon Handley's Estate management bill, and the Honourable Messieurs Fergusson and Willson, appointed in their room.

On motion made and seconded, the House adjourned, until to-morrow, at eleven of the clock, A. M.

House adjourns.

TUESDAY, 4th FEBRUARY, 1840.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. ALLAN,
" " BURNHAM,
" " ELMSLEY,
" " BALDWIN,

The Honourable Messrs. MORRIS,
" " SULLIVAN,
" " FERGUSSON,
" " JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of yesterday were read.

On motion made and seconded, it was,

Ordered, that an Address be presented to the Governor-General, respectfully thanking His Excellency for His several Messages received on Saturday last; and,

An Address of thanks ordered to be presented to the Governor General, for His Messages of Saturday last.

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

A Committee appointed therefor.

The Honourable Messieurs John Simcoe Macaulay and Willson, enter.

Members enter.

Pursuant to the order of the day, the bill, entitled, "An Act to confirm and regulate certain sales of land for taxes, in the District of Ottawa," was, as amended, read a third time; and,

Ottawa land tax sale confirmation bill, as amended, read third time and passed

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

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

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

Amendments of the Assembly made to the amendments of the Council, in and to Boundary line Commissioners law amendment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the amendments of the Commons House of Assembly to the amendments of the Legislative Council, made in and to the bill sent up to this House, entitled, "An Act to alter and amend an Act passed during the third Session of the present Parliament, entitled, 'An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province.'"

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said amendments of the Assembly, and recommended the same to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned amendments be read a third time, presently.

Read third time and passed;

The same were then read a third time accordingly, and passed;

Amendments of the Assembly signed; And that House acquiesced thereof.

Whereupon the Speaker signed the amendments; and it was,

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have adopted the amendments made by the Commons House of Assembly in and to the amendments of this House, made in and to the last-mentioned bill.

Upper Canada Bank Stock increase bill, committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company," together with the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

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

Leave granted.

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

Midland District Bank Stock increase bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," together with the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

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

A Member enters.

The Honourable Mr. John Macaulay enters.

Bills brought up from the Assembly.

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

Midland District Bank Stock increase bill, re-committed;

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," together with the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Amendments reported.

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

Ordered, that the report be received; and,

Read first time.

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

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Press 1, line 17—After the word “the” expunge “second clause of an Act passed in the sixth year of” and insert, “twenty-first clause of an Act passed in the second year of” The amendments.

“ “ “ 18—After the word “reign” insert “King William the Fourth, entitled, “An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District”; also the second clause of an Act passed in the sixth year of His said late Majesty’s reign.”

“ 3, “ 19—Add to the sixth clause, “and also to all the provisions of an Act passed in the second year of the reign of His late Majesty King William the Fourth, entitled, “An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Commercial Bank of the Midland District,” except in so far as the same are or may be varied or repealed by this present Act, or by any former Act passed by the Legislature of this Province.”

“And be it further enacted by the authority aforesaid, That the funds of the Bank shall not be employed in loans or advances upon land or other property not readily convertible into money, nor in the purchase of any property, except as excepted in the fourteenth clause of the said Act, passed in the second year of the reign of His late Majesty King William the Fourth, but be confined to what are understood to be the legitimate operations of Banking, viz.: advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange.

“And be it further enacted by the authority aforesaid, That if at any time after the passing of this Act, the said President, Directors and Company, should refuse, on demand being made at their Banking House, or any Branch or Branches already or hereafter to be established, during the regular hours of doing business, to redeem in specie or other lawful money of this Province, their said bills, notes or other evidences of debt issued by the said Company, and made payable at their Banking House, or at such Branch or Branches, for the period of six months, then and in such case the Charter of the said Corporation shall be forfeited.

“And be it further enacted by the authority aforesaid, That it shall be the duty of the said Corporation, to furnish to the Governor of this Province, such statement of their affairs as is required by any Act of the Legislature of this Province, to be laid before the two Houses of the Parliament thereof, at all times when he shall require the same.

“And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Corporation, to discount any note, draft, bill or other security, on which the names of any Director or other officers shall appear as drawers, acceptors or endorsers, to a greater amount than one-third part of the whole discounts of the Bank.

“And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Bank, to purchase or hold, in its corporate capacity, any stock in the said Corporation.

“And be it further enacted by the authority aforesaid, That the said Bank, as already established, shall continue to be established at the Town of Kingston, any thing in the twenty-first clause of the said Act, passed in the second year of the reign of His late Majesty King William the Fourth, to the contrary thereof in any wise notwithstanding.”

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

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

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Civil List bill :

The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly, had brought up a bill, entitled, "An Act granting to Her Majesty a certain sum of money, to defray the expences of the Civil Government, for the year one thousand eight hundred and forty"; also a bill, entitled, "An Act to regulate the Weight of Salt"; also a bill, entitled, "An Act to revive and make perpetual an Act granting to Her Majesty a duty on Licenses to Auctioneers, and on goods, wares and merchandize sold by Auction"; also a bill, entitled, "An Act to authorise the Receiver-General of this Province, to borrow a certain sum of money, upon Debentures, for the purposes therein-mentioned"; and also a bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to remunerate the Honourable John Henry Dunn, for services rendered to this Province,' to which they requested the concurrence of this House.

Salt weight regulation bill;

Auctioneers' license law revival bill;

Debentures borrowing bill;

Read first time.

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

Speaker reports the receipt of a communication from His Excellency, on the subject of the Prorogation.

The Honourable the Speaker reported to the House, that he had received a communication from Mr. Secretary Murdoch, announcing the intention of His Excellency the Governor-General, to prorogue the present Session of the Legislature, on Friday next, being the seventh day of February, instant.

Upper Canada Bank Stock increase bill, re-committed;

Pursuant to order, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company," together with the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Amendments reported;

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

Ordered, that the report be received; and,

Read first time.

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

The amendments.

Press 1, line 16—After the word "the" insert "twenty-second clause of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Bank of Upper Canada."

" " " 17—After the word "reign" insert "King William the Fourth"

" 3, " 23—After the word "contained," expunge the remainder of the bill, and insert, "and also to all the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Bank of Upper Canada," except in so far as the same are or may be varied or repealed by this present Act, or by any former Act passed by the Legislature of this Province."

"And be it further enacted by the authority aforesaid, That the funds of the Bank shall not be employed in loans, or advances upon land or other property not readily convertible into money, nor in the purchase of any property, except as excepted in the fifteenth clause of the said Act, passed in the fifty-ninth year of the reign of His late Majesty King George the Third, but be confined to what are understood to be the legitimate operations of Banking, viz.: advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange."

"And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Corporation to issue any note or bill under the value of twenty-five shillings, of lawful money of Upper Canada.

"And be it further enacted by the authority aforesaid, That if at any time after the passing of this Act, the said President, Directors and Company, should refuse, on demand being made at their Banking House, or any Branch

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or Branches already or hereafter to be established, during the regular hours of doing business, to redeem in specie or other lawful money of this Province, their said bills, notes or other evidences of debt issued by the said Company, and made payable at their Banking House, or at such Branch or Branches respectively, for the period of six months, then and in such case, the Charter of the said Corporation shall be forfeited.

“And be it further enacted by the authority aforesaid, That it shall be the duty of the said Corporation, to furnish to the Governor of this Province, such statement of their affairs as is required by any Act of the Legislature of this Province, to be laid before the two Houses of the Parliament thereof, at all times when he shall require the same.

“And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Corporation to discount any Note, Draft, Bill or other Security, on which the names of any Director or other Officers shall appear as drawers, acceptors or endorsers, to a greater amount than one-third part of the whole discounts of the Bank.

“And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Bank to purchase or hold, in its corporate capacity, any Stock in the said Corporation.

“And be it further enacted by the authority aforesaid, That the said Bank, as already established, shall continue to be established at the City of Toronto, any thing in the twenty-first clause of the said Act, passed in the fifty-ninth year of the reign of His late Majesty King George the Third, to the contrary thereof in anywise notwithstanding.”

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

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

A Message from His Excellency the Governor-General, was delivered by Mr. Secretary Murdoch, who being retired, the Speaker read the same, and it was then again read by the Clerk, as follows:— Messages from His Excellency the Governor-General:

C. POULETT THOMSON.

The Governor-General transmits herewith, for the information of the Legislative Council, the Report made to him by the Trustees of the Macadamized Road between Hamilton and Brantford, for the year 1839. Transmitting the Report of the Trustees for Macadamizing the road between Hamilton and Brantford.

Toronto, 4th February, 1840.

On motion made and seconded, it was,

Ordered, that the Speaker be directed to issue Summonses, for all such Witnesses as may be required to be produced before the Committee of the whole House, upon the bill to annul the marriage heretofore solemnized between John Stuart and Elizabeth Van Rensselaer, his wife. Speaker directed to issue summonses to all witnesses required to be produced before the Committee, upon Stuart's divorce bill.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, “An Act to increase the capital stock of the Gore Bank, and the number of shares to be held therein,” together with the report of the Select Committee thereon. Gore Bank Stock increase bill, committed.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Press 1, line 13—After the word “second” expunge the word “and”; after the word “fifth” add the words “thirteenth and twenty-first” The amendments.

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Press 5, line 6.—Add to the bill: “11. And be it further enacted by the authority aforesaid, That the provisions of the said Act, passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, “An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Gore Bank,” shall apply to this present Act, except in so far as the same are or may be varied or repealed by this or any other Act passed by the Legislature of this Province.

“12. And be it further enacted by the authority aforesaid, That the funds of the Bank, shall not be employed in loans, or advances upon land or other property not readily convertible into money, nor in the purchase of any property, except as excepted in the fourteenth clause of the said Act, passed in the sixth year of the reign of His late Majesty King William the Fourth, but be confined to what are understood to be the legitimate operations of Banking, viz.: advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange.

“13. And be it further enacted by the authority aforesaid, That if at any time after the passing of this Act, the said President, Directors and Company, should refuse, on demand being made at their Banking-house, or any Branch or Branches already or hereafter to be established, during the regular hours of doing business, to redeem in specie, or other lawful money of this Province, their said bills, notes, or other evidences of debt issued by the said Company, and made payable at their Banking-house, or at such Branch or Branches, for the period of six months, then and in such case the Charter of the said Corporation shall be forfeited.

“14. And be it further enacted by the authority aforesaid, That it shall be the duty of the said Corporation, to furnish to the Governor of this Province, such statement of their affairs as is required by any Act of the Legislature of this Province, to be laid before the two Houses of the Parliament thereof, at all times when he shall require the same.

“15. And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Corporation, to discount any note, draft, bill or other security, on which the names of any Director or other Officers shall appear as drawers, acceptors or endorsers, to a greater amount than one-third part of the whole discounts of the Bank.

“16. And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Bank to purchase or hold, in its corporate capacity, any stock in the said Corporation.”

Read second time,
and adopted.

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

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

Report of the Select
Committee, upon
Still duty revival bill,
presented.

The Honourable Mr. Burnham, from the Select Committee to whom was referred the bill, entitled, “An Act to revive and amend the laws relating to duties on Stills in this Province,” presented their report.

Ordered, that it be received; and,

Read.

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

The Select Committee, to whom was referred the bill sent up from the Commons House of Assembly, entitled, “An Act to revive and amend the laws relating to duties on Stills in this Province,” beg leave to Report:—

The report.

That they have taken the said bill into their most careful consideration, and are of the opinion, that the amount of duties, intended to be raised by the said bill, is so much greater than has ever heretofore been attempted, that they think it is extremely doubtful whether the measure may not in the end defeat itself, and be the means of affording inducement for smuggling the article of Whisky from the United States, and thus increase an already existing evil, without lessening, in the smallest degree, the excessive use of ardent spirits.

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The description also of the tubs or vessels, intended to be subjected to the payment of duties, appears to your Committee to be so vague and uncertain, that uniformity of practice, under such a law, can hardly be looked for. Your Committee therefore feel, that they cannot, with propriety, recommend any further proceedings to be had upon it by your Honourable House.

All which is respectfully submitted:

Z. BURNHAM,

CHAIRMAN.

Committee Room, Legislative Council,

February 3rd, 1840.

On motion made and seconded, it was,

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

Same adopted.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the Chartered Banks of Lower Canada, to establish Agencies, and carry on the business of Banking within this Province," together with the report of the Select Committee thereon.

Lower Canada chartered Banks agencies establishment bill, committed;

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

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

The report of the Select Committee adopted.

Pursuant to notice, the Honourable Mr. Fergusson moved that an Address be presented to His Excellency the Governor-General, on the subject of our commercial relations with the United States of America.

Motion for an Address to His Excellency the Governor-General, on the subject of our commercial relations with the United States of America.

Which being seconded, the question of concurrence was put, and the same was carried in the affirmative; and,

Question put and carried.

The draft of an Address was then read by the Clerk, as follows:—

A draft read first time.

To His Excellency the Right Honourable CHARLES POULETT THOMSON, Governor-General of British North America, and Captain-General and Governor-in-Chief, in and over the Provinces of Upper Canada, Lower 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:

In requesting the particular attention of Your Excellency, to the subject of our Commercial relations with the United States, it is far from our intention or wish, to interfere with regulations of Commercial intercourse between two Nations.

The draft.

Aware, as we are, however, of the distress and discontent universally prevailing throughout the Province upon this subject, among the agricultural inhabitants; we presume to call the special attention of Your Excellency thereto.

The matter of complaint, is the unrestricted admission of American Wheat, Flour and Pork into Canada, without any reciprocal advantage being allowed by the United States.

In a season, such as our Farmers have just experienced, the existing law becomes especially hard. By the influx of United States Wheat, *free of all duty*, the comparatively small portion which our Farmers have to sell, has fallen to a ruinously low rate; and those advantages which the Parent State naturally presumed Her Subjects in Canada would derive from the large expenditure required for the Troops, have been totally lost to the Farmers of Canada, and have only benefitted the Western States of the Union.

We do therefore respectfully and anxiously, implore Your Excellency's early attention to this important subject.

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On motion made and seconded, it was,
Ordered, that the foregoing Address be referred to a Committee of the whole House, to-morrow.

Motion for restoring
Less than five dollar
Bank notes issue
prevention bill,
to the order of the day.

Pursuant to notice, the Honourable Mr. Allan moved that the bill for preventing the making or issuing any Bank Bills, or Promissory Notes, in the nature of Bank Bills, of a smaller denomination, or for the payment of a smaller sum than one pound five shillings, be restored to the orders of the day, and that the said bill be again referred to a Committee of the whole House, presently.

Question put and
negatived.

Which being seconded, the question of concurrence was put, and the same was carried in the negative.

Report of the Select
Committee upon
Handley's estate
management bill,
presented.

The Honourable Mr. Fergusson, from the Select Committee to whom was referred the bill, entitled, "An Act to provide for the management of the Estate of William Handley, Esquire," presented their report.

Ordered, that it be received; and,

Read.

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

The report.

The Select Committee, to whom was referred the bill sent up from the Commons House of Assembly, entitled, "An Act to provide for the management of the Estate of William Handley, Esquire," beg leave respectfully to Report:—

That the unfortunate condition of William Handley, Esquire, is sufficiently established, and that the bill follows out the usual remedy in providing for such cases, by reference to the Vice-Chancellor of the Province.

It would seem, that a removal of the lunatic from this Province is contemplated as necessary, and the intervention of the Legislature appears necessary, to enable the Vice-Chancellor to authorise the Trustees to effect this object.

Your Committee, therefore, respectfully recommend, that the bill do pass without amendment.

ADAM FERGUSSON,
CHAIRMAN.

Committee Room, Legislative Council,
4th day of February, 1840.

On motion made and seconded, it was,

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

The bill committed;

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

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

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

Motion for leave to
bring in Dempsey's
Attorney admission bill;

The Honourable Mr. Fergusson moved for leave to bring in a bill authorising the Court of Queen's Bench to admit John Dempsey, to practise as an Attorney in the said Court.

Question put and
negatived.

Which being seconded, the question of concurrence was put thereon, and the same was carried in the negative.

Amendments of the
Council to FitzGibbon's
land grant bill, acceded to
by the Assembly.

A deputation from the Commons House of Assembly, returned the bill, entitled, "An Act to repeal so much of the first clause of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to provide for the disposal of the Public Lands in this Province, and for other purposes therein-mentioned,' as may enable Her Majesty to make a grant of land to James FitzGibbon, Esquire," and acquainted this House, that the Commons House of Assembly had adopted the amendments made by the Legislative Council in and to the same, and then withdrew.

House adjourns.

On motion made and seconded, the House adjourned, until to-morrow, at the hour of eleven of the clock, A. M.

Wednesday, 5th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

WEDNESDAY, 5th FEBRUARY, 1840.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER,*
The Honourable Messrs. WELLS,
" " ALLAN,
" " BURNHAM,
" " BALDWIN,
" " MORRIS,

The Honourable Messrs. JOHN MACAULAY,
" " SULLIVAN,
" " FERGUSSON,
" " JOHN SIMCOE MACAULAY,
" " JOHN McDONALD,
" " WILLSON.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," was, as amended, read a third time; and it was,

Midland District Bank Stock increase bill, (as amended,) read third time, but not passed;

Ordered, that the same do not now pass, but that the amendments be amended, as follows:—

Amendments amended;

In the amendment, Press 3—Expunge the last clause.

The Amendment;

The question was then put whether this bill, as amended, should pass, and the same was carried in the affirmative;

Bill as amended passed.

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company," was, as amended, read a third time; and it was,

Upper Canada Bank Stock increase bill, (as amended,) read third time, but not passed;

Moved and seconded, that the same do not now pass, but that the amendments be amended, as follows:—

Motion for amending the amendments;

In the amendments, Press 2—Expunge the clause which limits the issue of Bills or Notes under the value of twenty-five shillings.

The amendment.

Whereupon the question of concurrence was put, and the same was carried in the negative.

Question put and negated.

The question being then put whether the last-mentioned bill, as amended, should pass, it was carried in the affirmative;

Bill as amended, passed.

Whereupon the Speaker signed the amendments; and it was,

Amendments signed.

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

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the bill, entitled, "An Act to increase the capital stock of the Gore Bank, and the number of shares to be held therein," was, as amended, read a third time; and,

Gore Bank Stock increase bill, (as amended,) read third time, and passed;

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

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

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

And sent to the Assembly for concurrence.

The Honourable Mr. Dunn enters.

A Member enters.

Pursuant to the order of the day, the bill, entitled, "An Act to provide for the management of the Estate of William Handley, Esquire," was read a third time, and passed;

Handley's estate management bill, read third time, and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

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And the Assembly
acquainted thereof.

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

A Member enters.

The Honourable Mr. Radcliffe enters.

Stuart's divorce bill,
committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill to annul the Marriage heretofore solemnized between John Stuart and Elizabeth Van Rensselaer, his wife.

The Honourable Mr. Sullivan took the Chair.

