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JEWISH DISABILITIES
(CANADA AND JAMAICA).

RETURN of COPIES of the Acts of the Parliaments of *Canada* and *Jamaica*, by which CIVIL DISABILITIES of the Jews were removed; and also COPIES of the CORRESPONDENCE between the Secretary of State for the Colonies and the Governors of such Colonies, in reference to the said Acts when the same were assented to.

(*Mr. Trevelyan.*)

Ordered, by The House of Commons, to be Printed,
12 April 1850.

JEWISH DISABILITIES
(CANADA AND JAMAICA).

RETURN to an Address of the Honourable The House of Commons,
dated 22 March 1850;—for,

“RETURN of COPIES of the Acts of the Parliaments of *Canada* and *Jamaica*,
by which CIVIL DISABILITIES of the JEWS were removed; and also Copies
of the CORRESPONDENCE between the Secretary of State for the Colonies and
the Governors of such Colonies, in reference to the said Acts when the
same were assented to.”

Colonial Office, Downing-street, }
12 April 1850.

B. HAWES.

(*Mr. Trevelyan.*)

Ordered, by The House of Commons, to be Printed,
12 April 1850.

SCHEDULE.

CANADA.

DESPATCHES FROM GOVERNOR SIR JAMES KEMPT.

Number in Series.	Date and Number.	SUBJECT.	Page.
1.	5 May - - 1829 (52)	Transmits BILL passed in favour of Persons professing the JEWISH FAITH, with Report of the Attorney-general upon it - - - - -	1
2.	12 May - - 1830 (51)	Transmits certified Copy of a BILL passed in the last Session, to extend certain PRIVILEGES to Persons professing the JEWISH RELIGION -	4

DESPATCHES FROM GOVERNOR LORD AYLMER.

3.	11 April - - 1831 (30)	Transmitting Acts of the Provincial Parliament (including Act No. 744, declaring Persons professing the JEWISH RELIGION entitled to all the RIGHTS and PRIVILEGES of the other Subjects of His Majesty in the Province) reserved for the signification of the Royal Pleasure - - - - -	8
4.	18 June - - 1833 (65)	INABILITY of Persons of the JEWISH PERSUASION accepting the COMMISSION of the PEACE, on account of the wording of the Oath required to be taken - - - - -	9
5.	23 October - 1833 (87)	Acknowledging receipt of Despatches by the Halifax September Mail - - - - -	10

DESPATCHES FROM THE RIGHT HON. SIR GEORGE MURRAY,
SECRETARY OF STATE.

1.	10 October - 1830 (1)	On the OBJECTIONS of the ATTORNEY-GENERAL to certain Acts of the Legislature of Lower Canada - - - - -	11
2.	3 November - 1830 (8)	Transmitting ORDER in COUNCIL, confirming and enacting three Bills passed by the Council and Assembly of Lower Canada, in March 1829; REASONS why the Bill for Relief of Persons professing the JEWISH FAITH has received the Royal Assent - - - - -	11

DESPATCHES FROM THE RIGHT HON. VISCOUNT GODERICH,
SECRETARY OF STATE.

3.	8 February - 1831 (23)	Transmitting ORDERS in COUNCIL allowing and confirming certain Bills passed by the Legislative Council and Assembly of Lower Canada in March 1829 and March 1830, including Act No. 683, to EXTEND certain PRIVILEGES to PERSONS PROFESSING the JEWISH RELIGION, and for other purposes - - - - -	11
4.	13 April - - 1832 (97)	That the Lords of the Committee of Privy Council have reported that the several Acts reserved for the signification of His Majesty's Pleasure should be confirmed and enacted; transmitting Order in Council approving that Report - - - - -	12

DESPATCH FROM THE RIGHT HON. E. J. STANLEY, SECRETARY OF STATE.

Number in Series.	Date and Number.	SUBJECT.	Page.
5.	28 August - 1833 (26)	Reply to Despatch of 18 June, No. 65, recommends that application be made to the Provincial Legislature for remedying the inconvenience, in consequence of the wording of the OATH to be taken, which prevents members of the Jewish Religion from becoming Magistrates - - - - -	12

J A M A I C A.

DESPATCH FROM GOVERNOR THE DUKE OF MANCHESTER.

1.	8 January - 1827 (78)	Transmitting BILL for admitting Persons of the JEWISH PERSUASION to all the Rights and Privileges which His Majesty's other Subjects are entitled to - - - - -	13
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DESPATCH FROM SIR JAMES KEANE.

2.	2 January - 1829 (38)	That a BILL has been PASSED in favour of the JEWS, to which the Council has attached a suspending Clause, and enclosing Act for naturalizing Foreign Protestants, &c. - - - - -	13
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DESPATCHES FROM GOVERNOR THE EARL OF BELMORE.

3.	5 February - 1830 (5)	That Sir G. Murray's Despatch of 3 December 1829, stating the grounds upon which it had been deemed inexpedient to confirm the Act for naturalizing Foreign Protestants, &c. had been submitted to the House of Assembly, who have referred the matter to a Special Committee - - - - -	14
4.	18 February - 1830 (13)	Enclosing copy of MESSAGE from the HOUSE of ASSEMBLY, and REPORT from the COMMITTEE to whom Sir G. Murray's Despatch of 3 December was referred - - - - -	15
5.	21 February - 1830 (14)	Transmitting ACT for RELIEF of His Majesty's Subjects of the JEWISH PERSUASION - - - - -	15
6.	- - - - -	Jamaica Act, 2 Will. 4, c. 2, "To relieve His Majesty's Subjects of the Jewish Religion, in respect to the OATH of ABJURATION" - - - - -	17

DESPATCH FROM THE RIGHT HON. SIR GEORGE MURRAY, SECRETARY OF STATE.

1.	3 December - 1829 (21)	Grounds upon which it has been deemed inexpedient that his Majesty should approve and confirm the Act for Naturalizing Foreign Protestants and others; the reasons assigned against this Act will render it inexpedient to allow the Act for the Relief of the Jews, passed in 1827 - - - - -	17
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DESPATCHES FROM THE RIGHT HON. VISCOUNT HOWICK.

Number in Series.	Date and Number.	S U B J E C T.	Page.
2.	6 August 1831 - -	Transmitting ORDER in COUNCIL confirming the Jamaica Act passed in February 1830, for the RELIEF of his Majesty's Subjects of the JEWISH PERSUASION - - - - -	18
3.	6 August 1831 - -	That his Majesty has made no order respecting the Jamaica Act passed in 1827 for the relief of the Jews - - - - -	18

DESPATCH FROM THE RIGHT HON. VISCOUNT GODERICH,
SECRETARY OF STATE.

4.	21 February - 1833 (74)	Reporting the allowance of certain Jamaica Acts passed in 1831 and 1832, including the JEWISH DISABILITIES BILL, transmitting Orders in Council and Report of the Privy Council for Trade, explaining the grounds for the Disallowance of two other Jamaica Acts - - - - -	19
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RETURN of COPIES of the ACTS of the Parliaments of *Canada* and *Jamaica*, by which CIVIL DISABILITIES of the JEWS were removed; and also Copies of the CORRESPONDENCE between the Secretary of State for the Colonies and the Governors of such Colonies, in reference to the said Acts when the same were assented to.

C A N A D A.

CANADA.

Despatches from the Governors.

— No. 1. —

(No. 52.)

COPY of a DESPATCH from Governor Sir *James Kempt* to Secretary the Right Honourable Sir *George Murray*.

(Answered, 3 November 1830, No. 8, page 11.)

Castle of St. Lewis, Quebec, 5 May 1829.

(Received, 17 July 1829.)

Sir,

No. 1.
Governor Sir
James Kempt
to Secretary Sir
G. Murray,
5 May 1829.

No. 607.

I HAVE the honour herewith to transmit to you a certified copy of a Bill which passed the Legislative Council and Assembly of this Province in the last Session of the Provincial Parliament, but which I have felt it my duty to reserve for the signification of His Majesty's pleasure, for the reasons stated in the accompanying Report of the Attorney-general, to whom it was referred.