After some time the House resumed.

A special report in
reference thereto.

The Chairman reported that the Committee of the whole, to whom was referred the bill for the divorce of John Stuart, have arisen, and reported that they have examined witnesses, and received documentary evidence in support of the statements contained in the petition of John Stuart, and in the preamble of the bill, and that they find the said allegations fully supported; and also that they have heard Counsel as well in behalf of the said John Stuart, as of his wife the said Elizabeth Van Rensselaer, and that the said Elizabeth Van Rensselaer, has produced no evidence, and made no objection to the passage of the bill; also that they have examined the said bill, and recommend the same, with some amendments, for the adoption of this Honourable House.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill, as amended, be engrossed, and the same read a third time this day.

The bill adopted with
amendments.

Address to His Excellency
the Governor-General, on the subject
of our Commercial
relations with the
United States of America,
committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Address to His Excellency the Governor-General, on the subject of our Commercial relations with the United States of America.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Reported;

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

Ordered, that the report be received; and,

Ordered, that the said Address be referred to a Select Committee, to report thereon; and,

And referred to a
Select Committee;

Members composing the
same.

Ordered, that the Honourable Messieurs John Macaulay, Fergusson and Willson, do compose the same for that purpose.

Wooden still duty bill;

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to authorise certain duties to be imposed and collected on Wooden Stills within this Province, and for other purposes therein-mentioned"; also a bill, entitled, "An Act to repeal, alter and amend the laws now in force for the regulation of the several Macadamized Roads within this Province"; also a bill, entitled, "An Act to incorporate certain persons, under the style and title of the Escott Mining Company"; also a bill, entitled, "An Act to continue an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act granting a salary to the Clerk of the Crown in Chancery, and for other purposes therein-mentioned'; and also a bill, entitled, "An Act to amend and make permanent an Act passed in the fifth year of His late Majesty's reign, entitled, 'An Act to prevent the sale of Spirituous Liquors to Indians'; to which they requested the concurrence of this House: and they returned the bill, entitled, "An Act to restrain the introduction of Spirituous Liquors into the Common Gaols of this Province"; and also the bill, entitled, "An Act to confirm and regulate certain sales of Land for Taxes, in the District of Ottawa," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

Macadamized road law
amendment bill;

Escott Mining Company's
incorporation bill;

Clerk of the Crown in
Chancery's salary
continuation bill;

And Indians' liquor sale
prevention bill,
brought up from the
Assembly.

Amendments of the
Council to Gaol liquor
introduction restraint
bill;

And Ottawa land tax
sale confirmation bill,
acceded to by the
Assembly.

Wooden still duty bill,
read first time;

The bill, entitled, "An Act to authorise certain duties to be imposed and collected on Wooden Stills within this Province, and for other purposes therein-mentioned," was then read; and it was,

Forty-fourth rule
dispensed with;

Ordered, that the forty-fourth rule of this House be dispensed with, as it respects the said bill, and that the same be read a second time, presently.

Bill read second time;

The last-mentioned bill was then read a second time accordingly; and it was,

And referred to a
Select Committee.

Ordered, that the same be referred to a Select Committee, to report thereon; and,

Members composing
the same.

Ordered, that the Honourable Messieurs Burnham, John Macaulay and Willson, do compose the same for that purpose.

Wednesday, 5th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

The bill, entitled, "An Act to repeal, alter and amend the laws now in force for the regulation of the several Macadamized Roads within this Province;" also the bill, entitled, "An Act to incorporate certain persons, under the style and title of the Escott Mining Company"; also the bill, entitled, "An Act to continue An Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act granting a salary to the Clerk of the Crown in Chancery, and for other purposes therein-mentioned'; and also the bill, entitled, "An Act to amend and make permanent an Act passed in the fifth year of His late Majesty's reign, entitled, 'An Act to prevent the sale of Spirituous Liquors to Indians,'" were then severally read; and it was,

Macadamized road law amendment bill;
Escott Mining Company's incorporation bill;
Clerk of the Crown in Chancery's salary continuation bill;
And Indians' liquor sale prevention bill, read first time.

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

Pursuant to the order of the day, the bill, entitled, "An Act granting to Her Majesty a certain sum of money, to defray the expenses of the Civil Government, for the year one thousand eight hundred and forty," was read a second time; and it was,

Civil List bill, read second time;

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

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

Committed;

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the bill, entitled, "An Act to regulate the Weight of Salt," was read a second time; and it was,

Salt weight regulation bill, read second time;

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

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

Committed;

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the bill, entitled, "An Act to revive and make perpetual an Act granting to Her Majesty a duty on Licenses to Auctioneers, and on goods, wares and merchandize sold by Auction," was read a second time; and it was,

Auctioneers' license law revival bill, read second time;

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

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

Committed;

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

Adopted.

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

Pursuant to the order of the day, the bill, entitled, "An Act to authorise the Receiver-General of this Province, to borrow a certain sum of money, upon Debentures, for the purposes therein-mentioned," was read a second time; and it was,

Debentures borrowing bill, read second time;

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

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

Committed;

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again.

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

Leave granted.

Thursday, 6th February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Hon. J. H. Dunn's
remuneration bill,
read second time;

Pursuant to the order of the day, the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to remunerate the Honourable John Henry Dunn, for services rendered to this Province,'" was read a second time; and it was,

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

Petitions of
William Sewell,
and others;

Pursuant to the order of the day, the petition of William Sewell, and others, inhabitants of the District of Niagara, praying for an Act granting a further sum of money, to be expended in the permanent completion of the Great Western Canboro' Road, leading from the Falls of Niagara to Amherstburgh; and also the petition of Allan McDonell, Sheriff of the Midland District, praying for an Act authorising the Magistrates of the said District, to indemnify the petitioner for certain losses sustained by him; were severally read.

And of Allan McDonell,
read.

Petition of
David B. O. Ford,
brought up.

The Honourable Mr. Morris brought up the petition of David B. O. Ford, of the Town of Brockville; which was laid on the table.

Stuart's divorce bill,
read third time, and
passed;

Pursuant to order, the bill to annul the Marriage heretofore solemnized between John Stuart and Elizabeth Van Rensselaer, his wife, was read a third time, and passed; and it was,

Title ordered;

Ordered, that the title be, "An Act for the relief of John Stuart."

Bill signed;

Whereupon the Speaker signed the said bill; and it was,

And sent to the Assembly
for concurrence.

Ordered, that the same be sent to the Commons House of Assembly, by the Clerk of this House, for their concurrence.

House adjourns.

On motion made and seconded, the House adjourned, until to-morrow, at the hour of eleven of the clock, A. M.

THURSDAY, 6th FEBRUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. MORRIS,

The Honourable Messrs. DUNN,

" " SULLIVAN,

" " ALLAN,

" " FERGUSSON,

" " BURNHAM,

" " JOHN McDONALD.

" " BALDWIN,

" " WILLSON.

" " CROOKS,

Prayers were read.

The Minutes of yesterday were read.

Civil List bill;

Pursuant to the order of the day, the bill, entitled, "An Act granting to Her Majesty a certain sum of money, to defray the expenses of the Civil Government, for the year one thousand eight hundred and forty"; also the bill, entitled, "An Act to regulate the weight of Salt"; and also the bill, entitled, "An Act to revive and make perpetual an Act granting to Her Majesty a Duty on Licenses to Auctioneers, and on Goods, Wares and Merchandize, sold by Auction," were severally read a third time, and passed:

Salt weight regulation
bill;

And Auctioneers' license
law revival bill, read
third time, and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

And the Assembly
acquainted thereof.

Members enter.

The Honourable Messieurs Adamson, Radcliffe and John Simcoe Macaulay, enter.

Debentures borrowing
bill, recommitted;

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the Receiver-General of this Province, to borrow a certain sum of money, upon Debentures, for the purposes therein-mentioned."

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time presently.

Read third time and
passed;

The same was then read a third time accordingly, and passed;

Thursday, 6th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Whereupon the Speaker signed the said bill; and it was, Same signed;
 Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that And the Assembly acquainted thereof.
 House, that the Legislative Council have passed this bill, without any amendment.
 The Honourable Messieurs Alexander McDonell and John Macaulay, enter. Members enter.
 Pursuant to the order of the day, the House was put into a Committee of the whole, upon Hon. J. H. Dunn's remuneration bill, committed;
 the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of
 the reign of His late Majesty King William the Fourth, entitled, 'An Act to remunerate the
 Honourable John Henry Dunn, for services rendered to this Province.'"
 The Honourable Mr. John McDonald took the Chair.
 After some time the House resumed.
 The Chairman reported that the Committee had gone through the said bill, and recom- Reported;
 mended the same, without any amendment, to the adoption of the House.
 Ordered, that the report be received; and, Adopted.
 Ordered, that the last-mentioned bill be read a third time presently.
 The same was then read a third time accordingly, and passed;
 Whereupon the Speaker signed the said bill; and it was, Read third time, and passed;
 Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that Same signed;
 House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.
 Pursuant to the order of the day, the bill, entitled, "An Act to repeal, alter and amend
 the laws now in force for the regulation of the several Macadamized Roads within this Pro- Macadamized road law amendment bill;
 vince"; also the bill, entitled, "An Act to incorporate certain persons, under the style and
 title of the Escott Mining Company"; also the bill, entitled, "An Act to continue an Act passed
 in the seventh year of His late Majesty's reign, entitled, 'An Act granting a salary to the
 Clerk of the Crown in Chancery, and for other purposes therein-mentioned"; and also the
 bill, entitled, "An Act to amend and make permanent an Act passed in the fifth year of His
 late Majesty's reign, entitled, 'An Act to prevent the sale of Spirituous Liquors to Indians";
 were severally read a second time; and it was, Escott Mining Company's incorporation bill;
Clerk of the Crown in Chancery's salary continuation bill;
And Indians' liquor sale prevention bill, read second time.
 Ordered, that the House be put into Committees of the whole this day, to take the same
 into consideration.
 The Honourable Mr. Elmsley enters. A Member enters.
 Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled,
 "An Act to repeal, alter and amend the laws now force for the regulation of the several
 Macadamized Roads within this Province." Macadamized road law amendment bill, committed;
 The Honourable Mr. Sullivan took the Chair.
 After some time the House resumed.
 The Chairman reported that the Committee had gone through the said bill, and recom- Reported;
 mended the same, without any amendment, to the adoption of the House.
 Ordered, that the report be received; and, Adopted.
 Ordered, that the forty-fourth rule of this House be dispensed with, as it regards the
 last-mentioned bill, and that the same be read a third time this day. Forty-fourth rule dispensed with.
 The Honourable Mr. Allan, from the Select Committee appointed to examine and report
 upon the Contingent Accounts of the present Session, presented their report. Report of the Select Committee upon Contingent Accounts, presented;
 Ordered, that it be received; and,
 The same was then read by the Clerk, as follows:— Read.
 The Select Committee, to whom was referred the Contingent Accounts of the Honourable
 the Legislative Council, during the present Session, beg leave to Report:—
 That they have audited the Accounts of the last Session, and find the moneys then granted
 correctly accounted for. The report.
 The Committee have prepared an Account, shewing the sum that will be required to
 meet the Contingent expenses of this Session, to be £2,525 13s. 2d., which Account they
 respectfully submit, observing that they have embodied therein, the amounts proposed to be
 given, as additions to the salaries of the Officers of your Honourable House, which additions
 are proposed to be submitted, in the form of resolutions, that the opinion of your Honourable
 House may be thereon expressed.

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
Sixth day of February, 1840.

Thursday, 6th February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Certain resolutions submitted by the same Committee, proposing the Usher of the Black Rod £50, in addition to his salary.
Also for paying the Chaplain £50, in addition to his salary.

Resolved—That the sum of Fifty Pounds be paid to the Gentleman Usher of the Black Rod, for the present Session, in addition to the salary allowed by special enactment.

Resolved—That the sum of Fifty Pounds be paid to the Reverend Chaplain of this House, for the present Session, in addition to the salary allowed by special enactment.

Also for authorising the printing of the Journals, and allowing the Clerk of the House £100 for superintending the same.

Resolved—That the Journals of this House be printed, and that One Hundred Pounds be allowed to the Clerk thereof, for his trouble in superintending the same, and that he be directed to send to the Clerk of the House of Assembly, a copy for each Member of that House.

Also for paying the Clerk of the House £100, in addition to his salary.

Resolved—That One Hundred Pounds be paid to the Clerk of the Legislative Council, for the present Session, in addition to the salary allowed by special enactment.

Also for paying the Master in Chancery £50, in addition to his salary.

Resolved—That the Master in Chancery be allowed Fifty Pounds, for the present Session, in addition to the salary allowed by special enactment.

Also for paying the Door-keeper £40, in addition to his salary.

Resolved—That the Door-keeper be allowed the sum of Forty Pounds, for the present Session, in addition to the salary allowed by special enactment.

Also for paying John F. Taylor £100, for occasional services as Clerk of the House.

Resolved—That the sum of One Hundred Pounds be paid to J. Fennings Taylor, for occasional services, as Clerk of this Honourable House, during the Sessions of 1831 to 1838, inclusive, (the Clerk of this House being at those times unable to attend,) in conformity with the recommendation of the Select Committee to whom the petition of the aforesaid J. Fennings Taylor, was originally referred.

Also for paying £20, being for rent of the Legislative Council Pew, in the Cathedral Church of Saint James.

Resolved—That the sum of Twenty Pounds be paid by the Clerk of this House, to the person authorised to receive the same, for the rent of the Pew appropriated to the Legislative Council, in the Cathedral Church of Saint James, in this City.

And also for paying £20, being for rent of the Legislative Council Pew, in the Church of Saint Andrew's in Toronto.

Resolved—That the sum of Twenty Pounds be paid by the Clerk of this House, to the person authorised to receive the same, for the rent of the Pew appropriated to the Legislative Council, in the Church of Saint Andrew's, in this City.

On motion made and seconded, it was,

Ordered, that the House be put into a Committee of the whole, presently, for the purpose of taking into consideration the last-mentioned report and resolutions.

The report and resolutions committed;

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

The Honourable Mr. John Macaulay took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said report and resolutions, and recommended the same to the adoption of the House.

Ordered, that the report be received; and,

And the same adopted.

Ordered, that the foregoing report of the Select Committee, and the several resolutions, as submitted by them, be adopted.

Report of the Select Committee upon Farmers' Bank incorporation bill, presented;

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," together with the bill, entitled, "An Act to incorporate the Farmers' Joint Stock Banking Company, under the style and title of the President, Directors and Company, of the Farmers' Bank," presented their report upon the last-mentioned bill.

Ordered, that it be received; and,

Read.

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

The Select Committee, to whom was referred the bill, entitled, "An Act to incorporate the Farmers' Joint Stock Banking Company, under the style and title of the President, Directors and Company, of the Farmers' Bank," beg leave to Report:—

The report.

That, as is expressed in the title and preamble of the bill, the Institution praying to be incorporated by the said bill, has for many years past been carrying on the business of Banking, in the City of Toronto; and also, by means of Branches and Agencies, in different parts of the

Thursday, 6th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Province, has increased the circulation of a medium of exchange, and contributed thereby to the welfare of the country; and your Committee are not aware that their paper so issued has ever been dishonoured. Under these circumstances, and concurring in the views of the the petitioners, that a Charter would greatly facilitate their operations, as well as enable them to extend their dealings, your Committee recommend the bill to the favourable consideration of your Honourable House.

Your Committee would further beg leave to report, that the bill submitted to them, proposes to incorporate and merge in the Bank, intended to be Chartered by it, the dealings, transactions and responsibilities of the Joint Stock Farmers' Bank, the individual Members of which, are in law liable, in their personal capacity, for each and every transaction of the said Joint Stock Company; and it becomes a matter of consequence, to inquire for how long a period such individual responsibility ought in justice to continue, as well to insure the public against loss, as to free the Copartners from a liability which must prove irksome, without any public benefit being attained thereby. The last clause of the bill, (thirty-fourth,) purports to continue the responsibility of the said Stockholders or Copartners, for one year after the proposed Bank (should the bill become a law) goes into operation.

Of the Instructions, communicated by Her Majesty's Government to His Excellency Sir George Arthur, already alluded to in the reports of your Committee on the Commercial and other Bank bills, they find that Nos. 1, 2, 3, 8, 9 and 10, are provided for in different clauses of the present bill. They therefore append to this their report, new clauses, embracing Nos. 4, 5, 6 and 7. The Instruction, No. 11, limiting the issue of Notes to those of Twenty-five shillings and upwards, your Committee are of opinion could not be carried out, and if incorporated in the bill, would prove most injurious, not only to the Institution, but to the best interests of the Province.

Your Committee also append several other clauses, which have heretofore been contained in Bank Charters passed by the Legislature, and which seem to be equally necessary in the present.

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
6th February, 1840.

ADDITIONS TO THE FARMERS' BANK BILL.

Add to the 1st clause—"And by that name they and their successors shall have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same, at their pleasure; and also that they and their successors, by the same name of the President, Directors and Company of the Farmers' Bank, shall be in law capable of purchasing, holding or conveying any Estate, real or personal, for the use of the Corporation, under the limitations contained in this Act."

Press 7, line 14—After the word "personal" insert "or other property"

" 14, " 11—Expunge twenty-fourth clause.

" 18, " 22—After the word "Joint" insert the word "Stock"

Add to the bill—"And be it further enacted, &c. That in case it should at any time happen, that an election of Directors should not be made, on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful, on any other day, to hold and make an election of Directors, in such manner as shall have been regulated by the By-laws and Regulations of the said Corporation.

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“And be it further enacted, &c. That the Directors for the time being, or the major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties and conduct of the Officers, Clerks and Servants employed therein, and such other matters as appertain to the business of a Bank, and shall have full power to appoint as many Officers, Clerks and Servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: Provided that such rules and regulations are not repugnant to the laws of this Province.

“And be it further enacted, &c. That the said Corporation shall not demand any greater interest, on any loan or discount, than at the rate of six per centum per annum.

“And be it further enacted, &c. That nothing herein-contained, shall be taken or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of Notes which may be issued by the said Bank as may be deemed necessary, nor shall any thing herein-contained be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions which by any Act of the Parliament of this Province may be applied or enforced with respect to any of the Banks of Upper Canada.

“And be it further enacted, &c. That the funds of the Bank shall not be employed in loans, or advances upon lands or other property not readily convertible into money, nor in the purchase of any property, but be confined to what are understood to be the legitimate operations of Banking, viz.: advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange.

“And be it further enacted, &c. That if at any time after the passing of this Act, the said President, Directors and Company, should refuse, on demand being made at their Banking House, or at any Branch or Branches already, or which may hereafter be established, during the regular hours of doing business, to redeem in specie, or other lawful money of this Province, their said Bills, Notes or other evidences of debt issued by the said Company, and made payable at their Banking House, or at such Branch or Branches, for the period of six months, then and in such case the Charter shall be forfeited.”