The Bill is intituled, "An Act to extend certain Privileges therein mentioned to Persons professing the Jewish Faith, and for the obviating certain inconveniences to which others of His Majesty's subjects might otherwise be exposed." But the Attorney-general is of opinion, that the provisions of the same are imperfectly and insufficiently framed, and not such as would be required to answer the purpose intended. He is also of opinion, that it is a Bill which necessarily requires the observance of the formalities required by the 42d section of the Act 31 Geo. 3, c. 31, by which the present constitution of Lower Canada was established."

I have, &c.
(signed) *James Kempt*.

Enclosure 1, in No. 1.

Sir,

Quebec, 26 February 1829.

Encl. 1, in No. 1.

In obedience to the commands of his Excellency the Administrator of the Government, I have perused a Bill passed by the Legislative Council and Assembly of this province, intituled, "An Act to extend certain Privileges therein mentioned to Persons professing the Jewish Faith, and for the obviating certain inconveniences to which others of His Majesty's subjects might otherwise be exposed;" and have now the honour of reporting my opinion on it, as required by his Excellency.

By the 42d section of the Act 31 Geo. 3, c. 31, by which the present constitution of Lower Canada was established, certain Acts passed by the Legislative Council and Assembly, it is required, shall, previous to any signification of the King's Assent thereto, be laid before both Houses of Parliament in Great Britain; and it is declared that it shall not be lawful for his Majesty to signify his assent to such Acts till 30 days after the same shall have been laid before the said Houses, or to assent to any such Acts, in case either House of Parliament shall, within the said 30 days, address his Majesty to withhold his assent from such Acts; and by the same clause it is enacted, that no such Act shall be valid unless the Legislative Council and Assembly shall, in the session in which the same shall have been passed, have presented to the Governor an Address or Addresses, specifying that the Act contains provisions for some of the purposes in the said clause specially described, and desiring that, in

CANADA.

order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of his Majesty's Assent thereto.

Among the Acts in respect of which it is required that the formalities just mentioned should be observed, are those "containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship." Within this description of Acts the Bill now under consideration, I apprehend, is included; and I am therefore humbly of opinion, that this Bill is of a nature necessarily to be reserved for the signification of his Majesty's pleasure respecting the same, and that an Address of the Legislative Council and Assembly, and the transmission of the Bill to be laid before Parliament, as required by the section above cited, would be indispensable preliminaries to the giving of his Majesty's Assent to this Bill. But I am also humbly of opinion, that the provisions of the Bill are inexpedient, imperfectly and insufficiently framed, and not such as would be required to answer the purposes intended.

Lieut.-colonel Yorke, Secretary,
&c. &c. &c.

I have, &c.
(signed) J. Stuart,
Attorney-general.

Enclosure 2, in No. 1.

Encl. 2, in No. 1. (No. 607.)

BILL.

AN ACT to extend certain Privileges therein mentioned to Persons professing the Jewish Religion, and for the obviating certain inconveniences to which others of His Majesty's subjects might otherwise be exposed.

Preamble.

WHEREAS serious inconveniences are experienced by persons professing the Jewish religion, being British subjects resident in this province, from their disability under the existing laws to have and keep authentic registers of the births, marriages and burials occurring among them, which disability may injuriously affect the interests of others of his Majesty's subjects throughout the province, and particularly those of such persons as may derive their titles to real property from persons so professing the Jewish religion: And whereas, it is expedient that there should be in each of the districts of this province fit and proper places of worship and of burials for the use of such persons: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the "Province of Quebec in North America, and to make further Provision for the Government "of the said Province:" and it is hereby enacted, by the authority of the same, that the prothonotaries of the Courts of King's Bench for the districts of Quebec, Montreal and Three Rivers respectively, shall, immediately after the passing of this Act, open and keep in each of the said districts a register, to remain of record, wherein any person residing in the district in which such register shall be kept, being a British subject professing the Jewish religion, and above the age of 21 years, may inscribe his name, age, addition and place of residence, after oath by him made before the said prothonotaries or any of them, that he believes himself to be of the full age of 21 years, and that he is a British subject professing the Jewish faith.

Prothonotaries of the several Districts in this Province to keep Registers of Persons professing the Jewish Religion.

When 15 persons are enregistered Justices of the Court of King's Bench or Judge of the Provincial Court, may convene a public meeting of all persons so enregistered.

Proviso.

And be it further enacted, by the authority aforesaid, that when and so soon as 15 persons shall have been so enregistered, it shall and may be lawful for any Justice of the Court of King's Bench, or Judge of the Provincial Court, as the case may be, upon petition to that effect to him made by seven persons so enregistered in his district; and such Justice is hereby required, upon such petition, to convene a public meeting of all persons so enregistered within his district, to be held in the chief city or town thereof, and at such place therein, and at such time as the said Justice shall deem advisable, to appoint and to name some Justice of the Peace for the said district to preside at such meeting, and to make his return of the proceedings thereat to the Prothonotary of the Court of King's Bench for the said district, or Prothonotary of such Provincial Court, as the case may be: Provided always, that the day on which such meeting shall be held shall not be more than 60 nor less than 30 days after the time at which the said petition shall have been presented; and that due notice of such meeting shall be given, by inserting such notice during two weeks in such public newspaper as the said Justices may appoint, or if no newspaper be published in his district, in such manner as the said Justices shall order.

Persons so enregistered may, at their meeting, elect Trustees.

And be it further enacted, by the authority aforesaid, that at such meeting it shall be lawful for the persons so enregistered in the district in which such meeting shall be held, and then and there present, to elect by a majority of their votes, five persons from among such persons as shall have been so enregistered in the same district as themselves, to be trustees for the purposes hereinafter mentioned, which persons shall be returned as such trustees by the Justices of the Peace presiding at such meeting, in his official return of the proceedings had at such meeting as before directed.

And

And be it further enacted, by the authority aforesaid, that when the said number of trustees shall have been so elected as aforesaid, they shall, by a majority of their votes, elect a chairman from among themselves, and shall in like manner elect a secretary and treasurer.

Trustees may elect a Chairman, Secretary and Treasurer.

And be it further enacted, by the authority aforesaid, that when and so soon as such election and return shall have been so made, the Prothonotary shall make an entry in the register by him kept as aforesaid, setting forth that such election was made in pursuance of this Act, and the time and place thereof, together with the names, additions and places of residence of the trustees so elected; and that when and so often as any of the said trustees shall die, leave the district, or resign such trust, the election of so many others as may be required to complete the said number of five shall be proceeded to and recorded in the manner hereinbefore provided, save and except that at such election the chairman, or the oldest of the trustees, shall preside, and shall make his return of the proceedings at such election in the manner hereinbefore prescribed, provided that no trustee shall remain in office longer than five years.

The Election and Return having been made, the Prothonotary to make an entry in the Register that the Election has been made.

And be it further enacted, by the authority aforesaid, that it shall be lawful for the said trustees, so elected and returned as aforesaid, to purchase and hold, or to acquire, have and hold by devise, donation or otherwise, for the purposes hereinafter set forth, in any part of the district for which they shall have been so elected and returned, a lot or lots of ground, not exceeding in the whole the quantity of five arpents in superficial content, and to appropriate any part of the said lot or lots as a burial-ground, and to erect on any part of the same a synagogue, or place of worship, and a house for the residence of a minister of the Jewish religion.

Trustees enabled to acquire Lots of Ground, and they may appropriate any part for a Burial-ground.

And be it further enacted, by the authority aforesaid, that from and after the passing of this Act, every minister of the Jewish religion, acting as such within the province, being previously licensed by the Governor, Lieutenant-governor or person Administering the Government for the time being, shall keep a register in duplicate of all marriages and burials performed by him, and of all births which he may be required to record in such register by any person professing the Jewish religion, and that all the provisions of a certain Act passed in the 35th year of the reign of his late Majesty King George 3, c. 4, intituled, "An Act to establish the form of Registers of Baptisms, Marriages and Burials, and to confirm and make valid in Law the Register of the Protestant Congregation of Christchurch, Montreal, and of others which may have been informally kept, and to afford the means of remedying Omissions in former Registers," shall be and the same are hereby extended to all registers hereafter to be kept by virtue of this Act; provided that before any minister of the Jewish religion shall be admitted to keep the register as afore-mentioned, he shall be required to present a petition to the Governor, Lieutenant-governor or person Administering the Government for the time being, subscribed by the chairman and trustees of the district for which he is to act, setting forth his name and addition, and praying to be licensed to keep a register for the district therein mentioned; and it shall and may be lawful to and for the Governor, Lieutenant-governor or person Administering the Government for the time being, to grant the prayer of the petition if he shall see fit, and to issue his license under his hand and seal to the said petitioner, to have and keep registers for the purposes aforesaid, any law, usage or custom to contrary notwithstanding.