On motion made and seconded, it was,

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

The Honourable Mr. John Macaulay, from the Select Committee to whom was referred the bill, entitled, “An Act to repeal, amend and consolidate the Registry Laws of this Province,” presented their report.

Ordered, that it be received; and,

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

The Select Committee, to whom was referred the bill sent up from the Assembly, entitled, “An Act to repeal, amend and consolidate the Registry Laws of this Province,” beg leave to Report, as follows:—

That your Committee have examined the said bill, and find that the principal alterations in the law, proposed by the said bill, may be stated, as follows:—

1st. The making all lands, granted by the Crown, subject to the Registry Law, whereas, under the former Act, land did not become subject to the Registry Law, until a Memorial had first been registered.

2nd. Providing for the Registration of Judgments.

3rd. Providing for the Registration of Conveyances of Land in full.

Report of the
Select Committee upon
Registry laws
amendment bill,
presented.

Read.

The report.

Thursday, 6th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

4th. The extension of the time in which Wills are to be registered, from six months to twelve months.

5th. The residence of a Registrar in every County, containing one thousand inhabitants.

Your Committee, approving of these emendations of the law, recommend the bill for the adoption of your Honourable House.

Your Committee are of opinion, however, that the tenure of office of the present incumbents should not be interfered with.

Your Committee, therefore, recommend the following addition to the bill:—

Press 3, line 1—Provided always, that nothing in this Act contained, shall be held to make it necessary to appoint a Registrar in any separate County in this Province now established, during the tenure of office of any Registrar now in office, who may be affected by such new appointment; but that the appointment of a Deputy Registrar, and the establishment of a separate office, by the Registrar, in such separate County, shall be held to be a full compliance with this Act.

“And be it further enacted, &c. That if any Registrar shall neglect or refuse, for the space of three calendar months after the passing of this Act, to establish such separate office, and to appoint a Deputy to reside in such separate County, it shall and may be lawful for the Governor of this Province, to appoint a Registrar for such separate County, according to the provisions of this Act.”

All which is respectfully submitted.

JOHN MACAULAY,

CHAIRMAN.

Committee Room, Legislative Council,
6th February, 1840.

On motion made and seconded, it was,

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

The Honourable Mr. Burnham, from the Select Committee to whom was referred the bill, entitled, “An Act to authorise certain duties to be imposed and collected on Wooden Stills within this Province, and for other purposes therein-mentioned,” presented their report.

Ordered, that it be received; and,

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

The Select Committee, to whom was referred the bill sent up from the House of Assembly, entitled, “An Act to authorise certain duties to be imposed and collected on Wooden Stills within this Province, and for other purposes therein-mentioned,” beg leave respectfully to Report:—

That they have examined the same, with due attention, and in reporting the same to your Honourable House, would observe, that many of the provisions of this Act are substantially the same as those contained in the laws heretofore enacted for the purpose of collecting a duty upon Wooden Stills, and which have expired.

Your Committee are of opinion, that this branch of revenue will be greatly improved, not only by increasing the duty, but also enforcing a greater degree of strictness in the requisitions for a license, and by imposing a duty on more than one Still, where more than one is used for distillation, by which there will be far less opportunity for evading the duty or penalty imposed by this Act, which your Committee believe to have been the case heretofore, to a very great extent.

Your Committee observe, that the provisions of this bill place the Inspectors of Districts upon a footing with Collectors of Customs, by increasing their per centage to 12½ per centum, until the sum collected shall amount to £1,000, and for all sums collected over that amount,

Report of the Select Committee upon Wooden still duty bill; presented;

Read.

The report.

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5 per centum only is allowed, until the whole per centage of such Inspectors shall amount to £300.

By these provisions, a more strict and vigilant attention, on the part of Inspectors, to the enforcement of the law, and the due collection of the duties thereby imposed, may reasonably be looked for; and although there are expressions that may appear somewhat doubtful, your Committee are, however, of opinion, that it will be sufficiently explicit, to produce a uniformity of proceedings under it, among the different Inspectors. Your Committee, therefore, do not hesitate to recommend to your Honourable House, the adoption of the bill.

All of which is most respectfully submitted.

Z. BURNHAM,
CHAIRMAN.

Committee Room, Legislative Council,
6th February, 1840.

On motion made and seconded, it was,

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

Escott Mining Company's
incorporation bill,
committed;

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the Escott Mining Company."

The Honourable Mr. John Macaulay took the Chair.

After some time the House resumed.

Reported, and leave
asked to sit again in
seven days.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and asked leave to sit again this day se'night.

Leave granted.

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

Church of England's
temporalities bill;

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to make provision for the management of the temporalities of the United Church of England and Ireland in this Province, and for other purposes therein-mentioned"; also a bill, entitled, "An Act for the relief of Allan McDonell, Esquire, the Sheriff of the Midland District"; also a bill, entitled, "An Act to impose duties on certain articles imported into this Province from the United States of America"; also a bill, entitled, "An Act to provide for the relief of William Kingsmill and William Chisholm, Esquires"; and also a bill, entitled, "An Act to authorise the appointment of Commissioners to regulate the practise of the Court of Chancery," to which they requested the concurrence of this House, and then withdrew.

Sheriff McDonell's
relief bill;

United States imports
duty bill;

Kingsmill and Chisholm's
relief bill;

And Chancery Court
Commissioners appoint-
ment bill, brought up
from the Assembly.

Read first time.

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

Forty-fourth rule
dispensed with.

Ordered, that the forty-fourth rule of this House be dispensed with, as it regards the last-mentioned bills, and that the same be read a second time this day.

Clerk of the Crown in
Chancery's salary
continuation bill,
committed;

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act granting a salary to the Clerk of the Crown in Chancery, and for other purposes therein-mentioned.'"

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

Forty-fourth rule
dispensed with,

Ordered, that the forty-fourth rule of this House be dispensed with, as it regards the last-mentioned bill, and that the same be read a third time this day.

A Member enters.

The Honourable and Right Reverend the Lord Bishop of Toronto, enters.

Indians' liquor sale
prevention bill,
committed;

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to amend and make permanent an Act passed in the fifth year of His late Majesty's reign, entitled, 'An Act to prevent the sale of Spirituous Liquors to Indians.'"

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

Thursday, 6th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Ordered, that the forty-fourth rule of this House be dispensed with, as it regards the last-mentioned bill, and that the same be read a third time this day. Forty-fourth rule dispensed with.

Pursuant to order, the bill, entitled, "An Act to repeal, alter and amend the laws now in force for the regulation of the several Macadamized Roads within this Province," was read a third time, and passed; Macadamized road law amendment bill, read third time, and passed;

Whereupon the Speaker signed the same; and it was, Same signed;

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate the Farmers' Joint Stock Banking Company, under the style and title of the President, Directors and Company, of the Farmers' Bank," together with the report of the Select Committee thereon. Farmers' Bank incorporation bill, committed;

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill, and the report thereon, into consideration, had made some progress therein, and asked leave to sit again this day. Reported, and leave asked to sit again.

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

On motion made and seconded, the House adjourned, at five of the clock, for one hour. House adjourns for one hour.

The House met pursuant to adjournment. House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,

The Honourable Messrs. ELMSLEY,

" " ADAMSON,

" " MORRIS,

The Honourable Messrs. JOHN MACAULAY,

" " SULLIVAN,

" " FERGUSON,

" " RADCLIFFE,

" " JOHN SIMCOE MACAULAY.

Members present.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate the Farmers' Joint Stock Banking Company, under the style and title of the President, Directors and Company, of the Farmers' Bank," together with the report of the Select Committee thereon. Farmer's Bank incorporation bill, re-committed;

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Press 2, line 8—After "Bank" insert, "and by that name they and their successors shall have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same, at their pleasure; and also that they and their successors, by the same name of the President, Directors and Company of the Farmers' Bank, shall be in law capable of purchasing, holding or conveying any Estate, real or personal, for the use of the Corporation, under the limitations contained in this Act." The amendments.

Press 7, line 14—After "personal" insert "or other property"

" 18, " 22—After "Joint" insert "Stock"

" 19, " 2—Add to the bill: "35. And be it further enacted by the authority aforesaid, That in case it should at any time happen, that an election of Directors should not be made, on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved,

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but that it shall and may be lawful, on any other day, to hold and make an election of Directors, in such manner as shall have been regulated by the By-laws and Regulations of the said Corporation.

"36. And be it further enacted by the authority aforesaid, That the Directors for the time being, or the major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties and conduct of the Officers, Clerks and Servants employed therein, and such other matters as appertain to the business of a Bank, and shall have full power to appoint as many Officers, Clerks and Servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: Provided that such rules and regulations be not repugnant to the laws of this Province.

"37. And be it further enacted by the authority aforesaid, That the said Corporation shall not demand any greater interest, on any loan or discount, than at the rate of six per centum per annum.

"38. And be it further enacted by the authority aforesaid, That nothing herein-contained, shall be taken or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of Notes which may be issued by the said Bank as may be deemed necessary, nor shall any thing herein-contained be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions which by any Act of the Parliament of this Province may be applied or enforced with respect to any of the Banks of Upper Canada.

"39. And be it further enacted by the authority aforesaid, That the funds of the Bank shall not be employed in loans, or advances upon lands or other property not readily convertible into money, nor in the purchase of any property, but be confined to what are understood to be the legitimate operations of Banking, viz.: advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange.

"40. And be it further enacted by the authority aforesaid, That if at any time after the passing of this Act, the said President, Directors and Company, should refuse, on demand being made at their Banking House, or at any Branch or Branches already, or which may hereafter be established, during the regular hours of doing business, to redeem in specie, or other lawful money of this Province, their said Bills, Notes or other evidences of debt issued by the said Company, and made payable at their Banking House, or at such Branch or Branches, for the period of six months, then and in such case the Charter shall be forfeited."

Read second time, and adopted.

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

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

A Member enters.

The Honourable Mr. Willson enters.

Registry laws amendment bill, committed;

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

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again;

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

Leave granted.

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

Members enter.

The Honourable Messieurs Burnham and Crooks, enter.

Thursday, 6th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

A deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to enable the inhabitants in the different Townships, to raise a sum of money in each year, to support disabled and infirm persons," to which they requested the concurrence of this House, and then withdrew.

Disabled and infirm person's relief bill, brought up from the Assembly.

The said bill was then read.

Read first time.

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise certain duties to be imposed and collected on Wooden Stills within this Province, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

Wooden still duty bill, committed ;

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

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

Reported ;

Ordered, that the report be received ; and,

Adopted.

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

Pursuant to order, the bill, entitled, "An Act to make provision for the management of the temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein-mentioned," was read a second time ; and it was,

Church of England's temporalities bill, read second time ;

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

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

Committed ;

The Honourable Mr. John Macaulay took the Chair.

After some time the House resumed.

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

Reported, and leave asked to sit again ;

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

Leave granted ;

Ordered, that the last-mentioned bill do stand upon the orders of the day for to-morrow, immediately below the third readings appointed for that day.

And the standing of the bill upon the orders of the day for Friday appointed.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to authorise the raising of a sum of money, in the District of Niagara, for the purpose of relieving the said District from debt," presented their report.

Report of the Select Committee upon Niagara District debt liquidation bill, presented.

Ordered, that it be received ; and,

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

Read.

The Select Committee, to whom was referred the bill, entitled, "An Act to authorise the raising of a sum of money, in the District of Niagara, for the purpose of relieving the said District from debt," beg leave to Report:—

That they have ascertained that notice has been given in the Upper Canada Gazette, by the Magistrates in Quarter Sessions, of their intention to make application to the Legislature, for authority either to borrow a sum of money to liquidate the outstanding debt of that District, or raise the same by an additional rate.

It has also come to the knowledge of your Committee, that the late Treasurer of that District having absconded with the Books and Accounts of the District, has by that means placed the Magistrates in difficulty and embarrassment, which can only be relieved by an authority for increasing the rate of assessment.

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
6th February, 1840.

On motion made and seconded, it was,

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

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number

Report of the Select Committee upon Freshholders Bank incorporation bill, presented.

Thursday, 6th February, 1840.

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of shares to be held in the capital stock of the Company," together with the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Freeholders' Bank of Upper Canada," presented their report upon the last-mentioned bill.

Ordered, that it be received; and,

Read.

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

The Select Committee, to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Freeholders' Bank of Upper Canada," beg leave to Report:—

The report.

That the bill submitted to your Committee, appears to be founded upon a system of Banking entirely new in this Province, but adopted of late years in the adjoining State of New York. The experience of its working, has nevertheless been so short, that the practical effects can hardly be considered as sufficiently tested to found a new mode of supplying a circulating medium, upon and on which the people of this Province could with safety rely.

Your Committee find that a bill, with the same title, was passed by two Branches of the Legislature, in the first Session of this present Parliament, but reserved for the signification of Her Majesty's pleasure thereon.

Your Committee, from the late period of the Session, and the multiplicity of matters to which their attention has necessarily been called, have been unable to compare the bill so reserved with that submitted to them, but they entirely agree with the Select Committee to whom the said bill was referred, "that a discussion in the House should precede any suggestion or alterations, should such be needed."

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Legislative Council Committee Room,

Sixth day of February, 1840.

On motion made and seconded, it was,

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

Report of the Select Committee upon Prince Edward District Bank incorporation bill, presented;

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company," together with the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Prince Edward District Bank," presented their report upon the last-mentioned bill.

Ordered, that it be received; and,

Read.

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

The Select Committee, to whom was referred the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Prince Edward District Bank," beg leave to Report:—

The report.

That they entertain no doubt that the establishment of a Bank, in the District of Prince Edward, would be found extensively useful to the inhabitants thereof—and your Committee feel themselves bound to state, that although a new District, and but of limited extent, compared to many others in the Province, yet for productiveness and wealth, few of them exceed it.

Your Committee, however, desire to call the attention of your Honourable House, to the state of the Banking Institutions already chartered in the Province, and whether an Establishment, with so limited a capital as £50,000, could compete with them: more particularly when it is known, that the proposed Bank would be almost in the neighbourhood of the Commercial Bank of the Midland District—an Institution which has greatly contributed to the prosperity of the Province, and which, your Committee are of opinion, might be induced to establish a Branch or Agency, with sufficient funds to meet their wants.

Thursday, 6th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Your Committee have compared the bill submitted to them, with other Bank Charters, and find it to agree with them in most of its provisions. There are, however, a few clauses omitted in the bill, which it seems necessary should be added, should your Honourable House entertain the bill favourably; also those required by the Instruction from Her Majesty's Government, already alluded to in their reports on bills for augmenting the capital stock of the Banks already chartered.

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Legislative Council Committee Room,
6th February, 1840.

On motion made and seconded, it was,

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

Pursuant to order, the bill, entitled, "An Act for the relief of Allan McDonell, Esquire, the Sheriff of the Midland District," was read a second time; and it was, Sheriff McDonell's relief bill, read second time;

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

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

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

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

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

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

Pursuant to order, the bill, entitled, "An Act to authorise the appointment of Commissioners, to regulate the practise of the Court of Chancery"; and also the bill, entitled, "An Act to impose duties on certain articles imported into this Province from the United States of America," were severally read a second time; and it was, Chancery Court Commissioners appointment bill; And United States imports duty bill, read second time.

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

Pursuant to order, the bill, entitled, "An Act to provide for the relief of William Kingsmill and William Chisholm, Esquires," was read a second time; and it was, Kingsmill and Chisholm's relief bill, read second time;

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

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

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

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

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

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

On motion made and seconded, the House adjourned, until to-morrow, at the hour of eleven of the clock, A. M. House adjourns.

Friday, 7th February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

FRIDAY, 7th FEBRUARY, 1840.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER. <i>The Hon. & Rt. Rev. the</i> LORD BISHOP OF TORONTO. <i>The Honourable Messrs.</i> DUNN, " " ALLAN, " " ALEXANDER McDONELL, " " ELMSLEY, " " BALDWIN, " " ADAMSON,	<i>The Honourable Messrs.</i> CROOKS, " " MORRIS, " " JOHN MACAULAY, " " FERGUSSON, " " RADCLIFFE, " " JOHN SIMCOE MACAULAY, " " JOHN McDONALD, " " WILLSON.
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Prayers were read.

The Minutes of yesterday were read.

Clerk of the Crown in
Chancery's salary
continuation bill;

Pursuant to the order of the day, the bill, entitled, "An Act to continue an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act granting a salary to the Clerk of the Crown in Chancery, and for other purposes therein-mentioned'; and also the bill, entitled, "An Act to amend and make permanent an Act passed in the fifth year of His late Majesty's reign, entitled, 'An Act to prevent the sale of Spirituous Liquors to Indians," were severally read a third time, and passed;

And Indians liquor sale
prevention bill, read
third time, and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly
acquainted thereof.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

Farmers Bank incor-
poration bill,
(as amended,) read
third time, and passed;

Pursuant to the order of the day, the bill, entitled, "An Act to incorporate the Farmers' Joint Stock Banking Company, under the style and title of the President, Directors and Company, of the Farmers' Bank," was, as amended, read a third time; and,

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

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly
for concurrence.

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

A Member enters.

The Honourable Mr. Sullivan enters.

Wooden still duty bill,
read third time, and
passed;

Pursuant to the order of the day, the bill, entitled, "An Act to authorise certain duties to be imposed and collected on Wooden Stills within this Province, and for other purposes therein-mentioned," was read a third time, and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly
acquainted thereof.

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

A Member enters.

The Honourable Mr. Burnham enters.

Tavern license law
continuation bill,
brought up from the
Assembly.

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to continue and make perpetual parts of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to alter the laws now in force for granting Licenses to Innkeepers, and to give to Justices of the Peace, in General Quarter Sessions assembled, for the respective Districts, authority to regulate the duties hereafter to be paid on such Licenses, and for other purposes therein-mentioned,' to which they requested the concurrence of this House. And they returned the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company"; and also the bill, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto,'" and acquainted this House, that the Commons House of Assembly had made certain amendments to the amendments of the Legislative Council, in and to the two last-mentioned bills, to which they requested the concurrence of this House. The same

Amendments of the
Council to
Upper Canada Bank
Stock increase bill,
amended by the
Assembly.Amendments of the
Council to Toronto
incorporation law
amendment continuation
bill, amended by the
Assembly.

Friday, 7th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

deputations returned the bill sent down from this House, entitled, "An Act to authorise the construction of a Mill Dam across the River Thames," and acquainted the Legislative Council, that the Commons House of Assembly had made some amendments in and to the same, to which they requested the concurrence of this House. The same deputations returned the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company"; and also the bill, entitled, "An Act to increase the capital stock of the Gore Bank, and the number of shares to be held therein," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the two last-mentioned bills. The same deputations returned the bill sent down from this House, entitled, "An Act to authorise the temporary occupation, by the proposed University at Kingston, of the General Hospital at Kingston, upon certain terms therein-mentioned"; and also the bill, entitled, "An Act for the relief of John Stuart," and acquainted this House, that the Commons House of Assembly had passed the two last-mentioned bills, without any amendment. The deputations then withdrew.

Pursuant to the order of the day, the bill, entitled, "An Act for the relief of Allan McDonell, Esquire, the Sheriff of the Midland District"; and also the bill, entitled, "An Act to provide for the relief of William Kingsmill and William Chisholm, Esquires," were severally read a third time, and passed;

Whereupon the Speaker signed the same; and it was,

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

The bill, entitled, "An Act to continue and make perpetual parts of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to alter the laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled, for the respective Districts, authority to regulate the duties hereafter to be paid on such Licenses, and for other purposes therein-mentioned,'" was then read; and it was,

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned bill, and that the same be read a second time presently.

The said bill was then read a second time accordingly; and it was,

Ordered, that the same be referred to a Select Committee, to report thereon; and,

Ordered, that the Honourable Messieurs Burnham, John Macaulay and Willson, do compose the same for that purpose.

The amendments of the Assembly, made in and to the bill, sent down from this House, entitled, "An Act to authorise the construction of a Mill Dam across the River Thames," were then read by the Clerk, as follows:—

Amendments made by the Commons House of Assembly, in and to the bill sent down from the Honourable the Legislative Council, entitled, "An Act to authorise the construction of a Mill Dam across the River Thames":—

Add to the third clause of the bill—"Provided always, that the said Dam shall be erected at a distance of not less than fifty yards up stream, from the tail race of the Mill of Benjamin Woodhull, senior, and as nearly as may be at a right angle with the course of the River; and further, that nothing in this Act contained, shall at any time prevent, or be construed to prevent, the owners or occupiers of the lot on the Northerly side of the River Thames, situated opposite to the lot hereinbefore mentioned, to take and use, in such way as they may deem proper, from the pond caused by the erection of said Dam, a sufficient quantity of the water of the said River Thames, for the purpose of working any Mills or Machinery which the owners or occupiers of the last-mentioned lot may deem it advisable to erect thereon, doing no damage to the said Dam."

ALLAN N. MACNAB,

SPEAKER.

River Thames Mill dam erection bill, amended by the Assembly.

Amendments of the Council to Midland District Bank Stock increase bill;

And to Gore Bank Stock increase bill, acceded to by the Assembly.

Kingston College new Hospital occupancy bill;

And Stuart's divorce bill, passed by the Assembly without amendment.

Sheriff McDonell's relief bill;
And Kingsmill and Chisholm's relief bill, read third time, and passed;

Same signed;

And the Assembly acquainted thereof.

Tavern license law continuation bill, read first time.

Forty-fourth rule dispensed with.

Bill read second time;

And referred to a Select Committee.

Members composing the same.

Amendments of the Assembly to River Thames Mill dam erection bill, read first time;

The amendments.

Friday, 7th February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

On motion made and seconded, it was,

Forty-fourth rule
dispensed with.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned amendments, and that the same be read a second time this day.

Amendment of the
Assembly to the
amendments of the
Council to Toronto
incorporation law
amendment continuation
bill, read first time;

The amendment of the Commons House of Assembly, made in and to the amendments of the Legislative Council, in and to the bill, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto,'" was then read by the Clerk, as follows:—

Amendment made by the Commons House of Assembly, in and to the amendments made by the Honourable the Legislative Council, in and to the bill sent up from this House, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto.'"

The amendments to
the amendments.

Press 1, line 8—Expunge from the word "Toronto" to the word "and" in Press 2, line 4, and insert "add to the bill"

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
7th February, 1840.

On motion made and seconded, it was,

Forty-fourth rule
dispensed with;

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned amendment of the Assembly, and that the same be read a second time this day.

Amendment of the
Assembly to the
amendments of the
Council to Upper
Canada Bank Stock
increase bill, read
first time;

The amendment of the Commons House of Assembly, made in and to the amendments of the Legislative Council, in and to the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company," was then read by the Clerk, as follows:—

Amendment made by the Commons House of Assembly, in and to the amendments made by the Honourable the Legislative Council, in and to the bill, sent up from this House, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company":—

The amendment to
the amendments.

Press 2, of the amendments, lines 4 and 5—Expunge the following, viz.: "And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Corporation, to issue any Note or Bill under the value of Twenty-five shillings, of lawful money of Upper Canada."

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
Sixth day of February, 1840.

On motion made and seconded, it was,

Forty-fourth rule
dispensed with;

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned amendment of the Assembly, and that the same be read a second time presently.

The amendment to the
amendments read
second time;
And adopted;

The said amendment was then read a second time accordingly; and, The question being put whether the said amendment of the Assembly be adopted, it was carried in the affirmative;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly
acquainted thereof.

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have adopted the amendment of the Commons House of Assembly, in and to the amendments of the Legislative Council, made in and to the last-mentioned bill.

Friday, 7th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to make provision for the management of the temporalities of the United Church of England and Ireland in this Province, and for other purposes therein-mentioned." Church of England's temporalities bill, re-committed;

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

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

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

Ordered, that the last-mentioned bill be read a third time presently.

The said bill was then read a third time accordingly, and passed; Read third time and passed;

Whereupon the Speaker signed the same; and it was, Same signed;

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.

To the bill just passed, entitled, "An Act to make provision for the management of the temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein-mentioned":— Protest of the Hon. Mr. Morris, against the passing of the last mentioned bill.

DISSENTIENT,

W. MORRIS.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to repeal, amend and consolidate the Registry Laws of this Province," and the report of the Select Committee thereon. Registry laws amendment bill, re-committed;

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Press 3, line 1—After "notwithstanding" insert, "Provided always, that nothing in this Act contained, shall be held to make it necessary to appoint a Registrar in any separate County in this Province now established, during the tenure of office of any Registrar now in office, who may be affected by such new appointment; but that the appointment of a Deputy Registrar, and the establishment of a separate office, by the Registrar, in such separate County, shall be held to be a full compliance with this Act. The amendments.

"5. And be it further enacted by the authority aforesaid, That if any Registrar shall neglect or refuse, for the space of three calendar months after the passing of this Act, to establish such separate office, and to appoint a Deputy to reside in such separate County, it shall and may be lawful for the Governor of this Province, to appoint a Registrar for such separate County, according to the provisions of this Act.

"6, "23—After the word "Mayor" insert "or Chief Magistrate"

"8, "10—After the word "testatrix" expunge the words "dying within this Province"

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

Ordered, that the same be engrossed, and the said bill, as amended, read a third time this day.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the raising of a sum of money, in the District of Niagara, for the purpose of relieving the said District from debt," together with the report of the Select Committee thereon. Niagara District debt liquidation bill, committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

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

Friday, 7th February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Adopted.

Ordered, that the report be received; and,
Ordered, that the last-mentioned bill be read a third time this day.

Freeholders Bank
incorporation bill,
committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Freeholders' Bank of Upper Canada," together with the report of the Select Committee thereon.

The Honourable Mr. John Simcoe Macaulay took the Chair.

House resumes.

After some time the House resumed.

Prince Edward District
Bank incorporation bill,
re-committed;

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Prince Edward District Bank," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill, and the report thereon, into consideration, had made some progress therein, and recommended that the last-mentioned bill be referred back to the same Select Committee, to whom it was formerly referred, to report further thereon.

Ordered, that the report be received; and,

And re-referred back to the
Select Committee.

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

Chancery Court
Commissioners appoint-
ment bill, committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the appointment of Commissioners, to regulate the practise of the Court of Chancery."

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

Reported;

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

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time presently.

Read third time, and
passed;

The same was then read a third time accordingly, and passed;

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly
acquainted thereof.

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

United States imports
duty bill, committed;

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to impose duties on certain articles imported into this Province from the United States of America."

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported, and leave
asked to sit again;

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

Leave granted;

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

Report of the Select
Committee upon
Tavern license law
continuation bill,
presented;

The Honourable Mr. Burnham, from the Select Committee, to whom was referred the bill, entitled, "An Act to continue and make perpetual parts of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to alter the laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for the respective Districts, authority to regulate the duties hereafter to be paid on such Licenses, and for other purposes therein-mentioned,'" presented their report.

Ordered, that the report be received; and,

Read.

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

The report.

The Select Committee, to which has been referred the bill, entitled, "An Act to continue and make perpetual parts of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to alter the laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled, for the respective Districts, authority to regulate the duties hereafter to be paid on such Licenses, and for other purposes therein-mentioned,'" beg leave to Report:—

Saturday, 8th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

That they have carefully looked into the provisions of this bill, and compared them with those of the existing laws, relating to the licensing of Inns, which this bill proposes to make perpetual.

The Committee find nothing objectionable in this measure, and therefore recommend it for adoption, by your Honourable House.

All which is respectfully submitted.

Z. BURNHAM,
CHAIRMAN.

Legislative Council Committee Room,
7th February, 1840.

On motion made and seconded, it was,

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

Pursuant to the order of the day, the petition of D. B. O. Ford, praying for an Act chartering a Company, by the name of the Escott Mining Company, was read. Petition of David B. O. Ford, read.

On motion made and seconded, the House adjourned, until to-morrow, at the hour of eleven of the clock, A. M. House adjourns.

SATURDAY, 8th FEBRUARY, 1840.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. JOHN MACAULAY,

The Honourable Messrs. ALIAN,

“ “ FERGUSON,

“ “ BURNHAM,

“ “ JOHN SIMCOE MACAULAY,

“ “ ELMSLEY,

“ “ JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill, entitled, “An Act to repeal, amend and consolidate the Registry Laws of this Province,” was, as amended, read a third time; and it was, Registry laws amendment bill, (as amended,) read third time, but not passed;

Ordered, that this bill, as amended, do not now pass, but that the said bill be further amended, as follows:— The same further amended;

Press 16, line 12—After “same” insert, “Provided always, and be it further enacted by the authority aforesaid, That this Act shall take effect from and after the first day of May next, and not sooner, and shall thereafter continue and remain in full force and effect.” The further amendment.

The question being then put whether this bill, as amended, should pass, it was carried in the affirmative; Bill, as amended, passed;

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

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

The Honourable Messieurs Baldwin and Willson, enter. Members enter.

Pursuant to the order of the day, the bill, entitled, “An Act to authorise the raising of a sum of money, in the District of Niagara, for the purpose of relieving the said District from debt,” was read a third time, and passed; Niagara District debt liquidation bill, read third time, and passed;

Whereupon the Speaker signed the same; and it was, Same signed;

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, “An Act to impose duties on certain articles imported into this Province from the United States of America.” United States imports duty bill, committed;

The Honourable Mr. Elmsley took the Chair.

Saturday, 8th February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

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

Bills brought up from the Assembly.

Amendments of the Council to Winchester measure law alteration bill;

And to Farmers Bank incorporation bill, acceded to by the Assembly.

Members enter.

United States import duty bill, re-committed.

Reported.

Adopted.

Read third time, and passed;
Same signed;

And the Assembly acquainted thereof.

Speaker reports the receipt of Common School grant bill;

Osnabruck Bridge grant bill;

Bright's remuneration bill;

Penitentiary provision bill;

House of Industry aid bill;

Randall's pension grant bill;

Oakville Harbour's loan payment time extension bill;

Ancaster Literary Institution grant bill;

Collectors returns and payments regulation bill;

Militia pension permanency bill;

Incendiary losses indemnity bill;

Smith's grant bill;

Shop license perpetual law bill;

And Kerry's pension bill, from the Assembly.

Deputations from the Commons House of Assembly, brought up several bills, to which they requested the concurrence of this House. And they returned the bill, entitled, "An Act to alter and amend an Act passed in the thirty-second year of the reign of His late Majesty King George the Third, entitled, 'An Act to establish the Winchester Measure throughout this Province'; and also the bill, entitled, "An Act to incorporate the Farmers' Joint Stock Banking Company, under the style and title of the President, Directors and Company, of the Farmers' Bank," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council, in and to the two last-mentioned bills, and then withdrew.

The Honourable Messieurs Baldwin, Adamson, Sullivan and Radeliffe, enter.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to impose duties on certain articles imported into this Province from the United States of America."

The Honourable Mr. Elmsley took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time presently.

The same was then read a third time accordingly, and passed;

Whereupon the Speaker signed the said bill; and it was,

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

The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act granting a sum of money for the support of Common Schools, for the year of our Lord one thousand eight hundred and forty"; also a bill, entitled, "An Act granting to Her Majesty a sum of money, for the erection of a Bridge over the Ravine, on the Post Road, at Lot number thirty-four, first Concession, Township of Osnabruck, County of Stormont, Eastern District"; also a bill, entitled, "An Act to remunerate Lewis Bright, for his long and faithful services, by granting a pension to him and his aged wife, or the survivor of them, during their natural lives"; also a bill, entitled, "An Act to provide for the support and maintenance of the Provincial Penitentiary"; also a bill, entitled, "An Act to afford assistance to the House of Industry, in the City of Toronto", also a bill, entitled, "An Act granting a pension to Joseph Randall, who lost his arm in the service of Her Majesty"; also a bill, entitled, "An Act to extend the time for repaying the loan to the Oakville Harbour"; also a bill, entitled, "An Act granting a sum of money in aid of the Ancaster Literary Institution, and for other purposes therein-mentioned"; also a bill, entitled, "An Act to regulate the time for making returns and payments by Collectors, and other persons receiving the Public Revenues of this Province, and for other purposes therein-mentioned"; also a bill, entitled, "An Act to make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to amend and continue the Act granting Militia Pensions"; also a bill, entitled, "An Act to make provision to indemnify persons from losses, occasioned by the acts of Incendiaries, between the fourth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and the first day of January, one thousand eight hundred and forty"; also a bill, entitled, "An Act granting a sum of money to Samuel B. Smith, to make good a deficiency in his salary, as one of the Junior Clerks in the Executive Council Office, for the year of our Lord one thousand eight hundred and thirty-nine"; also a bill, entitled, "An Act to make perpetual an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, 'An Act to amend an Act for regulating the manner of licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without license, and also for regulating the duty to be levied upon licenses to Shopkeepers"; and also a bill, entitled, "An Act granting a pension to the Widow and Children of the late William Kerry, who was killed in the service of Her Majesty," to which they requested the concurrence of this House.

Saturday, 8th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

<p>The Honourable Mr. Sullivan moved for leave to bring in a bill, to continue and make perpetual "An Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to mitigate the law in respect to imprisonment for debt."</p>	<p>Motion for leave to bring in law of imprisonment for debt mitigation continuance bill;</p>
<p>Which being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative; and,</p>	<p>Question put and carried.</p>
<p>A bill for that purpose was then brought in accordingly, and read; and it was,</p>	<p>Bill brought in, and read first time;</p>
<p>Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned bill, and that the same be read a second time presently.</p>	<p>Forty-fourth rule dispensed with.</p>
<p>The said bill was then read a second time accordingly; and it was,</p>	<p>Bill read second time;</p>
<p>Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.</p>	<p>Committed;</p>
<p>The House was then put into a Committee of the whole accordingly.</p>	<p>Committed;</p>
<p>The Honourable Mr. Sullivan took the Chair.</p>	<p>Committed;</p>
<p>After some time the House resumed.</p>	<p>Committed;</p>
<p>The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.</p>	<p>Reported;</p>
<p>Ordered, that the report be received; and,</p>	<p>Adopted.</p>
<p>Ordered, that the last-mentioned bill be read a third time presently.</p>	<p>Adopted.</p>
<p>The same was then read a third time accordingly, and passed; and it was,</p>	<p>Read third time, and passed;</p>
<p>Ordered, that the title be, "An Act to continue and make perpetual an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to mitigate the law in respect to imprisonment for debt.'"</p>	<p>Title ordered;</p>
<p>Whereupon the Speaker signed the said bill; and it was,</p>	<p>Bill signed;</p>
<p>Ordered, that the same be sent to the Commons House of Assembly, by the Clerk of this House, for their concurrence.</p>	<p>And sent to the Assembly for concurrence.</p>
<p>Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue and make perpetual parts of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to alter the laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled, for the respective Districts, authority to regulate the duties hereafter to be paid on such Licenses, and for other purposes therein-mentioned,' together with the report of the Select Committee thereon.</p>	<p>Tavern license law continuation bill, committed;</p>
<p>The Honourable Mr. Radcliffe took the Chair.</p>	<p>Tavern license law continuation bill, committed;</p>
<p>After some time the House resumed.</p>	<p>Tavern license law continuation bill, committed;</p>
<p>The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.</p>	<p>Reported;</p>
<p>Ordered, that the report be received; and,</p>	<p>Adopted.</p>
<p>Ordered, that the last-mentioned bill be read a third time presently.</p>	<p>Adopted.</p>
<p>The same was then read a third time accordingly, and passed;</p>	<p>Read third time, and passed;</p>
<p>Whereupon the Speaker signed the said bill; and it was,</p>	<p>Same signed;</p>
<p>Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.</p>	<p>And the Assembly acquainted thereof.</p>
<p>Pursuant to the order of the day, the amendments of the Commons House of Assembly, made in and to the bill sent down from this House, entitled, "An Act to authorise the construction of a Mill Dam across the River Thames," were read a second time; and it was,</p>	<p>Amendments of the Assembly to River Thames Mill dam erection bill, read second time;</p>
<p>Ordered, that the same be adopted.</p>	<p>And adopted.</p>
<p>Whereupon the Speaker signed the amendments; and it was,</p>	<p>Same signed;</p>
<p>Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have adopted the amendments made in and to the last-mentioned bill.</p>	<p>And the Assembly acquainted thereof.</p>
<p>The Honourable Mr. Burnham enters.</p>	<p>A Member enters.</p>
<p>Pursuant to the order of the day, the amendment of the Commons House of Assembly, made to the amendments of the Legislative Council, in and to the bill, entitled, "An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town</p>	<p>Amendment of the Assembly to the Amendments of the Council to Toronto incorporation law amendment continuation bill, read second time;</p>

Saturday, 8th February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

into a City, and to incorporate it, under the name of the City of Toronto," were read a second time; and it was,