Minister of the Jewish Religion, being previously licensed by the Governor, may keep a Register in duplicate of all Marriages, &c.;

before he acts, a Petition to be presented to the Governor, subscribed by the Chairman and Trustees, praying that he may be licensed to keep a Register for that purpose.

And be it further enacted, by the authority aforesaid, that all the provisions of the said last-mentioned Act concerning such registers as may have been informally kept, as well as those concerning the omission of any matter which ought to have been recorded in any such register, shall be, and the same are hereby extended to such registers as may heretofore have been kept by any minister of the Jewish religion officiating in this province.

All the provisions in the Act 35 Geo. 3, c. 4, extended to Ministers of Jewish Religion.

And be it further enacted, by the authority aforesaid, that all persons of the Jewish religion may, within three months next after the election of the said trustees, cause the birth of their children, or their death, to be enregistered, with the same effect to all intents and purposes, as if the same had been done at their birth or death.

All Persons of the Jewish religion may. Three Months after the election of Trustees, enregister the Births of Children and their Death.

And be it further enacted, by the authority aforesaid, that all registers which shall hereafter be kept by any minister of the Jewish religion in this province, according to the provisions of the Act last above-mentioned, as well as all certified copies of the entries made therein, or in the registers kept by any minister of the said religion officiating in this province before the passing of this Act, or any document legally establishing the omission of any entry which ought to have been made in such registers, shall, to all intents and purposes, have the same legal effect as the register or extract (extrait) of any register kept by any priest or rector of the Roman Catholic Church, or by any minister of the Protestant Church in this province, in pursuance of the said last-mentioned Act: Provided always, that the regulations and requirements of the said Acts shall, in all respects, have been complied with.

Registers of Ministers of the Jewish Religion legalized.

Proviso.

Provided always, and be it further enacted, by the authority aforesaid, that all ministers of the Jewish religion obtaining and keeping registers by virtue hereof, shall be governed by the provisions of the Act last above-mentioned; and that they or any other person who shall in any wise neglect or refuse to comply with the requirements of the said Act, shall be liable to the same pains and penalties as are therein in like cases provided; and that any penalties so incurred shall be recoverable, paid and applied, and accounted for, in the same manner as the penalties by the said Act imposed are thereby directed to be recovered, paid, applied and accounted for.

Ministers to govern themselves by the provisions of Act 35 Geo. 3, c. 4.

4 ACTS OF THE PARLIAMENTS OF CANADA AND JAMAICA,

CANADA.

Public Act.

And be it further enacted, by the authority aforesaid, that this shall be deemed and taken to be a Public Act, and as such shall be judicially noticed by all judges, justices and courts in this province, without being specially pleaded.

I HEREBY certify that this copy is a true copy of a Bill passed in the second session of the 13th Parliament of Lower Canada, and reserved by his Excellency the Administrator of the Government for the signification of his Majesty's pleasure thereon, remaining of record in my office.

Quebec, 14 March 1829.

(signed) *Wm. Smith,*
Clerk of the Legislative Council of the
Province of Lower Canada.

— No. 2. —

(No. 51.)

COPY of a DESPATCH from Governor Sir *James Kempt* to Secretary the
Right Honourable Sir *George Murray*.

(Answered, 10 October 1830, No. 1, page 11.)

No. 2.
Governor Sir
James Kempt
to Secretary Sir
G. Murray,
12 May 1830.

Castle St. Lewis, Quebec, 12 May 1830.
(Received, 6 July 1830.)

Sir,

No. 683, Jewish
Disabilities.

I HAVE the honour herewith to transmit to you the certified copy (No. 1), of a Bill passed by the Legislative Council and Assembly of this Province in the last Session, which I have deemed it my duty to reserve for the signification of his Majesty's pleasure respecting the same.

It is intituled, "An Act to extend certain Privileges therein mentioned to "Persons professing the Jewish Religion, &c;" and is similar in all respects to a Bill passed by the Legislative Council and House of Assembly in the Session of 1829, a copy of which I had the honour to transmit to you in my despatch of the 5th of May* of that year (No. 52), accompanied by a report from the Attorney-general, to whom the Bill was referred, and by whose opinion I was guided in reserving the same.

* Page 1.

It is proper that I should inform you on the present occasion, that the Legislative Council, being of opinion that this Bill required the observance of the formalities required by the 42d section of the Act of 31 Geo. 3, c. 31, did propose to the House of Assembly to join the Legislative Council in an Address to the Governor (in the manner required by that clause) to pray that the Bill might be transmitted to England for the purpose of being laid before Parliament previous to the signification of his Majesty's Assent thereto.

To his proposition however, the House of Assembly would not agree, conceiving that the Bill "did not contain any provision which in any manner "relates to or affects the enjoyment or exercise of any religious form or mode "of worship, and is not within the cases reserved in the 42d clause of the Act "of the Parliament of Great Britain, 31 Geo. 3, c. 31." And the House having passed a resolution to that effect, and communicated the same to the Legislative Council, I have the honour herewith to transmit a copy of the same (No. 4), for your information.

I also transmit the copy (No. 2.), of an address presented to me by the Legislative Council in respect to this Bill, together with a copy (No. 3.), of the Attorney-general's report on the same; and as the Legislative Council and his Majesty's Principal Law Officer in the colony conceive it to be an Act which ought to be laid before both Houses of Parliament in Great Britain before it can be assented to by his Majesty, agreeably to the clause of the before-mentioned statute, while the House of Assembly entertains a different opinion, I may be permitted to express a hope that his Majesty's Government will be pleased to take the subject into consideration, and that I may have the honour of receiving from you a signification of his Majesty's pleasure on this Bill before the next meeting of the Provincial Parliament.

I have, &c.

(signed) *James Kempt.*

Enclosure

399

FOR REMOVAL OF CIVIL DISABILITIES OF THE JEWS.

CANADA.

Enclosure 1, in No. 2.

BILL.

Encl. 1, in No. 2.

No. 683.)

AN ACT to extend certain Privileges therein mentioned to Persons professing the Jewish Religion, and for the obviating certain Inconveniences to which others of His Majesty's Subjects might otherwise be exposed.

WHEREAS serious inconveniences are experienced by persons professing the Jewish religion, being British subjects resident in this province, from their disability, under the existing laws, to have and keep authentic registers of the births, marriages and burials occurring among them, which disability may injuriously affect the interests of others of his Majesty's subjects throughout the province, and particularly those of such persons as may derive their titles to real property from persons so professing the Jewish religion: And whereas, it is expedient that there should be in each of the districts of this province fit and proper places of worship and of burial for the use of such persons; Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's "Reign, intituled, 'An Act for making more effectual Provision for the Government of the "Province of Quebec in North America, and to make further Provision for the Government "of the said Province:" and it is hereby enacted, by the authority of the same, that the Prothonotaries of the Courts of King's Bench for the districts of Quebec, Montreal, and Three Rivers respectively, shall, immediately after the passing of this Act, open and keep in each of the said districts a register, to remain of record, wherein any person residing in the district in which such register shall be kept, being a British subject professing the Jewish religion, and above the age of 21 years, may inscribe his name, age, addition and place of residence, after oath by him made before the said Prothonotaries or any of them, that he believes himself to be of the full age of 21 years, and that he is a British subject professing the Jewish religion.

Preamble.

Prothonotaries of the Courts of King's Bench for the districts of Quebec, Montreal and Three Rivers, to keep a register for inscribing the names, &c. of persons professing the Jewish religion.

2. And be it further enacted, by the authority aforesaid, that when and so soon as 15 persons shall have been so enregistered, it shall and may be lawful for any Justice of the Court of King's Bench, or Judge of the Provincial Court, as the case may be, upon petition to that effect to him made by seven persons so enregistered in his district; and such Justice is hereby required, upon such petition, to convene a public meeting of all persons so enregistered within his district, to be held in the chief city or town thereof, and at such place therein, and at such time as the said Justice shall deem it advisable to appoint, and to name some justice of the peace for the said district to preside at such meeting, and to make his return of the proceedings thereat to the Prothonotary of the Court of King's Bench for the said district, or Prothonotary of such Provincial Court, as the case may be: Provided always, that the day on which such meeting shall be held, shall not be more than 60, nor less than 30 days after the time at which the said petition shall have been presented; and that notice of such meeting shall be given, by inserting such notice during two weeks in such public newspaper as the said justice may appoint, or if no newspaper be published in his district, in such manner as the said justice shall direct.