And adopted.	Ordered, that the same be adopted;
Amendment of the Assembly signed;	Whereupon the Speaker signed the amendment of the Assembly; and it was,
And that House acquainted thereof.	Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have adopted their amendment made to the amendments of this House in and to the last-mentioned bill.
Common School grant bill, read first time;	The bill, entitled, "An Act granting a sum of money, for the support of Common Schools, for the year of our Lord one thousand eight hundred and forty," was read; and it was,
Forty-fourth rule dispensed with.	Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned bill, and that the same be read a second time presently.
Bill read second time;	The said bill was then read a second time accordingly; and it was, Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
Committed:	The House was then put into a Committee of the whole accordingly. The Honourable Mr. Crooks took the Chair. After some time the House resumed.
Reported;	The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
Adopted.	Ordered, that the report be received; and, Ordered, that the last-mentioned bill be read a third time presently.
Read third time and passed;	The same was then read a third time accordingly, and passed;
Same signed;	Whereupon the Speaker signed the said bill; and it was,
And the Assembly acquainted thereof.	Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.
Osnabruck Bridge grant bill, read first time;	The bill, entitled, "An Act granting to Her Majesty a sum of money, for the erection of a Bridge over the Ravine, on the Post Road, at Lot number thirty-four, first Concession, Township of Osnabruck, County of Stormont, Eastern District," was read; and it was,
Forty-fourth rule dispensed with;	Ordered, that the forty-fourth rule of this House be dispensed with, as it regards the said bill, and that the same be read a second time presently.
Bill read second time;	The said bill was then read a second time accordingly; and it was, Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
Committed;	The House was then put into a Committee of the whole accordingly. The Honourable Mr. John Simcoe Macaulay took the Chair.
House resumes.	After some time the House resumed.
Bright's remuneration bill, read first time;	The bill, entitled, "An Act to remunerate Lewis Bright, for his long and faithful services, by granting a pension to him and his aged wife, or the survivor of them, during their natural lives," was read; and it was,
Forty-fourth rule dispensed with;	Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards this bill, and that the same be read a second time presently.
Bill read second time;	The said bill was then read a second time accordingly; and it was, Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
Committed;	The House was put into a Committee of the whole accordingly. The Honourable Mr. Elmsley took the Chair. After some time the House resumed.
Reported;	The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
Adopted.	Ordered, that the report be received; and, Ordered, that the last-mentioned bill be read a third time presently.
Read third time, and passed;	The same was then read a third time accordingly, and passed;
Same signed;	Whereupon the Speaker signed the said bill; and it was,
And the Assembly acquainted thereof.	Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.
Penitentiary provision bill, read first time;	The bill, entitled, "An Act to provide for the support and maintenance of the Provincial Penitentiary," was read; and it was,

Saturday, 8th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the said bill, and that the same be read a second time presently.	Forty-fourth rule dispensed with ;
The said bill was then read a second time accordingly ; and it was,	Bill read second time ;
Ordered, that the House be put into a Committee of whole, presently, to take the same into consideration.	
The House was then put into a Committee of the whole accordingly.	Committed ;
The Honourable Mr. John Macaulay took the Chair.	
After some time the House resumed.	
The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.	Reported ;
Ordered, that the report be received ; and,	Adopted.
Ordered, that the last-mentioned bill be read a third time presently.	
The same was then read a third time accordingly, and passed ;	Read third time, and passed ;
Whereupon the Speaker signed the said bill ; and it was,	Same signed ;
Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.	And the Assembly acquainted thereof.
A deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to make perpetual certain parts of an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to prevent the unnecessary multiplication of Law Suits, and increase of costs in actions on Notes, Bonds, Bills of Exchange and other Instruments, and for other purposes therein-mentioned,' to which they requested the concurrence of this House, and then withdrew.	Law suits prevention perpetual law bill, brought up from the Assembly.
On motion made and seconded, it was,	
Ordered, that the forty-fourth rule of this House be dispensed with, during the remainder of the present Session.	Forty-fourth rule dispensed with during the remainder of the Session.
The bill, entitled, "An Act to afford assistance to the House of Industry, in the City of Toronto," was read ; and it was,	House of Industry aid bill, read first time ;
Ordered, that the same be read a second time presently.	
The said bill was then read a second time accordingly ; and it was,	Read second time ;
Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.	
The House was then put into a Committee of the whole accordingly.	Committed.
The Honourable Mr. Radcliffe took the Chair.	
A Message being announced, the Chairman left the Chair, and the House formed.	
Deputations from the Commons House of Assembly brought up some bills, to which they requested the concurrence of this House. And they returned the bill sent down from the Legislative Council, entitled, "An Act to continue and make perpetual an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to mitigate the law in respect to imprisonment for debt,'" and acquainted this House, that the Commons House of Assembly had passed the same, without any amendment.	Bills brought up from the Assembly. Law of imprisonment for Debt mitigation continuance bill, passed by that House without amendment.
The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to afford assistance to the House of Industry, in the City of Toronto."	House of Industry aid bill, re-committed ;
The Honourable Mr. Radcliffe took the Chair.	
After some time the House resumed.	
The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.	Reported ;
Ordered, that the report be received ; and,	Adopted.
Ordered, that the last-mentioned bill be read a third time presently.	
The same was then read a third time accordingly, and passed ;	Read third time, and passed ;
Whereupon the Speaker signed the said bill ; and it was,	Same signed ;
Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.	And the Assembly acquainted thereof.
The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the Capital Stock of the Company," together with the bill, entitled, "An	Report of the Select Committee upon Prince Edward District Bank incorporation bill, presented.

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Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Prince Edward District Bank," presented their further report upon the last-mentioned bill.

Read.

Ordered, that the report be received ; and,

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

The Select Committee, to whom was again referred the bill, entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Prince Edward District Bank," beg leave further to report the following amendments:—

The report.

Press 2, line 2.—Add to the first clause of the bill, "and by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the same name of the President, Directors and Company, of the Prince Edward District Bank, shall be in law capable of purchasing, holding or conveying, any estate, real or personal, for the use of the said Company, except as is hereinafter excepted."

" 5, " 15—After the word "to" expunge "ten" and insert "fifty"; after the word "centum" insert "of the capital subscribed."

" 9, " 8—After the word "of" insert the word "twenty."

" 11, " 8—After the word "appoint" expunge the proviso.

" 12, " 4—After the word "House" expunge "or at any Branches established under the authority of this Act, wherever such bills, notes, or evidences of debt may be made payable, if made payable at any particular place."

" 13, " 9—After the word "Company" expunge the remainder of the clause, and insert "for the period of six calendar months, then and in such case their charter shall be forfeited."

" 14, " 19—After the word "called" insert the word "in."

" " " 21—After the word "Province" insert the words "having jurisdiction thereof."

Add to the bill—"And be it further enacted, &c. That in case it should at any time happen that an election of Directors should not be made on any day, when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Directors, in such manner as shall have been regulated by the laws and ordinances of the Corporation."

"And be it further enacted, &c. That the Directors for the time being, or the major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said Corporation; and touching the duties and conduct of the Officers, Clerks and Servants, employed therein, and all such matters as appertain to the business of a Bank; and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet: Provided, that such rules and regulations be not repugnant to the laws of this Province.

"And be it further enacted, &c. That nothing herein contained shall be taken, or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of notes which may be issued by the said Bank, as may be deemed necessary; nor shall any thing herein-contained be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions which, by any Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks of this Province.

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And be it further enacted, &c. That it shall and may be the duty of the President, or Vice-President and Cashier of the said Bank, for the time being, to make a return, under oath, to the Provincial Parliament, once in each year if required by the Legislative Council or House of Assembly: which returns shall contain a full and true account of the funds and property of the said Bank; the amount of capital stock subscribed and paid; the amount of debts due to and from the said Bank; the amount of bills and notes emitted by the said Bank, in circulation; and the amount of specie in the said Bank at the time of making such return.

“And be it further enacted, &c. That the funds of the Bank shall not be employed in loans or advances upon land, or other property not readily convertible into money, nor in the purchase of any property, except as excepted in the thirteenth clause of this present Act, but be confined to what are understood to be the legitimate operations of Banking, viz. advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange.”

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
8th February, 1840.

On motion made and seconded, it was,

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

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

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

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

Ordered, that the report be received; and,

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

Press 2, line 2.—After “Bank” insert “and by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the same name of the President, Directors and Company, of the Prince Edward District Bank, shall be in law capable of purchasing, holding or conveying, any estate, real or personal, for the use of the said Company, except as is hereinafter excepted.”

“ 5, “ 15—After “to” expunge “ten” and insert “fifty”; after “centum” insert “of the capital subscribed.”

“ 12, “ 9—After “Company” expunge the remainder of the clause, and insert “for the period of six calendar months, then and in such case their charter shall be forfeited.”

“ 14, “ 19—After “called” insert “in.”

“ “ 21—After “Province” insert “having jurisdiction thereof.”

Press 16—Add to the bill—“And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of Directors should not be made on any day, when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Directors, in such manner as shall have been regulated by the laws and ordinances of the Corporation.”

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“And be it further enacted by the authority aforesaid, That the Directors for the time being, or the major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said Corporation; and touching the duties and conduct of the Officers, Clerks and Servants, employed therein, and all such matters as appertain to the business of a Bank; and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet: Provided, that such rules and regulations be not repugnant to the laws of this Province.”

“And be it further enacted by the authority aforesaid, That nothing herein contained shall be taken, or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of notes which may be issued by the said Bank, as may be deemed necessary; nor shall any thing herein-contained be construed to prevent the Legislature from applying to the said Bank any provisions or restrictions which, by any Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks of this Province.”

“And be it further enacted by the authority aforesaid, That it shall and may be the duty of the President, or Vice-President and Cashier of the said Bank, for the time being, to make a return, under oath, to the Provincial Parliament, once in each year, if required by the Legislative Council or House of Assembly: which return shall contain a full and true account of the funds and property of the said Bank: the amount of capital stock subscribed and paid: the amount of debts due to and from the said Bank: the amount of bills and notes emitted by the said Bank, in circulation, and the amount of specie in the said Bank at the time of making such return.”

“And be it further enacted by the authority aforesaid, That the funds of the Bank shall not be employed in loans or advances upon land, or other property not readily convertible into money, nor in the purchase of any property, except as excepted in the thirteenth clause of this present Act, but be confined to what are understood to be the legitimate operations of Banking, namely, advances upon commercial paper, or Government securities, and general dealings in money and bills of exchange.”

Read second time, and adopted.

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

Ordered, that the same be engrossed, and the said bill, as amended, read a third time this day.

House adjourns.

On motion made and seconded, the House adjourned until seven of the clock, this evening.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> FERGUSSON,
	<i>The Honourable Messrs.</i> BURNHAM,	“ “ RADCLIFFE,
	“ “ CROOKS,	“ “ JOHN SIMCOE MACAULAY,
	“ “ JOHN MACAULAY,	“ “ WILLSON.

Randall's pension grant bill, read first time:

The bill, entitled, “An Act granting a pension to Joseph Randall, who lost his arm in the service of Her Majesty,” was read; and it was,

Ordered, that the same be read a second time presently.

Read second time;

The said bill was then read a second time accordingly; and it was,

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

Committee.

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

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

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THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.	Reported;
Ordered, that the report be received; and,	Adopted.
Ordered, that the last-mentioned bill be read a third time presently.	
The same was then read a third time accordingly, and passed;	Read third time, and passed;
Whereupon the Speaker signed the said bill; and it was,	Same signed;
Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.	And the Assembly acquainted thereof.
The Honourable the Speaker reported to the House, that he had received an official communication from Mr. Secretary Murdock, announcing the intention of His Excellency the Governor-General, to prorogue the present session of the Legislature on Monday next, the tenth day of February, instant.	Speaker reports a further communication from the Governor-General, on the subject of the prorogation.
The bill, entitled, "An Act to extend the time for repaying the loan to the Oakville Harbour," was read; and it was,	Oakville Harbour's loan payment time extension bill, read first time;
Ordered, that the same be read a second time presently;	
The said bill was then read a second time accordingly; and it was,	Read second time.
Ordered, that the House be put into a Committee of the whole, this day, to take the same into consideration.	
The bill, entitled, "An Act granting a sum of money in aid of the Ancaster Literary Institution, and for other purposes therein-mentioned," was read; and it was,	Ancaster Literary Institution grant bill, read first time;
Ordered, that the same be read a second time presently.	
The said bill was then read a second time accordingly; and it was,	Read second time.
Ordered, that the House be put into a Committee of whole, this day, to take the same into consideration.	
The bill, entitled, "An Act to regulate the time for making returns and payments by Collectors, and other persons receiving the Public Revenues of this Province, and for other purposes therein-mentioned," was read; and it was,	Collectors returns and payments regulation bill, read first time;
Ordered, that the same be read a second time presently.	
The said bill was then read a second time accordingly; and it was,	Read second time.
Ordered, that the House be put into a Committee of the whole, this day, to take the same into consideration.	
The bill, entitled, "An Act to make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to amend and continue the Act granting Militia Pensions," was read; and it was,	Militia pension permanency bill, read first time;
Ordered, that the same be read a second time presently.	
The said bill was then read a second time accordingly; and it was,	Read second time.
Ordered, that the House be put into a Committee of the whole, this day, to take the same into consideration.	
The bill, entitled, "An Act to make provision to indemnify persons for losses, occasioned by the acts of Incendiaries, between the fourth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and the first day of January, one thousand eight hundred and forty," was read; and it was,	Incendiary losses indemnity bill, read first time;
Ordered, That the same be read a second time presently.	
The said bill was then read a second time accordingly; and it was,	Read second time.
Ordered, that the House be put into a Committee of the whole, this day, to take the same into consideration.	
The bill, entitled, "An Act granting a sum of money to Samuel B. Smith, to make good a deficiency in his salary, as one of the Junior Clerks in the Executive Council Office, for the year of our Lord one thousand eight hundred and thirty-nine," was read; and it was,	Smith's grant bill; read first time;
Ordered, That the same be read a second time presently.	
The said bill was then read a second time accordingly; and it was,	Read second time.
Ordered, that the House be put into a Committee of the whole, this day, to take the same into consideration.	
The bill, entitled, "An Act to make perpetual an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to repeal and amend	Shop license perpetual law bill, read first time;

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certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, 'An Act to amend an Act for regulating the manner of licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without license, and also for regulating the duty to be levied upon licenses to Shopkeepers,' was read; and it was,

Ordered, that the same be read a second time presently.

Read second time.

The said bill was then read a second time accordingly; and it was,

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

Kerry's pension bill,
read first time;

The bill, entitled, "An Act granting a pension to the Widow and Children of the late William Kerry, who was killed in the service of Her Majesty," was read; and it was,

Ordered, that the same be read a second time presently.

Read second time.

The said bill was then read a second time accordingly; and it was,

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

Law suits prevention
perpetual law bill,
read first time;

The bill, entitled, "An Act to make perpetual certain parts of an Act passed in the first year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to prevent the unnecessary multiplication of Law Suits, and increase of costs in actions on Notes, Bonds, Bills of Exchange and other Instruments, and for other purposes therein-mentioned,'" was read; and it was,

Ordered, that the same be read a second time presently.

Read second time.

The said bill was then read a second time accordingly; and it was,

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

Speaker reports the
receipt of Baird's remuneration bill;

The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act to remunerate Nichol Hugh Baird, Civil Engineer, for certain services"; and also a bill, entitled, "An Act for the relief of Philip De Grassi"—to which they requested the concurrence of this House.

And DeGrassi's relief
bill, from the Assembly,

Read first time.

The said bills were then severally read.

Motion for reading Baird's
remuneration bill a
second time, on Saturday
next;

It was moved and seconded, that the bill, entitled, "An Act to remunerate Nichol Hugh Baird, Civil Engineer, for certain services," be read a second time this day se'nnight;

Question put and
negatived.

Whereupon the question of concurrence was put and carried in the negative; and it was then—

Ordered, that the last-mentioned bill be read a second time presently.

The bill read second time.

The same was then read a second time accordingly; and it was,

Ordered, that the House be put into a Committee of the whole, this day, to take the said bill into consideration.

On motion made and seconded, it was,

Ordered, that the bill, entitled, "An Act for the relief of Philip De Grassi," be read a second time presently.

DeGrassi's relief bill,
read second time.

The same was then read a second time accordingly; and it was,

Ordered, that the House be put into a Committee of the whole, this day, to take the last-mentioned bill into consideration.

Prince Edward District
Bank incorporation bill,
(as amended,) read third
time and passed;

Pursuant to order, the bill, entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Prince Edward District Bank," was, as amended, read a third time; and,

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

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly
for concurrence.

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

Oakville Harbour's loan
payment time extension
bill, committed;

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to extend the time for re-paying the loan to the Oakville Harbour."

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

A Member enters.

The Honourable Mr. John McDonald enters.

Reported, and leave
asked to sit again.

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

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THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

- Ordered, that the report be received, and leave granted accordingly. Leave granted.
- Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting a sum of money in aid of the Ancaster Literary Institution, and for other purposes therein-mentioned." Ancaster Literary Institution grant bill, committed.
- The Honourable Mr. John McDonald took the Chair.
- After some time the House resumed.
- The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House. Amendments reported.
- Ordered, that the report be received; and,
- The said amendments were then read by the Clerk, as follows:— Read first time.
- Press 2, line 11—After "direct" add to the bill—"3. Provided always, and be it further enacted by the authority aforesaid, That the said sum hereby granted shall be charged by the Receiver General against the interest which will accrue upon the fund for the support of Grammar Schools, invested or to be invested under the third section of an Act passed during the last Session, entitled, 'An Act to provide for the advancement of Education in this Province,' any thing in the said Act to the contrary thereof in anywise notwithstanding." The amendments.
- The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was, Read second time and adopted.
- Ordered, that the same be engrossed, and the said bill, as amended, read a third time this day.
- Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to regulate the time for making returns and payments by Collectors and other persons receiving the public revenues of this Province, and for other purposes therein-mentioned." Collectors returns and payments regulation bill, committed;
- The Honourable Mr. Crooks took the Chair.
- After some time the House resumed.
- The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;
- Ordered, that the report be received; and, Adopted.
- Ordered, that the last-mentioned bill be read a third time presently.
- The same was then read a third time accordingly, and passed; Read third time, and passed;
- Whereupon the Speaker signed the said bill; and it was, Same signed;
- Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.
- Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to amend and continue the Act granting Militia Pensions." Militia pension permanency bill, committed;
- The Honourable Mr. Fergusson took the Chair.
- After some time the House resumed.
- The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;
- Ordered, that the report be received; and, Adopted.
- Ordered, that the last-mentioned bill be read a third time presently.
- The same was then read a third time accordingly, and passed; Read third time, and passed;
- Whereupon the Speaker signed the said bill; and it was, Same signed;
- Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.
- Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to make provision to indemnify persons from losses occasioned by the acts of incendiaries, between the fourth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and the first day of January, one thousand eight hundred and forty." Incendiary losses indemnity bill, committed;
- The Honourable Mr. John Macaulay took the Chair.
- After some time the House resumed.