When a certain number of persons have been so enregistered, any Justice of the Court of King's Bench, or Provincial Judge, may, upon a petition made to him, call a public meeting of the persons enregistered, to nominate and appoint a Justice of the Peace to preside at such meeting, who is to make a return of the proceedings to the Prothonotary of the Court of King's Bench.

Time within which such meeting is to be held.

3. And be it further enacted, by the authority aforesaid, that at such meeting it shall be lawful for the persons so enregistered in the district in which such meeting shall be held, and then and there present, to elect by a majority of their votes, five persons from among such persons as shall have been enregistered in the same district as themselves, to be trustees for the purposes hereinafter mentioned, which persons shall be returned as such trustees by the justices of the peace presiding at such meeting, in his official return of the proceedings had at such meeting as before directed.

Persons at such meetings to elect, by a majority of votes, five persons to be trustees.

4. And be it further enacted, by the authority aforesaid, that when the said number of trustees shall have been so elected as aforesaid, they shall, by a majority of their votes, elect a chairman from among themselves, and shall in like manner elect a secretary and treasurer.

Trustees to elect a chairman, secretary and treasurer.

5. And be it further enacted, by the authority aforesaid, that when and so soon as such election and return shall have been so made, the Prothonotary shall make an entry in the register by him kept as aforesaid, setting forth that such election was made in pursuance of this Act, and the time and place thereof, together with the names, additions and places of residence of the trustees so elected; and that when and so often as any of the said trustees shall die, leave the district, or resign such trust, the election of so many others as may be required to complete the said number of five, shall be proceeded to and recorded in the manner hereinbefore provided, save and except that at such election the chairman or the senior trustee shall preside, and shall make his return of the proceedings at such election in the manner hereinbefore prescribed; provided that no trustee shall remain in office longer than five years.

Duty of the Prothonotary after the election and return shall have been made to him by the Justice of the Peace.

6. And be it further enacted, by the authority aforesaid, that it shall be lawful for the said trustees so elected and returned as aforesaid, to purchase and hold, or to acquire, have and hold, by devise, donation or otherwise for the purposes hereinafter set forth, in any part of

Trustees may hold Lots of ground not exceeding a certain extent, and may appropriate the same.

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or any part thereof as a burial-ground, and to erect a synagogue and a house for the residence of a minister on such lot.

Saving of the King's rights, and of all seigneurs, &c. &c.

Ministers of the Jewish religion licensed by the Governor, may keep a register in duplicate of all marriages, burials, and of all births; and all the provisions of the Act 35 Geo. 3. c. 4. extended to all registers hereafter to be kept. Ministers before they shall be authorised to keep a register, shall present a petition to the Governor, setting forth his name, &c. &c., and he may be licensed if the Governor shall so think fit.

All the provisions of the Act 35 Geo. 3. c. 4. extended to such registers as may have heretofore been kept by any minister of the Jewish religion.

All persons of the Jewish religion may, within a certain time after the election of the trustees, cause the birth or death of their children

All registers hereafter to be kept by any minister of the Jewish religion, according to the provisions of the Act last above mentioned, as well as all certified copies of entries made therein, or in the register of any minister of that religion officiating before the passing of this Act, or any document legally establishing the omission of any entry which ought to have been made in such register, shall have the same effect as if done at their birth or death.

Regulations of the said Act to be complied with.

Public Act, and to be taken notice of as such.

the district for which they shall have been so elected and returned, a lot or lots of ground not exceeding in the whole the quantity of five arpents in superficial content, and to appropriate any part of the said lot or lots as a burial-ground, and to erect on any part of the same a synagogue or place of worship, and a house for the residence of a minister of the Jewish religion.

7. And be it further enacted, by the authority aforesaid, that nothing in this Act contained shall weaken, diminish, extinguish or affect, or be construed to weaken, diminish, extinguish or affect in any manner or way whatsoever the rights or privileges of his Majesty, his heirs or successors, or of any seigneur or seigneurs, or of any person or persons, body politic or corporate whatsoever (save and except such rights as are in this Act expressly altered and affected), but that his Majesty, and all and every seigneur or seigneurs and other persons, bodies politic and corporate, shall have and exercise the same rights (except as aforesaid), as they and each of them had before the passing of this Act, to every effect and purpose whatsoever, in as ample a manner as if this Act had never been passed.

8. And be it further enacted, by the authority aforesaid, that from and after the passing of this Act, every minister of the Jewish religion acting as such within the province, being previously licensed by the Governor, Lieutenant-governor, or person administering the Government for the time being, shall keep a register in duplicate of all marriages and burials performed by him, and of all births which he may be required to record in such register, by any person professing the Jewish religion, and that all the provisions of a certain Act, passed in the 35th year of the reign of his late Majesty, c. 4, intituled, "An Act to establish the form of Registers of Baptisms, Marriages, and Burials, to confirm and make valid in law the Register of the Protestant Congregation of Christchurch, Montreal, and others which may have been informally kept, and to afford the means of remedying omissions in former Registers," shall be, and the same are hereby extended to all registers hereafter to be kept by virtue of this Act; provided, that before any minister of the Jewish religion shall be admitted to keep the register as before-mentioned, he shall present a petition to the Governor, Lieutenant-governor or person administering the Government for the time being, subscribed by the chairman and trustees of the district for which he is to act, setting forth his name and addition, and praying to be licensed to keep a register for the district therein mentioned, and it shall be lawful for the Governor, Lieutenant-governor, or person administering the Government, to grant the prayer of the petitioner if he shall see fit, and to issue his licence under his hand and seal to the said petitioner, to have and keep registers for the purposes aforesaid, any law, usage, or custom to the contrary notwithstanding.

9. And be it further enacted, by the authority aforesaid, that all the provisions of the said last-mentioned Act, concerning such registers as may have been informally kept, as well as those concerning the omission of any matter which ought to have been recorded in any such register, shall be, and the same are hereby extended to such registers as may heretofore have been kept by any minister of the Jewish religion officiating in this province.

10. And be it further enacted, by the authority aforesaid, that all persons of the Jewish religion may, within three months next after the election of the said trustees, cause the birth or death of their children to be enregistered, with the same effect to all intents and purposes, as if the same had been done at their birth or death.

11. And be it further enacted, by the authority aforesaid, that all registers which shall hereafter be kept by any minister of the Jewish religion in this province, according to the provisions of the Act last above-mentioned, as well as all certified copies of the entries made therein, or in the registers kept by any minister of the said religion officiating in this province before the passing of this Act, or any document legally establishing the omission of any entry which ought to have been made in such registers, shall, to all intents and purposes, have the same legal effect as the register or extract (*extrait*) of any register kept by any priest or rector (*curé*) of the Roman Catholic Church, or by any minister of the Protestant Church, in this province, in pursuance of the said last-mentioned Act: Provided always, that the regulations and requirements of the said Act shall in all respects have been complied with.

Registers, shall have the same effect as any register or extract of any priest of the Roman Catholic religion, or of any Protestant minister.

12. Provided always, and be it further enacted, by the authority aforesaid, that all ministers of the Jewish religion obtaining and keeping registers by virtue of this Act, shall be governed by the provisions of the Act last above-mentioned, and that they, or any other person who shall in anywise neglect or refuse to comply with the requirements of the said Act, shall be liable to the same pains and penalties as are therein in like cases provided, and that any penalties so incurred shall be recoverable, paid, applied and accounted for in the same manner as the penalties by the said Act imposed are thereby directed to be recovered, paid, applied and accounted for.

13. And be it further enacted, by the authority aforesaid, that this Act shall be deemed and taken to be a Public Act, and as such, shall be judicially noticed by all Judges, Justices of the Peace, and Courts in this province, without being specially pleaded.