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- Reported: The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
- Adopted. Ordered, that the report be received; and,
Ordered, that the last-mentioned bill be read a third time presently.
- Read third time and passed: The same was then read a third time accordingly, and passed;
- Same signed: Whereupon the Speaker signed the said bill; and it was,
- And the Assembly acquainted thereof. Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.
- Smith's grant bill, committed; Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting a sum of money to Samuel B. Smith, to make good a deficiency in his salary, as one of the Junior Clerks in the Executive Council Office, for the year of our Lord one thousand eight hundred and thirty-nine."
- The Honourable Mr. John McDonald took the Chair.
After some time the House resumed.
- Reported: The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
- Adopted. Ordered, that the report be received; and,
Ordered, that the last-mentioned bill be read a third time presently.
- Read third time, and passed: The same was then read a third time accordingly, and passed;
- Same signed: Whereupon the Speaker signed the said bill; and it was,
- And the Assembly acquainted thereof. Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.
- Shop license perpetual law bill, committed; Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to make perpetual an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, 'An Act to amend an Act for regulating the manner of licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without license, and also for regulating the duty to be levied upon licenses to Shopkeepers.'"
- The Honourable Mr. John Macaulay took the Chair.
After some time the House resumed.
- Reported: The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
- Adopted. Ordered, that the report be received; and,
Ordered, that the last-mentioned bill be read a third time presently.
- Read third time, and passed: The same was then read a third time accordingly, and passed;
- Same signed: Whereupon the Speaker signed the said bill; and it was,
- And the Assembly acquainted thereof. Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.
- A further resolution moved for paying the Clerk £250, to be applied in discharging the contingent expenses of his office.
The resolution. 'The Honourable Mr. John Simcoe Macaulay moved that it be—
Resolved—That the further sum of fifty pounds be paid to the Clerk of this House, for the contingent expenses of his Office, in addition to the amount already voted during the present Session:
- Same adopted. Which being seconded, the question of concurrence was put, and the said resolution was agreed to by the House; and it was,
- And ordered to be communicated to the Assembly. Ordered, that the same be communicated by message to the Commons House of Assembly, for their information.
- Kerry's pension bill, committed; Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting a pension to the Widow and Children of the late William Kerry, who was killed in the service of Her Majesty."
- The Honourable Mr. Fergusson took the Chair.
After some time the House resumed.
- Reported: The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
- Adopted: Ordered, that the report be received; and,
Ordered, that the last-mentioned bill be read a third time presently.
- Read third time, and passed: The same was then read a third time accordingly, and passed;

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Whereupon the Speaker signed the said bill; and it was,
 Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. Same signed;
And the Assembly acquainted thereof.

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to make perpetual certain parts of an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to prevent the unnecessary multiplication of Law Suits, and increase of costs in actions on Notes, Bonds, Bills of Exchange and other Instruments, and for other purposes therein-mentioned.'" Law suits prevention perpetual law bill, committed;

The Honourable Mr. John Simcoe Macaulay took the Chair.
 After some time the House resumed.

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

Ordered, that the report be received; and,
 Ordered, that the last-mentioned bill be read a third time presently. Adopted;

The same was then read a third time accordingly, and passed;
 Whereupon the Speaker signed the said bill; and it was, Read third time, and passed;

Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. Same signed;
And the Assembly acquainted thereof.

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to remunerate Nichol Hugh Baird, Civil Engineer, for certain services." Baird's remuneration bill, committed;

The Honourable Mr. Fergusson took the Chair.
 After some time the House resumed. House resumes.

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act for the relief of Philip De Grassi." DeGrassi's relief bill, committed;

The Honourable Mr. John Macaulay took the Chair.
 After some time the House resumed.

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

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

Pursuant to order, the bill, entitled, "An Act granting a sum of money in aid of the Ancaster Literary Institution, and for other purposes therein-mentioned," was, as amended, read a third time; and, Ancaster Literary Institution grant bill, (as amended,) read third time and passed;

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

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

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

On motion made and seconded, the House adjourned until Monday next, at hour of ten of the clock, A. M. House adjourns.

MONDAY, 10th FEBRUARY, 1840.

The House met pursuant to adjournment. House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Hon. & Rt. Rev. the LORD BISHOP OF TORONTO,

The Honourable Messrs. DUNN,

" " ALLAN,

" " ELMSLEY,

" " BALDWIN,

" " ADAMSON,

The Honourable Messrs. CROOKS,

" " JOHN MACAULAY,

" " FERGUSSON,

" " RADCLIFFE,

" " JOHN SIMCOE MACAULAY.

" " JOHN McDONALD,

" " WILLSON.

Members present.

Prayers were read.

The Minutes of Saturday last were read.

Monday, 10th February, 1840.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

Oakville Harbour's loan payment time extension bill, re-committed;	Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to extend the time for repaying the loan to the Oakville Harbour."
	The Honourable Mr. Fergusson took the Chair.
	After some time the House resumed.
Reported;	The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
Adopted.	Ordered, that the report be received; and,
	Ordered, that the last-mentioned be read a third time presently.
Read third time, and passed;	The same was then read a third time accordingly, and passed;
Same signed;	Whereupon the Speaker signed the said bill; and it was,
And the Assembly acquainted thereof.	Ordered, that the Clerk of this House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.
Amendments of the Council to Registry laws amendment bill, amended by the Assembly.	Deputations from the Commons House of Assembly, returned the bill, entitled, "An Act to repeal, amend and consolidate the Registry Laws of this Province," and acquainted this House, that the Commons House of Assembly had made certain amendments to the amendments of the Legislative Council, in and to the last-mentioned bill, to which they requested the concurrence of this House; and they brought up a bill, entitled, "An Act to amend an Act passed in the ninth year of the reign of King George the Fourth, chapter two, entitled 'An Act for the relief of the Religious Societies therein-mentioned'"—to which they requested the concurrence of this House, and then withdrew.
Religious Societies relief amendment bill, brought up from that House.	
Members enter.	The Honourable Messieurs Alexander McDonell and Sullivan, enter.
Amendment of the Assembly to the amendments of the Council to Registry laws amendment bill, read first time;	The amendment of the Commons House of Assembly, to the amendments of the Legislative Council, made in and to the bill, entitled, "An Act to repeal, amend and consolidate the Registry Laws of this Province," was then read by the Clerk as follows:
	Amendments made by the Commons House of Assembly in and to the amendments made by the Honourable the Legislative Council, in and to the bill sent up from this House, entitled, "An Act to repeal, amend and consolidate, the Registry Laws of this Province."
The amendment of the Assembly.	Press 1, line 4—After the word "Province" expunge to the word "Press" in press 2, line 1.
	ALLAN N. MACNAB, SPEAKER.
	<i>Commons House of Assembly,</i> Eighth day of February, 1840.
	On motion made and seconded, it was,
	Ordered, that the foregoing amendment be read a second time presently.
Read second time. A resolution moved for adhering to the amendments made by the Council in and to the bill. The resolution.	The same was then read a second time accordingly;
	Whereupon it was moved and seconded, that it be,
	<i>Resolved</i> —That the Legislative Council adhere to their amendments made in and to the bill, entitled, "An Act to repeal, amend and consolidate. the Registry Laws of this Province."
Same adopted;	The question of concurrence being put, the said resolution was agreed to by the House; and it was,
And ordered to be communicated to the Assembly.	Ordered, that the same be communicated by message to the Commons House of Assembly, for the information of that House.
Religious Societies relief amendment bill, read first time;	The bill, entitled, "An Act to amend an Act passed in the ninth year of the reign of King George the Fourth, chapter two, entitled, 'An Act for the relief of the Religious Societies therein-mentioned,'" was then read; and it was,
	Ordered, that the same be read a second time presently.
Read second time.	The said bill was then read a second time accordingly; and it was,
	Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
Committed;	The House was then put into a Committee of the whole accordingly.
	The Honourable Mr. John McDonald took the Chair.
	After some time the House resumed.
Reported;	The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
Adopted.	Ordered, that the report be received; and,

Monday, 10th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Ordered, that the last-mentioned bill be read a third time presently.

The same was then read a third time accordingly, and passed;

Whereupon the Speaker signed the said bill; and it was,

Read third time, and passed;

Same signed;

And the Assembly acquainted thereof.

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

A deputation from the Commons House of Assembly, returned the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Prince Edward District Bank," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

Amendments of the Council to Prince Edward District Bank incorporation bill, acceded to by the Assembly.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act for the relief of Philip De Grassi."

DeGrassi's relief bill, re-committed;

The Honourable Mr. Willson took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned bill be read a third time presently.

The same was then read a third time accordingly, and passed;

Read third time, and passed;

Same signed;

And the Assembly acquainted thereof.

Whereupon the Speaker signed the said bill; and it was,

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

The Honourable Mr. John Macaulay moved, that it be,

Certain Resolutions moved;

Resolved, 1st.—That the Members of this House, before separating, at the close of probably their last Session, desire to express their regret, that indisposition should have caused the prolonged absence of the Honourable Mr. Robinson from his seat in this House, and they unite in the hope, that he will speedily be restored to the Country, to pursue, with renovated health and strength, that labourious and distinguished career which has been so fruitful of honour to himself, and of benefit to his fellow Subjects.

Expressive of the regret which the Members of the Council feel at the prolonged absence of the Honourable Mr. Robinson from his seat in this House;

Resolved, 2nd.—That the thanks of the House are justly due to the Honourable Mr. Jones, for the able and impartial discharge of his functions as Speaker during the present important Session.

Also for conveying the thanks of this House to the Honourable Mr. Jones, as Speaker, during the present Session;

Resolved, 3rd.—That the Clerk do communicate the foregoing resolutions to the gentlemen therein-named.

And for authorising the Clerk to communicate the foregoing resolutions to the Gentlemen therein named.

Which being seconded, the question of concurrence was put, and the said resolutions were severally agreed to by the House *nemine contradicente*.

The same adopted, nem. con.

A Deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to revive, continue and make perpetual, a certain Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to continue and amend the law for attaching the property of absconding Debtors, and for other purposes therein-mentioned"—to which they requested the concurrence of this House, and then withdrew.

Absconding debtors law revival bill, brought up from the Assembly.

The said bill was then read; and it was,

Read first time.

Ordered, that the same be read a second time presently.

The last-mentioned bill was then read a second time accordingly; and it was,

Read second time

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

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

Committed;

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

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

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned bill be read a third time presently.

The same was then read a third time accordingly, and passed;

Read third time, and passed;

Same signed;

Whereupon the Speaker signed the said bill; and it was,

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And the Assembly acquainted thereof.

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

His Excellency the Governor-General comes to the House, and commands the attendance of the Assembly.

At one of the clock P. M. His Excellency the Governor-General being come to the Legislative Council Chamber, and seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the Assembly; who being come,

Bills received the Royal Assent, viz:

His Excellency was pleased, in Her Majesty's name, to assent to the following bills:—

Erie and Ontario rail-road completion time extension bill.

1.—An Act to extend the time for completing the Erie and Ontario Rail-road.

Port Darlington Harbour limits extension bill.

2.—An Act to extend the limits of Port Darlington Harbour.

Fish inspection regulation bill.

3.—An Act to regulate the inspection of Fish, and to prevent non-residents in this Province from fishing within the waters of the same.

Home District Quarter Sessions bill.

4.—An Act to appoint the time for holding the Court of General Quarter Sessions of the Peace for the Home District, and to repeal the law now in force for that purpose.

County of Huron new Township's attachment bill.

5.—An Act to attach certain Townships to the County of Huron.

Queen's Bench Reporter's Office regulation bill.

6.—An Act for the better regulation of the Office of Reporter to the Court of Queen's Bench, in this Province.

Innkeeper's license further regulation bill.

7.—An Act for further regulating the manner of granting Licenses to Inn-keepers, and to the keepers of Ale and Beer Houses, within this Province.

Cornwall and L'Orignal road completion time extension bill.

8.—An Act to extend the time for completing the expenditure upon the Post-road between Cornwall and L'Orignal.

Provincial Bank Stock disposition bill.

9.—An Act to authorise the Receiver General to dispose of the Provincial Stock in the Bank of Upper Canada.

Sandwich useless streets' stoppage bill.

10.—An Act for stopping up parts of certain Streets in the Town Plot of Sandwich, in the Western District, and for other purposes therein-mentioned.

Contingency covering bill.

11.—An Act to make good certain monies advanced in compliance with the Address of the House of Assembly, during the last Session of the Legislature, for the contingent expenses thereof.

Soldiers desertion punishment bill.

12.—An Act to repeal an Act passed in the forty-fourth year of the reign of His late Majesty King George the Third, entitled 'An Act for the exemplary punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist, any Soldier to desert His Majesty's service, or who shall harbour, conceal, receive or assist, any Deserter from such service,' and to make further provision for the punishment of such offenders.

Hallowell Township division bill.

13.—An Act for dividing the Township of Hallowell, in the District of Prince Edward.

London police establishment bill.

14.—An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein.

Oakville hydraulic Company's incorporation bill.

15.—An Act to incorporate certain persons, under the style and title of the Oakville Hydraulic Company.

Dalhousie District additional tax bill.

16.—An Act authorising the levying of an additional tax on the District of Dalhousie, for the purpose of building a Gaol and Court-House therein.

Sir Allan MacNab's remuneration bill.

17.—An Act to enable Her Majesty to remunerate the services of Sir Allan Napier MacNab, Knight, Speaker of the Commons House of Assembly.

Hastings's additional assessment period extension bill.

18.—An Act to extend the period for which the Magistrates of the District of Victoria are authorised to levy an additional rate in the said District, by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to authorise the erection of the County of Hastings into a separate District."

Coinage law continuation bill.

19.—An Act to continue an Act passed in the sixth year of His late Majesty's reign, entitled, "An Act to repeal and amend certain Acts of this Province, in relation to the gold and silver coins made current by law, and to make further provision respecting the rates at which certain gold and silver coins shall pass current in this Province."

Maddock's Attorney admission bill.

20.—An Act to authorise the Court of Queen's Bench to admit John Ford Maddock, to practice as an Attorney in that Court.

Monday, 10th February, 1840.

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

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| 21.—An Act to establish a College, by the name and style of the University at Kingston. | Presbyterian College establishment bill. |
| 22.—An Act to provide for the continuation of suits and process, in cases of formation of new Districts. | Certain new Districts relief bill. |
| 23.—An Act to prevent the circulation of printed Promissory Notes, under the value of five shillings. | Small Bank notes issue prevention bill. |
| 24.—An Act to incorporate certain persons, under the title of the York Bridge Company. | York Bridge Company's incorporation bill. |
| 25.—An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, "An Act to protect the inhabitants of this Province against lawless aggressions from subjects of foreign countries at peace with Her Majesty." | Lawless aggression Act alteration bill. |
| 26.—An Act to authorise the levying an additional rate on the inhabitants of the Midland District, for the payment of the debt of the District, and for other purposes therein-mentioned. | Midland District additional tax bill. |
| 27.—An Act to alter and amend the Act passed during the third Session of the present Parliament, entitled, "An Act to authorise the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province." | Boundary Line Commissioners law amendment bill. |
| 28.—An Act authorising the payment of pensions to Militia-men, and Widows of deceased Militia-men, under certain restrictions, and for other purposes therein-mentioned. | Militia pension payment bill. |
| 29.—An Act to incorporate certain persons, under the name and style of the President, Directors and Company, of the Bronté Harbour. | Bronté Harbour incorporation bill. |
| 30.—An Act to compel certain persons not assessed, to perform Statute Labour. | Statute labour performance bill. |
| 31.—An Act to remunerate John Kidd, for certain services. | Kidd's remuneration bill. |
| 32.—An Act to alter and amend an Act passed in the forty-fifth year of the reign of His late Majesty King George the Third, entitled, "An Act to regulate the packing, curing and inspection, of Beef and Pork." | Beef and Pork inspection law alteration bill. |
| 33.—An Act to increase the capital stock of the Port Hope Harbour Company, and to extend the period for completing the said Harbour. | Port Hope Harbour Company's stock increase bill. |
| 34.—An Act to authorise Her Majesty to take possession of lands, for the erection of Fortifications in this Province, under certain restrictions. | Fortification lands Crown possession bill. |
| 35.—An Act granting a further sum of three hundred and fifty-nine pounds, for completing the Bridge over the River Thames, at Chatham, in the Western District. | Chatham Bridge further grant bill. |
| 36.—An Act to prevent the introduction of Spirituous Liquors into the Common Gaols of this Province. | Gaol liquor introduction restraint bill. |
| 37.—An Act to provide for the management of the Estate of William Handley, Esquire. | Handley's estate management bill. |
| 38.—An Act to confirm and regulate certain sales of land for taxes, in the District of Ottawa. | Ottawa land tax sale confirmation bill. |
| 39.—An Act granting to Her Majesty a certain sum of money, to defray the expenses of the Civil Government, for the year one thousand eight hundred and forty. | Civil list bill. |
| 40.—An Act to regulate the weight of Salt. | Salt weight regulation bill. |
| 41.—An Act to revive and make perpetual an Act granting to Her Majesty a Duty on Licenses to Auctioneers, and on goods, wares and merchandize, sold by auction. | Auctioneer's license law revival bill. |
| 42.—An Act to authorise the Receiver General of this Province to borrow a certain sum of money upon Debentures, for the purposes therein-mentioned. | Debentures borrowing bill. |
| 43.—An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to remunerate the Honourable John Henry Dunn, for services rendered to this Province." | Hon. J. H. Dunn's remuneration bill. |
| 44.—An Act to repeal, alter and amend, the laws now in force for the regulation of the several Macadamized Roads within this Province. | Macadamized road law amendment bill. |
| 45.—An Act to continue an Act passed in the seventh year of His late Majesty's reign, entitled, "An Act granting a Salary to the Clerk of the Crown in Chancery, and for other purposes therein-mentioned." | Clerk of the Crown in Chancery's salary continuation bill. |
| 46.—An Act to amend and make permanent an Act passed in the fifth year of His late Majesty's reign, entitled, "An Act to prevent the sale of Spirituous Liquors to Indians." | Indians' liquor sale prevention bill. |
| 47.—An Act to authorise certain duties to be imposed and collected on Wooden Stills within this Province, and for other purposes therein-mentioned. | Wooden still duty bill. |

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- Kingston College new Hospital occupancy bill. 48.—An Act to authorise the temporary occupation, by the proposed University at Kingston, of the General Hospital at Kingston, upon certain terms therein-mentioned.
- Sheriff McDonell's relief bill. 49.—An Act for the relief of Allan McDonell, Esquire, the Sheriff of the Midland District.
- Kingsmill and Chisholm's relief bill. 50.—An Act to provide for the relief of William Kingsmill and William Chisholm, Esquires.
- Chancery Court Commissioners appointment bill. 51.—An Act to authorise the appointment of Commissioners, to regulate the practise of the Court of Chancery.
- Niagara District debt liquidation bill. 52.—An Act to authorise the raising of a sum of money in the District of Niagara, for the purpose of relieving the said District from debt.
- House of Industry aid bill. 53.—An Act to afford assistance to the House of Industry, in the City of Toronto.
- Common School grant bill. 54.—An Act granting a sum of money for the support of Common Schools, for the year of our Lord one thousand eight hundred and forty.
- Brights remuneration bill. 55.—An Act to remunerate Lewis Bright, for his long and faithful services, by granting a pension to him and his aged wife, or the survivor of them, during their natural lives.
- Penitentiary provision bill. 56.—An Act to provide for the support and maintenance of the Provincial Penitentiary.
- Tavern license law continuation bill. 57.—An Act to continue and make perpetual parts of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to alter the laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled, for the respective Districts, authority to regulate the duties hereafter to be paid on such Licenses,' and for other purposes therein-mentioned.
- Winchester measure law alteration bill. 58.—An Act to alter and amend an Act passed in the thirty-second year of the reign of His late Majesty King George the Third, entitled, "An Act to establish the Winchester Measure throughout this Province."
- Toronto incorporation law amendment continuation bill. 59.—An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it, under the name of the City of Toronto.'"
- River Thames Mill dam erection bill. 60.—An Act to authorise the construction of a Mill-Dam across the River Thames.
- Law of imprisonment for debt mitigation continuance bill. 61.—An Act to continue and make perpetual an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to mitigate the law in respect to imprisonment for debt."
- Randall's pension grant bill. 62.—An Act granting a Pension to Joseph Randall, who lost his arm in the service of Her Majesty.
- Law suits prevention perpetual law bill. 63.—An Act to make perpetual certain parts of an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to prevent the unnecessary multiplication of Law Suits, and increase of costs in actions on Notes, Bonds, Bills of Exchange and other Instruments, and for other purposes therein-mentioned."
- Kerry's pension bill. 64.—An Act granting a pension to the Widow and Children of the late William Kerry, who was killed in the service of Her Majesty.
- Smith's grant bill. 65.—An Act granting a sum of money to Samuel B. Smith, to make good a deficiency in his salary, as one of the Junior Clerks in the Executive Council Office, for the year of our Lord one thousand eight hundred and thirty-nine.
- Shop license perpetual law bill. 66.—An Act to make perpetual an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, entitled, 'An Act to amend an Act for regulating the manner of licensing Public Houses, and for the more easy conviction of persons selling Spirituous Liquors without license, and also for regulating the duty to be levied upon licenses to Shopkeepers.'"
- Collectors' returns and payments regulation bill. 67.—An Act to regulate the time for making returns and payments by Collectors and other persons receiving the public revenues of this Province, and for other purposes therein-mentioned.