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FOR REMOVAL OF CIVIL DISABILITIES OF THE JEWS. 7

I HEREBY certify, that the foregoing is a true copy of a Bill passed by the Legislative Council and Assembly of the Province of Lower Canada, and reserved, on the 26th day of March 1830, by his Excellency Sir James Kempt, administrator of the Government, for the signification of His Majesty's pleasure thereon.

CANADA.

(Attest.)

Wm. Smith,
Clerk of the Legislative Council of the
Province of Lower Canada.

Enclosure 2, in No. 2.

(No. 2.)

To his Excellency Sir *James Kempt*, Knight Grand Cross of the most honourable Military Order of the Bath, Lieutenant-general and Commander of all his Majesty's forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and their several dependencies, and in the Island of Newfoundland, and Administrator of the said Province of Lower Canada.

Encl. 2, in No. 2.

May it please your Excellency,

WE, his Majesty's dutiful and loyal subjects, the Legislative Council of the Province of Lower Canada, in Provincial Parliament assembled, respectfully represent to your Excellency that we have, during the present session of the Provincial Parliament, passed a Bill of the highest importance to a great portion of his Majesty's subjects in this colony, which we herewith submit to your Excellency, and which is intituled "An Act to extend certain Privileges therein mentioned to Persons professing the Jewish Religion, and for obviating certain inconveniences to which others of his Majesty's subjects might otherwise be exposed."

And inasmuch as the said Bill contains provisions which may be considered in some manner to relate to or affect the civil rights of persons of the Jewish persuasion.

And it is therefore necessary that the same should, previously to any declaration or signification of his Majesty's assent thereto, be laid before both Houses of the Imperial Parliament, in the manner provided and required by the 42d section of the Act of the Parliament of Great Britain, passed in the 31st year of his late Majesty's reign, c. 31: We do, therefore, respectfully pray your Excellency, that in order to give effect to the said Bill, your Excellency will cause the same to be transmitted to England without delay, for the purpose of being laid before both Houses of the Imperial Parliament, previous to the signification of his Majesty's assent thereto.

By order,

Legislative Council, Quebec,
7 March 1830.

(signed) *J. Sewell,*
Speaker of the Legislative Council.

Enclosure 3, in No. 2.

(No. 3.)

Sir,

Quebec, 25 March 1830.

IN obedience to the commands of his Excellency the Administrator of the Government, with which I have been honoured, I have perused a Bill passed by the Legislative Council and Assembly of this province, intituled, "An Act to extend certain Privileges therein mentioned to Persons professing the Jewish Religion, and for the obviating certain inconveniences to which others of his Majesty's subjects might otherwise be exposed;" and am humbly of opinion, that this Bill ought to be reserved for the signification of his Majesty's pleasure respecting the same. The grounds of this opinion, I beg leave to state, are the same as those contained in a report which I had the honour of submitting through you to his Excellency on a similar Bill in the month of February of the last year.*

Encl. 3, in No. 2.

* Vide, page 1.

I have, &c.

Lieut.-colonel Yorke, Secretary,
&c. &c. &c.

(signed) *J. Stuart,*
Attorney-general.

Enclosure 4, in No. 2.

(No. 4.)

House of Assembly, Friday 19 March 1830.

Resolved,—That his Majesty's subjects in this province have a right to the free exercise of their religion, and that the Bill referred to in the message from the Legislative Council, delivered yesterday, does not contain any provision which in any manner relates to or affects the enjoyment or exercise of any religious form or mode of worship, and are not within the cases reserved in the 42d clause of the Act of the Parliament of Great Britain, 31 Geo. 3, c. 31.

Encl. 4, in No. 2.

8 ACTS OF THE PARLIAMENTS OF CANADA AND JAMAICA,

CANADA.

Resolved,—That this House doth not concur in the Address received from the Legislative Council, yesterday, to his Excellency the Administrator of the Government, to transmit to England, to be laid before Parliament, the Bill intituled, “An Act to extend certain Privileges therein mentioned, to Persons professing the Jewish Religion, and for the obviating certain inconveniences to which others of his Majesty’s subjects may otherwise be exposed.”

Ordered,—That a message be sent to the Legislative Council to communicate the said Resolutions, and to return the said Address.

— No. 3. —

(No. 30.)

COPY of a DESPATCH from Governor Lord *Aylmer* to Viscount *Goderich*.

(Answered, 13 April 1832, No. 97, page 12.)

Castle St. Lewis, Quebec,
11 April 1831.

(Received, 11 June 1831.)

My Lord,

No. 3.
Governor
Lord Aylmer to
Viscount Goderich,
11 April 1831.

No. 741 to No. 747.

I HAVE the honour of transmitting to your Lordship herewith, seven Acts of the Provincial Parliament of Lower Canada, which have been passed during the session just terminated, and which I have judged it expedient to reserve for the signification of His Majesty’s pleasure, and I take leave most respectfully to entreat, that the Royal pleasure thereupon may be communicated to me as soon after it shall have been obtained as may be consistent with your Lordship’s convenience, for a great degree of interest is attached by the people of Lower Canada to the fate of these Bills, some of which are of peculiar importance to the welfare and interest of the colony.

I wish particularly to draw your Lordship’s attention to the Bills for the Incorporation of the Cities of Quebec and Montreal, to which I am decidedly favourable.

It is possible that the sanction of His Majesty to these Bills may be deemed unadvisable, as trenching upon the Royal prerogative; but if found unobjectionable in other respects, your Lordship will, I hope, pardon me for suggesting, that the provisions of them may be embodied in charters under the Great Seal.

I have, &c.

(signed) *Aylmer*.

Enclosure in No. 3.

1 WILL. IV., c. LVII.

(No. 744.)

Encl. in No. 3.

AN ACT to declare Persons professing the Jewish Religion entitled to all the Rights and Privileges of the other Subjects of His Majesty in this Province.

31 March 1831.—Presented for His Majesty’s Assent, and reserved “for the signification of His Majesty’s pleasure thereon.”

12 April 1832.—Assented to by His Majesty in His Council.

5 June 1832.—The Royal Assent signified by the proclamation of His Excellency the Governor in Chief.

Preamble.

WHEREAS doubts have arisen whether persons professing the Jewish Religion are by law entitled to many of the privileges enjoyed by the other subjects of His Majesty within this Province: Be it therefore declared and enacted, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, intituled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America,’ and to make further provision for the Government of the said Province of Quebec in North America;” and it is hereby declared and enacted, by the authority aforesaid, that all persons professing the Jewish Religion being natural-born British subjects inhabiting and residing in this Province, are entitled and shall be deemed, adjudged and taken to be entitled to the full rights and privileges of the other subjects of His Majesty, his Heirs and Successors, to all intents, constructions and purposes whatsoever, and capable of taking, having or enjoying any office or place of trust whatsoever, within this Province.

Persons professing the Jewish religion to be entitled to all the civil rights of British subjects.

— No. 4. —

— No. 4. —

(No. 65.)

COPY of a DESPATCH from Governor Lord *Aylmer* to Mr. Secretary *Stanley*.

Sorel, Lower Canada,
18 June 1833.

(Received, 18 July 1833.)

Sir,

No. 4.

BEING about to issue a new Commission of the Peace for the Province of Lower Canada, in which the names of several gentlemen not in the existing Commission will be introduced, I proposed to two individuals, Messrs. Benjamin Hart & J. M. Hays, residents of the city of Montreal, and professing the Jewish Religion, to become Magistrates, an office which they are now competent to fill by law. It appears, however, that the omission of the words "upon the true faith of a Christian" in the oath which must be tendered to them on entering upon office, not having been provided for, this circumstance operates as a bar to their acceptance of my proposal, which they have accordingly declined. I have now the honour of transmitting herewith a copy of the joint letter addressed by these gentlemen to my Civil Secretary to that effect; and of the legal opinion of the professional gentleman who it appears has been consulted by them on the subject, and I take leave to submit to your consideration the expediency of affording relief in this particular to these parties, and others who may be under similar circumstances, in the Bill in favour of persons professing the Jewish religion, which is understood to be now in progress through the Imperial Parliament, more especially as any enactment on this subject, in this country, would not (as I am informed) avail.

Governor
Lord Aylmer to Mr.
Secretary Stanley,
18 June 1833.

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

Enclosure 1, in No. 4.

Sir,

Montreal 3 June 1833.