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- 68.—An Act to make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to amend and continue the Act granting Militia Pensions." Militia pension permanency bill.
- 69.—An Act to extend the time for re-paying the loan to the Oakville Harbour. Oakville Harbour's loan payment time extension bill.
- 70.—An Act for the relief of Philip De Grassi. DeGrassi's relief bill.
- 71.—An Act to revive, continue, and make perpetual, a certain Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to continue and amend the law for attaching the property of absconding Debtors, and for other purposes therein-mentioned." Absconding debtors law revival bill.
- And His Excellency the Governor-General was pleased to reserve the following Bills, for the the signification of Her Majesty's pleasure thereon: Bills reserved by His Excellency for the signification of Her Majesty's pleasure thereon, viz:
- 1.—An Act to naturalize Elijah Nellis. Nellis' naturalization bill.
 - 2.—An Act to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire. FitzGibbon's land grant bill.
 - 3.—An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasions of this Province. Rebellion claims payment provision bill.
 - 4.—An Act for altering and amending the Charter of the President, Directors and Company, of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company. Midland District Bank stock increase bill.
 - 5.—An Act to increase the capital stock of the Gore Bank, and the number of shares to be held therein. Gore Bank stock increase bill.
 - 6.—An Act for the relief of John Stuart. Stuart's divorce bill.
 - 7.—An Act for altering and amending the Charter of the President, Directors and Company, of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company. Upper Canada Bank stock increase bill.
 - 8.—An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein-mentioned. Church of England's temporalities bill.
 - 9.—An Act to impose duties on certain articles imported into this Province from the United States of America. United States imports duty bill.
 - 10.—An Act to incorporate the Farmers' Joint Stock Banking Company, under the style and title of the President, Directors and Company, of the Farmers' Bank. Farmers' Bank incorporation bill.
 - 11.—An Act to make provision to indemnify persons from losses occasioned by the acts of incendiaries, between the fourth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and the first day of January, one thousand eight hundred and forty. Incendiary losses indemnity bill.
 - 12.—An Act to amend an Act passed in the ninth year of the reign of King George the Fourth, chapter two, entitled, "An Act for the relief of the Religious Societies therein-mentioned." Religious Societies relief amendment bill.
 - 13.—An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Prince Edward District Bank. Prince Edward District Bank incorporation bill.

After which His Excellency the Governor-General was pleased to address the two Houses of the Legislature, in the following words:

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

In relieving you from further attendance in Parliament, I desire to express my deep sense of the zeal and assiduity which have distinguished your discharge of your duties during this, perhaps, the most eventful Session of the Upper Canada Legislature; and I am anxious to offer you my own acknowledgments for the ready attention which you have given to the consideration of the important business which it was my duty to bring before you.

Your willing acquiescence in the proposed Re-union of this Province with Lower Canada, upon the terms, and according to the principles suggested by me, has afforded me the most lively satisfaction; and I look forward with confidence to the completion of that measure,

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under the direction of our Gracious Sovereign, and of the Imperial Parliament, as the means by which the peace, happiness and good government of the inhabitants of the Canadas will be permanently secured.

By the bill which you have passed for the disposal of the Clergy Reserves, you have, so far as your constitutional powers admit, set at rest a question which, for years past, has convulsed society in this Province. In framing that measure, you have consulted alike the best interests of religion, and the future peace and welfare of the people, for whose service you are called upon to legislate; and I rely on your efforts proving successful, notwithstanding any attempt which may be made to renew excitement, or to raise opposition to your deliberate and recorded judgment.

The care and attention which you have bestowed on these important subjects, and the calmness and dignity which have marked your deliberations on them, cannot fail to give additional weight to your decisions before that tribunal to which they are now necessarily referred.

I have given my assent, with great satisfaction, to different bills which you have passed; and I shall transmit, without delay, such others as from their nature it is my duty to reserve, in order that Her Majesty's pleasure may be signified thereupon.

Amongst the latter is a bill for the payment of "losses by the rebellion or invasion." To this bill I should have been ready to assent, but as I observe that the House of Assembly have addressed Her Majesty, praying that the losses may be defrayed by the Imperial Treasury, I have considered it to be more for the interest of the parties concerned, that the bill should be reserved, in order that the Address may be considered by Her Majesty's Government, before the Provincial funds are finally charged with this payment.

Gentlemen of the House of Assembly:

I thank you for the readiness with which you have voted the supplies for the public service.

The decision to which you came respecting the future settlement of the Civil List, under the proposed Union, rendered it impossible for me to submit to you any renewed proposal for the surrender of the revenues of the Crown, in exchange for a provision for the expenses of the Civil Government of this Province; but in transmitting your resolutions to Her Majesty's Government, I have not failed to draw their attention to this subject.

I lament that the circumstances in which this Province is placed, have necessarily prevented you from adopting measures by which its financial difficulties could be permanently removed; but this can only be effected when the obvious and easy means of augmenting the revenue, through the customs duties with little comparative inconvenience to the people, shall be placed within your control. In the meantime, it will be my anxious desire to use the powers with which you have entrusted the Executive Government, to relieve as far as possible, the most pressing demands upon the public faith; and I shall devote myself to the consideration and recommendation of measures, by which the credit of the Province may be sustained, and its future prospects improved.

Honourable Gentlemen; and Gentlemen:

On your return to your different Districts, I earnestly hope that it will be your endeavour to promote, that spirit of harmony and conciliation, which has so much distinguished your proceedings here. Let past differences be forgotten; let irritating suspicions be removed. I rejoice to find that already tranquillity and hopeful confidence in the future, prevail throughout the Province. Let it be your task to cherish and promote these feelings; it will be mine cordially to co-operate with you—and by administering the Government in obedience to the commands of the Queen, with justice and impartiality to all, to promote her anxious wish, that Her Canadian Subjects, loyal to their Sovereign, and attached to British institutions, may, through the blessing of Divine Providence, become a happy, an united, and a prosperous people.

The Honourable the Speaker of the Legislative Council then said, it is His Excellency the Governor-General's will and pleasure, that this Provincial Parliament be prorogued to Monday, the sixteenth day of March next, to be then here holden, and this Provincial Parliament is prorogued accordingly.

A P P E N D I X

TO THE

JOURNAL OF THE LEGISLATIVE COUNCIL :

1840.

A P P E N D I X A.—(*See Journal, Page 14.*)

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

C. POULETT THOMSON.

IN pursuance of the intention expressed in his Speech from the Throne, the Governor-General desires now to bring under the consideration of the Legislative Council, the subject of the Re-union of this Province with Lower Canada, recommended by Her Majesty, in Her gracious Message to both Houses of Parliament, on the 3rd May last.

For several years, the condition of the Canadas has occupied a large portion of the attention of Parliament. That they should be contented and prosperous—that the ties which bind them to the Parent State should be strengthened—that their Administration should be conducted in accordance with the wishes of the people, is the ardent desire of every British Statesman; and the experience of the last few years, amply testifies that the Imperial Parliament has been sparing neither of the time it has devoted to the investigation of their affairs, nor of the expenditure it has sanctioned for their protection.

The events which have marked the recent history of Lower Canada, are so familiar to the Legislative Council, that it is unnecessary for the Governor-General further to allude to them. There, the Constitution is suspended, but the powers of the Government are inadequate to permit of the enactment of such permanent laws as are required for the benefit of the people.

Within this Province, the Finances are deranged; public improvements are suspended; private enterprise is checked; the tide of emigration, so essential to the prosperity of the country, and to the British connection, has ceased to flow; while by many the general system of Government is declared to be unsatisfactory.

After the most attentive and anxious consideration of the state of these Provinces, and of the difficulties under which they respectively labour, Her Majesty's Advisers came to the conclusion that, by their Re-union alone could those difficulties be removed. During the last session of the Imperial Legislature, they, indeed, refrained from pressing immediate legislation, but their hesitation proceeded from no doubt as to the principle of the measure, or its necessity,—it arose solely from their desire to ascertain more fully the opinions of the Legislature of Upper Canada, and to collect information from which the details might be rendered more satisfactory to the people of both Provinces.

The time then is now arrived, beyond which a settlement cannot be postponed. In Lower Canada, it is indispensable to afford a safe and practicable return to a Constitutional Government; and so far as the feelings of the inhabitants can be there ascertained, the measure of the Re-union meets with approbation.

In Upper Canada, it is no less necessary to enable the Province to meet her financial embarrassments, and to proceed in the development of her natural resources. There are evidently no means in this Province of fulfilling the pecuniary obligations which have been contracted, but by a great increase in the local revenues. But so long as Lower Canada remains under her present form of Government, neither Province possesses any power over the only source from which that increase can be drawn. Nor even, were it possible to restore a Representative Constitution to Lower Canada, unaccompanied by the Union, would the position of this Province be much improved, since past experience has shewn the difficulty of procuring assent to any alteration of the Customs Laws, suggested from hence.

This Province has engaged in undertakings, which reflect the highest honour on the enterprize and industry of her inhabitants. The Public Works which she has completed or commenced, have been conceived in a spirit worthy of a successful result; but additional means are indispensable to avert the ruin of some, and secure the completion of others.—Nor will that alone suffice: Lower Canada holds the key to all those improvements; without her co-operation, the navigation for which nature has done so much—for which this Province has so deeply burthened itself—must remain incomplete, and a barrier be opposed to the development of those great natural resources, which the hand of Providence has so lavishly bestowed on this Country.

With a view to remove all these difficulties—to relieve the financial embarrassments of Upper Canada—to enable her to complete her Public Works, and develop her agricultural capabilities—to restore Constitutional Government to Lower Canada—to establish a firm,

APPENDIX A.

Message from His Excellency the Governor-General, on the subject of a re-union of the Provinces of Upper and Lower Canada.

APPENDIX A.—(See Journal, Page 14.)

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impartial and vigorous Government for both—and to unite the people within them in one common feeling of attachment to British Institutions and British Connection, the Union is desired by Her Majesty's Government: and that measure alone, if based upon just principles, appears adequate to the occasion.

Those principles, in the opinion of Her Majesty's Advisers, are—a just regard to the claims of either Province, in adjusting the terms of the Union; the maintenance of the three estates of the Provincial Legislature; the settlement of a permanent Civil List, for securing the independence of the Judges, and to the Executive Government, that freedom of action, which is necessary for the public good; and the establishment of a system of Local Government adapted to the wants of the people.

The Governor-General, therefore, now invites the assent of the Legislative Council to the following terms, upon which the Union may be established.

It will be for the Imperial Parliament, guided by their intimate knowledge of Constitutional Law, and free from the bias of local feelings, to arrange the details of the measure:

First—That there be an equal representation of each Province in the United Legislature.

Considering the amount of the population of Lower Canada, this proposition might seem to place that Province in a less favourable position than Upper Canada; but under the circumstances in which this Province is placed, with the increasing population to be expected from immigration—and having regard to the commercial and agricultural enterprize of its inhabitants—an equal apportionment of representation appears desirable.

The *second* stipulation to be made, is the grant of a sufficient Civil List. The propriety of rendering the Judicial Bench independent alike of the Executive and of the Legislature, and of furnishing the means of carrying on the indispensable services of the Government, admits of no question, and has been affirmed by the Parliament of Upper Canada, in the Acts passed by them for effecting those objects. In determining the amount of the Civil List, the Legislative Council may be assured, that the salaries and expenses to be paid from it will be calculated by Her Majesty's Government, with a strict regard to economy and the state of the Provincial finances.

Thirdly—The Governor-General is prepared to recommend to Parliament, that so much of the existing debt of Upper Canada as has been contracted for public works of a general nature, should, after the Union, be charged on the joint revenue of the United Province. Adverting to the nature of the works for which this debt was contracted, and the advantage which must result from them to Lower Canada, it is not unjust that that Province should bear a proportion of their expense.

On these principles, the Governor-General is of opinion, that a Re-union of the two Provinces may be effected, equitable and satisfactory in its terms, and beneficial in its results, to all classes. He submits them to the consideration of the Legislative Council, in the full conviction of their importance, and in the hope that they will receive the assent of that House.

Fortified by the expression of their opinion, Her Majesty's Government and Parliament will be able at once to apply themselves to the full development of the scheme, and to the consideration of the provisions by which it may be carried into effect, with the greatest advantage to the people of both Provinces.

If, in the course of their proceedings, the Legislative Council should desire any information which it is in the power of the Governor-General to afford, they will find him ready and anxious to communicate with them frankly and fully, and to aid, by all the means in his power, that settlement, on which he firmly believes that the future prosperity and advancement of these Colonies mainly depend.

APPENDIX B. & C.—*See Journal, Pages 20 & 39.*THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*APPENDIX B.—(*See Journal, Page 20.*)

APPENDIX B.

WANDSWORTH, SURREY,
13th November, 1839.

SIR,

I believe I have not officially acknowledged the Resolution of the Honourable the Legislative Council, of the 11th May last, though I have informed you by letter that I had duly received it.

Letter from the Honourable the Chief Justice to the Clerk of the House.

As the state of my health has induced me to apply for an extension of my leave until the spring, which Her Majesty's Government have been so kind as to accede to, I beg leave, through you, to communicate that fact to the Legislative Council, with an expression of my regret for the necessity of my protracted absence.

I beg leave further to state, that before I had received the Resolution which the Legislative Council did me the honour to transmit to me—and indeed before it was passed—I had taken upon me, from a conviction of the difficulties which were pressing upon the Finances of Upper Canada, to represent, as strongly as I could, both in writing and verbally, to the Secretary of State, the necessity there was for Her Majesty's Government interposing its credit, in order to obtain a loan at a favourable rate of interest, of such an amount as would relieve the Province from the embarrassment which seemed inevitable.

After I received the Resolution, I renewed the application, in personal interviews both with the Secretary of State and with one of the Under Secretaries.

I found no reason to hope, that in the actual posture of affairs, such an exertion was likely to be made; and I need scarcely say, that if there be any ground for expecting that it may yet be done, it is quite impossible that the wants and the claims of Upper Canada could be more clearly and forcibly brought under the consideration of the Government, than they have been by the Despatches of His Excellency the Lieutenant-Governor, which have been made public both in Canada and in England.

I beg to add, that having been requested by the Secretary of State for the Colonies, to make such suggestions as occurred to me, respecting the general interests of Canada at this difficult juncture, I did, in February and March last, state my opinions unreservedly; and I should have pleasure in submitting, with deference to the Legislative Council, copies of the communications to which I refer, if I felt that I could properly do so without the sanction of the Secretary of State, to whom they were addressed, not in any official capacity, but in consequence of a request made to me personally, as an inhabitant of Upper Canada, likely, from long residence, to be acquainted with its interests.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

JOHN B. ROBINSON.

To J. JOSEPH, Esquire,
Clerk to the Honourable the
Legislative Council,
&c. &c. &c.

APPENDIX C.—(*See Journal, Page 39.*)

APPENDIX C.

24th December, 1839.

SIR,

I beg leave respectfully to place to the acceptance of the Honourable Members of the Legislative Council, and Honourable Gentlemen of the House of Assembly, fifteen thousand copies of a small Pamphlet, entitled "A Digest of the British Constitution," which I am vain enough to hope, should they be honoured by acceptance, and generally distributed, may be productive of some good at this particular moment, when the Constitution of our common Country is the all-engrossing subject of discourse.

A communication from Dr. John George Bridges, requesting the Legislative Council to accept of 15000 copies of a small pamphlet, entitled, "a digest of the British Constitution."

APPENDIX D.—See *Journal*, Page 45.

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

APPENDIX C.

I shall be obliged to you to give this information to the Honourable Gentlemen of the Legislative Council.

I have the honour to be,
SIR,
Your very obedient Servant,
JOHN GEORGE BRIDGES.

To
The Honourable THE SPEAKER,
of the Legislative Council.

APPENDIX D.—(See *Journal*, Page 45.)

APPENDIX D.

(Copy.)

No. 70.

DOWNING STREET,
27th June, 1839.

SIR,

I have had the honour to lay before the Queen, the Address of the Legislative Council of Upper Canada, praying that redress may be afforded to the persons who sustained losses by the destruction, in an American Port, of the Steam-boat "*Sir Robert Peel*," and also to those of Her Majesty's loyal Subjects who have suffered in their persons and property, in consequence of the repeated invasions of Upper Canada by Citizens of the United States.

The Queen commands me to instruct you to acquaint the Legislative Council, that Her Majesty has been pleased to direct this Address to be referred to Her Secretary of State for Foreign Affairs, for his opinion and report on the subject. Until the close of the pending negotiations with the Government of the United States, it will not be in Her Majesty's power to return any more explicit answer to this Address.

I have the honour to be,
&c. &c.

(Signed) NORMANBY.

Major-General

SIR GEORGE ARTHUR, K. C. H.
&c. &c. &c.

(Copy.)

No. 97.

DOWNING STREET,
25th August, 1839.

SIR,

With reference to my Despatch, (No. 70,) of the 27th June, informing you that Her Majesty had commanded me to refer to Her Secretary of State for Foreign Affairs, the Address of the Legislative Council of Upper Canada, praying for indemnity to the sufferers by the destruction of the Steam-boat "*Sir Robert Peel*," and to those who had been injured by the repeated invasions of Upper Canada, from the United States—I have now the honour to apprise you, that Viscount Palmerston has reported to me his opinion, that before any demand could be made on the Government of the United States, for redress to the sufferers by the destruction of the "*Sir Robert Peel*," it will be necessary to ascertain whether such redress cannot be obtained by proceedings before the Judicial Tribunals of the States.

I have the honour to be, &c.

(Signed) NORMANBY.

Major-General

SIR GEORGE ARTHUR, K. C. H.
&c. &c. &c.

(Copy.)

No. 71.

DOWNING STREET,
27th June, 1839.

SIR,

I have had the honour to lay before the Queen, the Address of the Legislative Council and House of Assembly of Upper Canada, praying that the surplus revenue of the local Post

Copies of several Despatches, containing Her Majesty's answers to various Addresses adopted by the Legislative Council during their last Session.

APPENDIX D.—(See Journal, Page 45.)

THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

Office may be placed at their disposal, and that the privilege of franking may be conceded to the Members, during the Sessions of the Legislature.

APPENDIX D.

The Queen commands me to instruct you to acquaint the Council and Assembly, that Her Majesty has been pleased to refer this Address to the Lords Commissioners of Her Treasury, for their opinion and report on the subject. When received, their Lordship's report will be communicated to you, for the information of the Legislature.

I have the honour to be, &c.

(Signed) NORMANBY.

Major General

SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

(Copy.)

No. 93.

DOWNING STREET,

27th August, 1839.

SIR,

With reference to my Despatch of the 27th June, (No. 71,) in which I informed you that by the Queen's commands I had referred, for the consideration of the Lords Commissioners of the Treasury, the Address to Her Majesty of the Legislative Council and House of Assembly of Upper Canada, praying that the surplus revenue of the Post Office in the Province might be placed at their disposal, and that the privilege of franking might be conceded to the Members of the Legislature during its Session, I have now the honour to acquaint you, that their Lordships have stated their opinion to be, that adverting to the very comprehensive alteration about to be made in the mode of carrying on the Post Office communication between Great Britain and the North American Provinces, it would be very inadvisable to adopt at present any new arrangement for effecting the objects contemplated by the Address of the Legislature of Upper Canada.

I have at the same time to call your attention to the provisions of the Imperial Statute, 4th and 5th William IV, chap. 7, which formed the subject of Mr. Spring Rice's circular Despatch of the 5th October, 1834, and to observe, that before sanctioning in any one Province an alteration in the existing law, Her Majesty's Government deem it essential to the satisfactory management of this important Department, that the previous concurrence of the several Legislatures should be obtained to a system applicable alike to the whole.

You will have the goodness to communicate this Despatch to the Council and Assembly, as forming Her Majesty's answer to their Address.

I have the honour to be,

&c. &c.

(Signed) NORMANBY.

Major-General

SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

(Copy.)

No. 73.

DOWNING STREET,

27th June, 1839.

SIR,

I have had the honour to lay before the Queen, the Joint Address of the Legislative Council and House of Assembly of Upper Canada, praying for aid from this Country, towards the completion of the Public Works in that Province, and towards opening a navigable communication with the Ocean.

The Queen commands me to instruct you to acquaint the Council and Assembly, that Her Majesty is deeply sensible of the importance of the objects contemplated in this Address: and that she has been pleased to direct it to be referred to the Lords Commissioners of the Treasury for their report, how far the negotiation of a loan for such purposes could be

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recommended to Parliament, consistently with a due regard for the financial interests of the Empire at large. Their Lordship's report will be communicated to you, for the information of the two Houses of the Provincial Legislature.

I have the honour to be, &c.

(Signed) NORMANBY.

Major-General

SIR GEORGE ARTHUR, K. C. H.

§c. §c. §c.

APPENDIX E.—(See *Journal*, Page 86.)

APPENDIX E.

(Copy.)

15984.

24851.

Extract of a Treasury Minute, dated 22nd November, 1839.

Certain documents
relative to the Metallic
Currency of Upper and
Lower Canada.

My Lords have under consideration an Ordinance passed by the Governor and Special Council of Lower Canada, on the 3rd of April last, entitled, "An Ordinance to regulate the Currency of the Province"; and an Act passed by the Legislative Council and Assembly of Upper Canada, in the month of May last, entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within the Province," which enactments having been reserved for the signification of Her Majesty's pleasure, as they relate to the Currency and circulating medium in those Colonies, have been referred for the opinion of my Lord's Board, as to the directions it may be advisable for Her Majesty in Council to give thereon.

My Lords observe, that these enactments provide for fixing the comparative rates of value between British Sterling money and the local Currency, and money of account of the respective Provinces, for giving currency, as legal tenders of payment, to certain Foreign Coins, as well as to the Coins of the United Kingdom, and for the prevention and punishment of attempts to circulate counterfeit or spurious Coins; and that in the case of Lower Canada, a reference is made to arrangements for calling in and re-coining such imperfect or other coins now in circulation, as will not be legally current under the provisions of the Ordinance.

My Lords have much satisfaction in remarking, that the attention of the Legislative authorities in the Canadian Provinces has been thus turned to the state of the local Currency; and that the tendency of both the measures now before them, is the introduction of a sound and intrinsically valuable circulating medium, and standard of value, and the assimilation of the Currency to that of this Country, without depriving the inhabitants of the Province of the accommodation and convenience that may attend the use of foreign coins of ascertained value.

My Lords however observe, that the rates assigned by these enactments to the different coins to which it is proposed to give currency in the respective Provinces, are not accurately fixed, with reference to the comparative values of the coins, and are consequently such as would, in both cases, defeat the objects of the enactments. On this ground, therefore, my Lords are of opinion, that it would be inexpedient that either the Ordinance of the Lower Province, or the Act of the Upper Province, should be permitted to come into operation. In addition, also, to this conclusive reason for withholding Her Majesty's confirmation on both these enactments, the Act of the Upper Province would be liable to objection as regards the great variety of coins comprized in the Schedule A, and thereby constituted a legal tender—and as regards the limitation of the duration of the Act: for my Lords consider it to be desirable that the legalized tender should only extend to such coins as are constantly in circulation, and well known—and consequently, of ascertained fineness, and liable to frequent examination; but that coins which are obsolete, or little known in the Province, be left to pass as bullion only; and as it is always desirable to abstain, as far as possible, from proceedings which may tend to unsettle the currency, it appears to my Lords that the prospective limitation of the duration of an enactment of this description would be inexpedient.

The clause also in the Ordinance of the Governor and Council of Lower Canada, which purports to empower Her Majesty to direct that coins current under previous provincial

APPENDIX E.—(See *Journal*, Page 86.)THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General*.

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enactments, but to which no current value is assigned by the Ordinance, may be called in and re-coined into British gold and silver coins, with a proviso, that the actual expense only of such re-coinage shall be borne by the Province—would be objectionable, as the mode of effecting any such re-coinage must be regulated by the existing laws of this country, relating to the subject.

Adverting to these several considerations, my Lords conceive it will be proper to cause a copy of this Minute to be forwarded to Lord John Russell, in order that his Lordship, if he does not see reason to dissent from the opinions of this Board, may convey instructions to the Officers administering the Governments of the respective Provinces, to apprise the Local Legislature of the objections which have prevented the confirmation of these enactments; and my Lords having before them a statement, explanatory of the discrepancies in the valuations of the coins provided for by the Ordinance, and by the Act, which must interfere prejudicially with their circulation, and shewing the comparative rates it would be necessary to adopt, to obviate those discrepancies—they will further cause the Secretary of State to be furnished with a copy of this statement, in order that it may likewise be communicated to the Canadian Legislature.

(Copy.)

STATEMENT *relative to the Metallic Currency of Upper and Lower Canada, accompanying Treasury Minute of 22nd November, 1839.*

No. 93.

The Ordinance passed in Lower Canada, after reciting that the rates and value assigned to the several coins therein mentioned are inconsistent with each other, and in many cases erroneous; and that it is highly desirable to establish a legal proportion between the pound sterling, as represented by the British sovereign, and the pound currency of the Province; and, as far as circumstances will permit, to assimilate the currency thereof to that of the Mother Country, without injuriously affecting the interests of any party to any existing contract—proceeds to enact, that a certain Act passed in the 48th of Geo. III, entitled “An Act for better regulating the weight and rates at which certain coins shall pass current in the Province,” &c.—shall be suspended during the time this Ordinance shall be in force.

The Ordinance then enacts, that the pound currency shall be such, that the pound sterling, as represented by the British sovereign, of the weight and fineness now fixed by the laws of the United Kingdom, shall be equal to, and pass for..... £1 4 4 Currency.
 The old Eagle of the United States, weighing 11 dwt. 6 grs..... 2 13 4
 New Eagle of do. 10 dwt. 18 grs. 2 10 0
 Old Spanish Doubloon; Mexican and Columbian Doubloon, coined in
 the years 1826—7, and 8, 17dwt. 9grs..... 3 17 8
 French 40 Franc piece, coined before the commencement of the
 present year,..... 1 18 7

The above-mentioned cases, and the multiples and sub-divisions thereof being of proportionate weight to the legal tender to any amount by sale, so long as such coins shall not want more than two grains of the weight hereby assigned to them, deducting one half-penny, currency, for each quarter of a grain any such coin shall want of such weight, and shall be, in any case, a legal tender by weight, in sums not exceeding twenty pounds, currency; and in any payment above that sum, the payer may pay, or the receiver insist on receiving, coins by weight, at the following rates:—

British Gold Coins; United States do. coined before July, 1834 94s. 0d. per oz.
 Do. coined since July, 1834 93s. 0d. per oz.
 French Gold Coins 93s. 1d. per oz.
 Doubloons 89s. 5d. per oz.

The Ordinance then enacts, that the Spanish-millat dollar, the dollar of the United States and of the several States of South America and Mexico, coined before 1st January, 1839, and not weighing less than 17 dwts. 4 grs. shall pass for five shillings each, and shall be a legal tender, by sale, to any amount, as shall also any silver coins being sub-divisions of such dollars

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for proportionate sums; but the sub-divisions of such dollars, being less than quarters thereof, shall be a legal tender for fifty shillings, and no more: provided that the Governor, Lieutenant-Governor, or Person Administering the Government, may, by Proclamation, extend the provisions of this section, and the section preceding it, to any gold or silver coins of the weights and denominations above referred to, but of later dates, which having been assayed at the Royal Mint, shall be found to be equal to those above-mentioned or referred to respectively.

It is further enacted, that all silver coins of the United Kingdom shall pass at the following rates :

British Crown	6s. 0d.
British Half-crown	3s. 0d.
British Shilling	1s. 3d.
British Six-pence	0s. 7½d.
British Groat	0s. 5d.

The crowns and half-crowns to be a legal tender to any amount—but the shillings, six-pences and groats, to be a legal tender to the amount of 50s. currency, and no more.

The copper penny of the United Kingdom, or any other which Her Majesty may cause to be coined, if not less than $\frac{2}{5}$ ths of the weight of such copper penny, shall pass for one penny, currency, and the halves and quarters thereof be proportionate sums; and such copper money to be a legal tender to the amount of one shilling, currency, and no more.

In the preamble of this Ordinance it is declared, that it is desirable that the currency of the Province should be assimilated, as far as circumstances will permit, and without injuriously affecting existing contracts, to that of the Mother Country.

With this intention it is also enacted, that the British Sovereign shall be rated at and pass current for £1 4s. 4d. currency; and the gold coins of the United States of America, of France, and of the several States of Mexico and South America, are rated according to their respective weights and fineness, in exact proportion to the sovereign.

In so far as relates to the relative value of the gold coins, the intention of the Ordinance is thus successfully accomplished. But the Ordinance proceeds to enact, that the dollar of the United States of America, and of Columbia and Mexico, shall pass current and be a legal tender at the rate of 5s. currency; and that the silver coins of Great Britain shall pass current at the several rates of 6s. for the crown; 3s. for the half-crown; 1s. 3d. for the shilling; 7½d. for the six-pence; and 5d. for the four-penny piece.

Now these several rates are neither consistent with each other, nor with the rates assigned to the gold coins. The dollar, the British crown and half-crown are *undervalued*; the British shilling, six-pence and groat, are over-valued, not only with reference to the gold coins, but likewise with reference to the crown and half-crown.

The dollar is rated in the Ordinance according to the proportion of gold to silver, adopted at the Mint of the United States, which proportion is about 1½ per cent below that which obtains in the general market of the commercial world. The ground for adopting the United States proportion would seem to be an apprehension, that while the two metals are valued by law in the United States, in the proportion of 16 to 1, their proportionate value in England, and in the general market of the world, is nearly 15¾ to 1; and that if the latter proportion were adopted, the gold coins would soon leave the Colony, and be exported to the United States.

It is, however, conceived that the over-valuation of gold in the United States may safely be disregarded, as its effects in that country must be to make gold the only practical standard, and to establish a premium on silver, equal to the difference between the legal proportions in the United States, and the market proportions elsewhere: in which case little or no inconvenience would be experienced in the Colonies, with respect to their Exchange with the United States, if the market proportions were adopted.

On what principle the crown and half-crown are undervalued, and the shilling, six-pence and groat, over-valued in relation to the sovereign, is not so apparent. It is, indeed, enacted that shillings, sixpences and four-penny pieces, shall be a legal tender only to the extent of 50s. currency; but this limitation would not prevent the exclusion of the superior coins from

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THE RIGHT HONOURABLE CHARLES POULETT THOMSON, *Governor-General.*

circulation. It would still be the interest of the holders of gold coins, dollars, crowns and half-crowns, to exchange those coins for shillings and six-pences, and to export them to Great Britain for that purpose. It would be the interest of the Banks to pay all notes of lower denominations than 50s. currency, with British shillings and six-pences: for the larger notes they would be exposed to an inconvenient demand for gold, in consequence of the over-valuation of British silver coin.

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If the proper proportions had been observed in the rates assigned to the several coins by this Ordinance, they would have been, respectively, as follows:—

Sovereign,	£1	4	4
United States Old Eagle,	2	13	4
Do. New do.	2	10	0
Doubloon,	3	17	8
French 40 Franc piece,	1	18	7
Dollar,	0	5	1
British Crown,	0	6	1
Do. Half-crown,	0	3	0½
Shilling,	0	1	2 ⁶ / ₁₀
Six-pence,	0	0	7 ³ / ₁₀
Groat,	0	0	4 ⁸ / ₁₀₀

UPPER CANADA.

No. 1149.

By the Act passed in this Province, on the 11th May, 1839, all former Acts for regulating the rates and value of gold and silver coins in the Province, are repealed.

It is then enacted, that the gold coins mentioned in a schedule annexed to the Act, shall be deemed a legal tender, at the rates and value set opposite to them, respectively, in the schedule: provided, that whenever the said coins shall not be of the full weight set opposite to them, and also in case of payment of any sum over £25, the said coins shall be paid by weight, at the following rates:

British Gold	4s. 9d. per dwt.
French Gold	4 8 "
Spanish, Mexican, and Columbian Gold.....	4 6 "

And all other coins, at the rates deduced from the rates and weights set forth in the Schedule.

The rates for the undermentioned gold coins in the schedule, are respectively as follows:

Sovereign,	weight	5 dwts. 2 ² / ₃ gra.	£1	4	4
United States Old Eagle,	"	11 6	2	13	3 ³ / ₄ ⁶ / ₁₀₀
Do. New do.	"	10 18	2	10	0
Doubloon,	"	17 9	3	17	8 ⁴ / ₁₀₀
French 40 Franc,	"	8 7	1	18	6 ⁴ / ₁₀₀

According to these weights and rates, the sovereign would not be a legal tender, if its weight should be less than 5 dwts. 2²/₃ grains.

This coin, when first issued from the mint, should weigh 5 dwts. 3²/₁₀₀₀ grains.

By a Proclamation dated 1st July, 1817, the current weight was fixed at 5 dwts. 2²/₃ grs. being ⁵²⁴/₁₀₀₀ under the full weight.

By a subsequent Proclamation, dated 6th February, 1821, the current rate altered to 5 dwts. 2¹/₂ grains, being ⁷⁷⁴/₁₀₀₀ or about ³/₄th of a grain, under the full weight.

In fixing the current weight of the sovereign at 5 dwts. 2²/₃ grains in the Upper Canada Act, it is apprehended that the Proclamation of the 6th February, 1821, was overlooked.

The weight and fineness of all the various gold coins enumerated in the schedule annexed to the Act, appear to be taken from a table of foreign coins made out in the United States of America, in pursuance of an Act passed by Congress on the 21st June, 1834. In the United States Act it is enacted, "that it shall be the duty of the Secretary of the Treasury, to cause

APPENDIX E.—(See *Journal*, Page 86.)

FIFTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 3rd VICTORIA.

APPENDIX E.

“ Assays of the aforesaid gold coins made current by this Act, to be had at the mint of the United States, at least once in every year, and to make report of the result thereof to the Congress.”

This enactment was, no doubt, deemed necessary, in order to guard against any alteration that might be made in the weight or fineness of any of the various coins made current by the Act.

The Upper Canada Act is not equally guarded in this respect.

It is further enacted by the Upper Canada Act in question, that the silver coins specified in a schedule annexed to the Act, shall pass current, and be a legal tender, at the rates and value set opposite to them in the schedule: provided, that British shillings and six-pences shall not be a legal tender for any payment above £10: and provided also, that the said silver coins shall not be a legal tender, if reduced in weight above $\frac{1}{2}$ th of the proper weight of such silver coins.

The following are the rates at which the silver coins specified in the schedule are to pass current, and to be a legal tender:

Spanish, Mexican, Columbian, and United States Dollar,	5s. 0d.
British Crown,	6 0
British Half-crown,	3 0
British Shilling,	1 3
British Six-pence,	0 7½
French Crown,	4 8½ $\frac{0}{16}$

The rates and value assigned to the gold coins of Great Britain, France, the United States, Mexico and South America, by the Act, are very nearly the same as those adopted in the Act passed by the Legislature of Lower Canada. The rates and value assigned to the dollar, and to the British silver coins, are exactly the same in both Acts; but according to the Upper Canada Act, shillings and six-pences are to be a legal tender to the extent of £10. In the Lower Canada Act, the limitation is £2.

The observations on the Lower Canada Ordinance, are equally applicable to the Act of the Upper Province. In both, the rates and value assigned to the different coins specified in the Acts, are erroneous, and inconsistent with each other.

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