SINCE we had the honour of signifying to you, for the information of his Excellency the Governor-in-Chief, our willingness to qualify ourselves as justices of the peace for the district of Montreal, in acceptance of the office tendered to us by his Excellency, we have, in consequence of doubts arising in our minds respecting the possibility of our taking the oaths of office as required by law, consulted a professional gentleman, whose opinion we beg to enclose with this, and who does not think that we can possibly omit the words "upon the true faith of a Christian," which, form part of the abjuration oath which is obliged to be taken by justices of the peace, the Provincial Legislature not having gone far enough in the Act 1 Will. 4, c. 57, which was passed "to declare persons professing the Jewish Religion entitled to all the rights and privileges of the other subjects of his Majesty in this Province," nor having provided for the omission of the above words in the taking of the abjuration oath.

Encl. 1, in No. 4

We must therefore beg of you to signify to his Excellency the Governor-in-Chief, that finding it impossible, under the present existing circumstances, that we can, as Jews, take the oath of abjuration in accepting the office of justice of the peace, we must request, respectfully, that we may not be included in the new Commission; at the same time we must tender to his Lordship our sincere acknowledgments of the honour intended us, and we pray that his Excellency will be pleased to bring the question in some way before the Imperial Parliament, so that this only remaining disqualification of the Jews in this Province may be removed, and that no objection to their hereafter accepting offices or places of trust in this Province may remain.

We have, &c.
(signed) *Benjamin Hart*
M. J. Hays.

Lieutenant-colonel Craig,
Civil Secretary, Quebec.

CANADA.

Enclosure 2, in No. 4.

St. Gabriel-street, Montreal,
Friday morning, 31 May 1833.

Gentlemen,

Encl. 2, in No. 4.

IN answer to your questions submitted to me, respecting the possibility of persons professing the Jewish faith, taking the oath of abjuration in accepting office as justices of the peace in this Province, under the existing laws in force in this Province, I beg leave to state, that having duly considered the question, I am clearly of opinion,—

1st. That the 1 Will. 4, c. 57, of the Provincial Legislature, has not in any way provided for the omission of the words "upon the true faith of a Christian," in the taking of the oath of abjuration by Jews in this Province.

2d. That the Statute of the 10 Geo. 1, c. 4, which permits Jews taking the oath of abjuration, to omit the words "upon the true faith of a Christian" has expired, and is no longer in force.

3d. That the statute 13 Geo. 2, commonly called the Colonial Naturalization Act, refers, in the omission of the above words, only in cases of naturalization.

4th. That under existing circumstances, I am decidedly convinced that persons professing the Jewish faith cannot take the oath of abjuration necessary to be taken by justices of the peace, until some Legislative enactment be made, providing for the omission, in the abjuration oath, of the words in question.

I am, &c.

(signed) *Aaron Philips Hart,*
Barrister-at-law.

Benjamin Hart and Moses Judah Hays, Esqrs.

— No. 5.—

(No. 87.)

COPY of a DESPATCH from Governor Lord *Aylmer* to Mr. Secretary *Stanley*.

Sorel, Lower Canada, 23 October 1833.

(Received, 6 December 1833.)

Sir,

I HAVE the honour to acknowledge the receipt of despatches this day, from the Colonial Office, by the Halifax September Mail, according to the annexed Schedule.

I have, &c.

(signed) *Aylmer.*

No. 5.
Governor
Lord Aylmer to
Mr. Secretary
Stanley,
23 October 1833.

Encl. in No. 5.

Enclosure in No. 5.

Sorel, 23 October 1833.

EXTRACT Schedule of Despatches received this day from the Colonial Office, by the September Mail, *via* Halifax.

FROM	NO.	DATE.	SUBJECT.
The Right Honourable Mr. Stanley.	(26)	1833 : 28 August	- - Recommending that application should be made to the Provincial Legislature, to remove the existing difficulty which prevents members of the Jewish persuasion accepting the office of Magistrates.

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CANADA.

Despatches from the Secretaries of State.

— No. 1. —

(No. 1.)

EXTRACT of a DESPATCH from Secretary the Right Honourable Sir G. Murray, to Lord Aylmer; dated Downing-street, 10 October 1830.

No. 1.
Secretary Sir G. Murray to Lord Aylmer, 10 October 1830. No. 683, Jewish Disabilities.

“ I HAVE likewise had under my consideration three Acts of the Legislature of Lower Canada, Nos. 681, 682 and 683, which have been reserved by your predecessor for the signification of His Majesty’s pleasure thereon. The objections which have been urged by the Attorney-general of the province to the allowance of these Acts are far from being unimportant, and there are also other arguments which might be adduced against them in addition to those which he has stated, and upon which I shall take another opportunity of communicating with your Lordship. Under all circumstances, however, I do not wish to anticipate that these Acts will be disallowed, and I advert to them now, in order that your Lordship may be informed of these being my sentiments with respect to the course which in all probability will be adopted respecting them, and that you may thus be enabled to allay any anxiety with regard to their fate, which may arise before you shall have been furnished with the decision of His Majesty in Council upon them.”

— No. 2. —

(No. 2.)

EXTRACT of a DESPATCH from Secretary the Right Honourable Sir G. Murray, to Lord Aylmer; dated Downing-street, 3 November 1830.

No. 2.
Secretary Sir G. Murray to Lord Aylmer, 3 Nov. 1830.

“ My Lord,

“ I HAVE the honour herewith to transmit to you an Order of His Majesty in Council, dated the 1st instant, confirming and finally enacting three Bills (No. 603, 606 and 607) passed by the Legislative Council and Assembly of Lower Canada in the month of March 1829, and reserved for the signification of His Majesty’s pleasure. For the titles of these Bills I refer your Lordship to the Order itself.

No. 607, Jewish Disabilities.

“ The Bill for the relief of persons professing the Jewish faith has received His Majesty’s Assent, because, although that class of persons is probably not numerous in the province, there is no sufficient reason why their religious opinions should deprive them of any convenience which they can enjoy without detriment to the other inhabitants of Lower Canada.

“ His Majesty’s Advocate, and the Attorney and the Solicitor-general, have reported to me their joint opinion, that it is not necessary that this Act should be laid before Parliament before the Royal Assent can be given.

“ I am, &c.
(signed) ‘G. Murray.’”

— No. 3. —

(No. 23.)

COPY of a DESPATCH from Viscount Goderich to Governor Lord Aylmer.

My Lord,

Downing-street, 8 February 1831.

FOUR Bills passed by the Legislative Council and Assembly of the Province of Lower Canada, in the month of March 1829, and in the month of March 1830, which were reserved by the Governor of the said Province for the signification of His Majesty’s pleasure, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Plantations,

No. 3.
Viscount Goderich to Governor Lord Aylmer, 8 February 1831. No. 602, 681, 682, 683.*

* No. 683, “An Act to extend certain Privileges therein mentioned to Persons professing the Jewish Religion, and for the obviating certain Inconveniences to which others of His Majesty’s Subjects might otherwise be exposed.”—See page 5.

12 ACTS OF THE PARLIAMENTS OF CANADA AND JAMAICA,

CANADA.

tions, the Lords of that Committee have reported to His Majesty their opinion, that these Bills ought to be confirmed; and I have the honour herewith to transmit to you two Orders of His Majesty in Council, dated respectively, the 31st day of January last, approving that report, and confirming the Bills accordingly.

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

— No. 4. —

No. 4.
Viscount Goderich
to Governor
Lord Aylmer,
13 April 1832.

(No. 97.)

COPY of a DESPATCH from Viscount *Goderich* to Governor Lord *Aylmer*.

My Lord,

Downing-street, 13 April 1832.

VARIOUS Acts reserved by the Governor of the Province of Lower Canada, in the month of March 1831,* for the signification of his Majesty's pleasure, having been referred to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, the Lords of that Committee have reported their opinion that the said Acts should be specially confirmed and finally enacted, and I have the honour herewith to transmit to your Lordship an Order of His Majesty in Council, dated the 12th instant, approving that report.

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

— No. 5. —

(No. 26.)

COPY of a DESPATCH from Mr. Secretary *Stanley* to Governor Lord *Aylmer*.

My Lord,

Downing-street, 28 August 1833.

In answer to your Lordship's despatch, No. 65,† of the 18th of June last, representing that members of the Jewish Religion are prevented from becoming magistrates in Lower Canada, because the oath which it would be requisite for them to take in entering on the office, contains the words "on the true faith of a Christian;" I have the honour to acquaint you, that I am not aware of any reason why this difficulty should not be removed by an enactment of the Provincial Legislature. If it be supposed necessary that such a law should be laid before both Houses of Parliament, under the 46th section of the 31 Geo. 3, I cannot think the opinion well founded. But even if an Act for the relief of Jewish Magistrates should be within the meaning of that part of the British Statute, this would form no objection to the origination of the measure in the province. I must therefore recommend that application should be made to the Legislature for the remedy of the inconvenience which your Lordship has brought under my notice, unless that course be opposed by some insuperable obstacle which has not occurred to me, and which in that case your Lordship will have the goodness to report.

I have, &c.
(signed) *E. J. Stanley.*

No. 5.
Mr. Secretary
Stanley to Governor
Lord Aylmer,
28 August 1833.
† Page 9.

No. 741 to No. 747.

No. 744, Jewish
Disabilities.
Page 8.

JAMAICA.

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J A M A I C A.

JAMAICA.

Despatches from the Governors.

— No. 1. —

(No. 78.)

EXTRACT of a DESPATCH from Governor the Duke of *Manchester* to Earl *Bathurst*; dated King's House, Jamaica, 8 January 1827.

(Answered, 6 August 1831, page 18.)

No. 1.
Governor the Duke
of *Manchester*
to Earl *Bathurst*,
8 January 1827.

No. 1,940.

"A BILL has been passed admitting persons of the Jewish persuasion born within His Majesty's legiance, to all the rights and privileges which His Majesty's other born subjects are entitled to. But as this Bill places the objects of it in a new condition, it was thought proper that it should not take effect until His Majesty's approbation be signified.

" I have, &c.

(signed) "*Manchester*."

Enclosure in No. 1.

(No. 1,940.)

7 GEO. IV., c. XXVII.

AN ACT to entitle Jews born within the legiance of the King, to the Rights and Privileges of other natural-born British Subjects.—[22 December 1826.]

Encl. in No. 1.

WHEREAS the Jews in Jamaica have ever conducted themselves as good citizens and faithful and loyal subjects, and it is expedient that the disabilities under which they have hitherto laboured should be removed; Be it therefore enacted, by the Governor, Council and Assembly of his Majesty's island of Jamaica, and it is hereby enacted, by the authority of the same, that from and after the passing of this Act, all persons of the Jewish persuasion, born within his Majesty's legiance, shall be admitted to enjoy all the rights, privileges, immunities and advantages whatsoever, to which his Majesty's other natural-born subjects are entitled within this island.

Preamble.

Jews, born within his Majesty's legiance, admitted to all the rights of British subjects.

This Act declared a Public Act.

Proviso.

Not to be in force until it receives the Royal approbation.

II. And be it enacted, by the authority aforesaid, that this Act shall be by all judges, justices and others deemed and taken notice of, and be considered as a Public Act, in all courts and places within this island, without the same being specially pleaded: Provided always, that this Act, or any clause, article, matter or thing herein contained shall not take place, or be in force or of any effect until this Act shall have received his Majesty's Royal approbation, any law, custom or usage to the contrary notwithstanding.

— No. 2. —

(No. 38.)

EXTRACT of a DESPATCH from Sir *J. Keane* to Secretary the Right Honourable Sir *G. Murray*; dated King's House, Jamaica, 2 January 1829.

(Answered, 3 December 1829, No. 21, page 17.)

No. 2.

Governor
Sir *J. Keane* to
Secretary Sir
G. Murray,
2 January 1829.

No. 2,022.

"A BILL has been also passed in favour of the Jews, of which a copy accompanies this despatch; and the Council having thought proper to attach a suspending clause to it, two conferences between the two branches of the Legislature on this very trivial point took place, which in a strong manner marks the temper of the House of Assembly, as the Council did only what was done to a Bill of similar import which passed the Legislature of this colony two years ago, and which being considered by His Majesty's Government entirely unnecessary, has not received the Royal Assent."

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Enclosure in No. 2.

Jamaica, ss.
(No. 2022.)

Encl. in No. 2.

AN ACT to declare the Act of 13 George 2, intituled, "An Act for Naturalizing such Foreign Protestants and others therein mentioned, as are settled or shall settle in any of his Majesty's Colonies in America" in force in this Island, and for other purposes.

WHEREAS an Act was made in the 13th year of the reign of his Majesty King George the Second, intituled, "An Act for Naturalizing such Foreign Protestants and others therein mentioned, as are settled or shall settle in any of his Majesty's Colonies in America;" and whereas doubts are entertained whether the provisions of the said recited Act extend to Jews born within the legiance of his Majesty, may it please your Majesty, that it may be enacted; be it therefore enacted, by the Lieutenant-governor, Council and Assembly of this your Majesty's island, that all persons professing the Jewish religion now born, or to be born within his Majesty's legiance, shall be and they are hereby declared entitled to enjoy all rights, privileges, immunities and advantages whatsoever to which his Majesty's other natural-born subjects are entitled within this island. And be it further enacted, by the authority aforesaid, that the said recited Act, and every article, clause and thing therein contained, shall be deemed, taken and considered as in full force and operation within this island. And be it further enacted, by the authority aforesaid, that no person who shall become a natural-born subject of his Majesty by virtue of this Act, shall be a member of the Council or member of the House of Assembly, anything hereinbefore contained to the contrary thereof in any wise notwithstanding. And be it further enacted, by the authority aforesaid, that this Act shall be by all judges, justices and others deemed and taken notice of, and be considered as a Public Act, in all courts and places within this island, without the same being specially pleaded: Provided always, that this Act, or any clause, article, matter or thing herein contained shall not take place, or be in force or of any effect, until this Act shall have received his Majesty's Royal approbation, any law, custom or usage to the contrary notwithstanding.

Passed the Assembly, this 12th day of December 1828.

(signed) *David Finlayson*, Speaker.

Passed the Council, this 23d day of December 1828.

(signed) *W. Bullock*, Clerk of Council.

I consent, this 24th day of December 1828.

(signed) *John Keane*.

— No. 3. —

(No. 5.)

COPY of a DESPATCH from Governor the Earl of *Belmore* to Secretary the Right Honourable Sir *George Murray*.

King's House, Jamaica, 5 February 1830.

(Received, 13 April 1830.)

Sir,

I HAVE had the honour to receive your despatch of 3d December last,* stating the grounds upon which it had been deemed inexpedient that His Majesty should confirm an Act of this Legislature passed in 1828, intituled, "An Act to declare the Act of the 13th Geo. 2, intituled, 'An Act for naturalizing such Foreign Protestants and others therein mentioned, as are settled or shall settle in any of His Majesty's colonies in America' in force in this island, and for other purposes;" and also another Act to entitle Jews born within the legiance of the King to the rights and privileges of other British-born subjects.

I thought it proper to submit your despatch to the House of Assembly, who have referred the matter to a Special Committee; and I hope to be able to send a copy of their Report by the next packet.

I have, &c.

(signed) *Belmore*.

— No. 4. —

No. 3.
Governor the
Earl of Belmore
to Secretary Sir
G. Murray,
5 February 1830.

* Page 17.

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— No. 4. —

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(No. 13.)

COPY of a DESPATCH from Governor the Earl of *Belmore* to Secretary the Right Honourable Sir *George Murray*.

No. 4.
Governor the Earl of Belmore to Secretary Sir G. Murray, 18 February 1830.

King's House, Jamaica, 18 February 1830.
(Received, 13 April 1830.)

Sir,

I HAVE the honour to enclose, for your information, the copy of a Message from the Assembly, accompanied by a Report from the Committee to whom your despatch of 3d December last was referred.

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

Enclosure in No. 4.

May it please Your Excellency,

WE are directed by the House of Assembly to wait upon your Excellency with a copy of a Report submitted by the Committee to whom was referred the despatch of 3d December, laid before the House by your Excellency on the 27th January, in which are stated the reasons that have induced the House to prepare another Bill for the purpose of conferring on his Majesty's subjects of the Jewish religion privileges, of which, by Act of this island, either directly impliedly, or by decision of the Grand Court of this island, they are at present deprived, and to which another class of his Majesty's subjects have lately been admitted.

Encl. in No. 4.

Mr. Speaker,

YOUR Committee to whom was referred his Excellency the Governor's message of the 27th January last,—Report,

That they have examined the statutes of this island and find that, Jews are specifically debarred from voting at the election of members of the corporate body of Kingston, or of being eligible to any office of the said corporation, by the 3d section of the Act 41 Geo. 3, c. 29, and that the election law, 21 Geo. 3, c. 15, s. 20, by implication, subjects them to the same disability.

Your Committee further report, that in an Act intituled, "An Act for declaring what persons shall be qualified to sit in Assembly," and passed on the 2d June 1711, Jews are specially and by name prohibited from voting at all elections for members of Assembly, which Act (although in the manuscript copy of the laws of this island the memorandum "repealed on the 19th February 1717" is entered in the margin thereof) there appears no statute repealing.

Your Committee further report, that in the February Grand Court, 1821, an action was brought by Levy Hyman against Joseph Samuel Geoghegan, the deputy marshal for the city and parish of Kingston, for refusing his vote on the 5th July 1820, he being a freeholder of the said parish, at the election of a member to serve in the Assembly; when judgment was given in favour of the defendant, on the charge of Mr. Chief Justice Jackson, "that the laws of this island not having mentioned anything respecting the right of the Jews to vote, their silence may be construed either one way or the other."

Upon these grounds your Committee recommend, that a message be sent to his Excellency the Governor, with a copy of this report; and further, that leave be granted to bring in another Bill for the purpose of removing these existing doubts as to the ability of the Jewish freeholder, and to afford them those privileges and immunities which it appears to be the wish of his Majesty's Government to give them.

— No. 5. —

(No. 14.)

COPY of a DESPATCH from Governor the Earl of *Belmore* to Secretary the Right Honourable Sir *George Murray*.

(Answered, 6 August 1831, page 18.)

No. 5.
Governor the Earl of Belmore to Secretary Sir G. Murray, 21 February 1830.

King's House, Jamaica, 21 February 1830.
(Received, 13 April 1830.)

Sir,

I HAVE the honour to enclose the copy of an Act of the Legislature, intituled, "An Act to repeal part of an Act passed in the Forty-first year of his late Majesty's reign, intituled, 'An Act for constituting a Corporation for better ordering and managing the Police of the Town and City of Kingston, and for other

No. 2,067.

JAMAICA.

“ purposes relative to the Port of Kingston, with proper and adequate powers, and for relief of his Majesty's subjects of the Jewish religion.”

I should have felt great hesitation in assenting to this Act on the ground of there being a Bill under the consideration of His Majesty's Government of a similar import; had not it appeared by your despatch of 3d December last, that it was the desire of His Majesty's Government that those of the Hebrew persuasion should enjoy the same privileges as His Majesty's other subjects, and I was influenced by the further consideration that it would have been impolitic to have withheld these privileges from them, when an Act had so recently passed extending the privileges of the free brown and black population.

Although the Crown officers in England seem not to be aware that any legal disqualifications existed with respect to the Jews, the Act establishing the corporation of Kingston prohibited them from voting at elections, and you will perceive that that law, so far as regards their disqualification, is repealed in terms by the new Act.

You will also observe that this Bill has a suspending clause, which leaves it optional with His Majesty's Government to dispose of it as they may think proper.

I have, &c.

(signed) *Belmore.*

Enclosure in No. 5.

Jamaica ss.

(No. 2,067.)

Encl. in No. 5.

AN ACT to repeal part of an Act passed in the forty-first year of his late Majesty's reign, intituled “ An Act for constituting a Corporation for better ordering and managing the Police of the Town and City of Kingston, with proper and adequate power, and for relief of his Majesty's Subjects of the Jewish Persuasion.”

WHEREAS by an Act passed in the 41st year of his late Majesty's reign, intituled, “ An Act for constituting a Corporation for better ordering and managing the Police of the City and Town of Kingston, and for other purposes relative to the port of Kingston, with proper and adequate powers,” it is among other things enacted, that any person not professing the Christian religion should not be entitled to vote at any election in pursuance of that Act, nor shall be eligible to any office of the said Corporation: And whereas it has been deemed expedient to repeal the said hereinbefore recited clause of the hereinbefore recited Act; be it enacted by the Governor, Council and Assembly of this island, and it is hereby enacted, by the authority of the same, that the hereinbefore recited clause of the hereinbefore recited Act, and every part, matter and thing, therein contained, be and the same are hereby repealed, annulled and made void. And whereas doubts have been entertained whether persons professing the Jewish religion are entitled to exercise and enjoy the same rights, privileges, immunities and advantages, to which his Majesty's other natural-born subjects are entitled within this island: And whereas such doubts ought no longer to exist; be it enacted by the authority aforesaid, that persons professing the Jewish religion are entitled to exercise and enjoy the same rights, privileges, immunities and advantages, to which his Majesty's other natural-born subjects are entitled within this island, any law, custom or usage, to the contrary notwithstanding. Provided always, and be it further enacted, by the authority aforesaid, that nothing in this Act contained shall be construed to impeach or affect any title to real estate, or other right or title whatsoever of any person or persons being of the Jewish religion, or of persons claiming under persons of the Jewish religion: Provided always, that this Act, or any clause, article, matter or thing herein contained, shall not take place or be in force or of any effect until this Act shall have received his Majesty's Royal approbation, any law, custom or usage, to the contrary notwithstanding.

Passed the Assembly, this 17th day of February 1830.

(signed) *David Finlayson, Speaker.*

Passed the Council, this 20th day of February 1830.

(signed) *W. Bullock, Cl. Coun.*

I consent, this 20th day of February 1830.

(signed) *Belmore.*

Anno Secundo GUILIELMO IV., c. 2.

(No. 3,020.)

No. 6.

AN ACT to relieve His Majesty's Subjects of the Jewish Religion, in respect to the Oath of Abjuration.—(3 November 1831.)

WHEREAS the following words are contained in the latter part of the Oath of Abjuration, *videlicet*, "Upon the true faith of a Christian:" And whereas the people professing the Jewish religion may thereby be prevented from receiving the benefit intended them by the Acts made in their favour; be it therefore enacted, by the Governor, Council and Assembly of this your Majesty's island of Jamaica, and it is hereby enacted and ordained, by the authority of the same, that whenever any person professing the Jewish religion shall present himself to take the said oath of abjuration, the said words "upon the true faith of a Christian" shall be omitted out of the said oath, in administering the same to such person; and the taking and subscribing the said oath by such person professing the Jewish religion, without the words aforesaid, shall be deemed sufficient to all intents and purposes whatsoever.

Note.—No covering despatch accompanied this Act.

Despatches from the Secretaries of State.

—No. 1.—

(No. 21.)

COPY of a DESPATCH from Secretary the Right Honourable Sir *George Murray* to Governor the Earl of *Belmore*.

No. 1.
Secretary Sir
G. Murray to the
Earl of Belmore,
3 Dec. 1829.

My Lord,

Downing-street, 3 December 1829.

AN Act passed by the Governor, Council and Assembly of the island of Jamaica, in the month of December 1828, intituled, "An Act to declare the Act of the 13 Geo. 2, intituled, 'An Act for Naturalizing such Foreign Protestants and others therein mentioned, as are settled or shall settle in any of His Majesty's Colonies in America' in force in this Island, and for other purposes," having been laid before His Majesty in Council, has, by His Majesty in Council been referred to the Lords of the Committee of Privy Council for Trade; and the Lords of that Committee having reported to His Majesty in Council their opinion that it is not expedient that His Majesty should express his Royal approbation of the said Act, His Majesty in Council has been pleased to approve the said report. I shall have the honour to transmit to your Lordship the Order of His Majesty in Council on this subject, so soon as the necessary official forms can be completed.

No. 2,022.

Page 14.

In the meantime, I am commanded to signify to you the grounds upon which it has been deemed inexpedient that His Majesty in Council should approve and confirm the Act in question.

The first clause of the Act grants to all persons professing the Jewish religion, now born, or to be born within His Majesty's legiance, all rights and privileges to which His Majesty's other natural-born subjects are entitled. His Majesty's Government not being aware of the existence of any principle of the common law, of any Act of Parliament, or of any Colonial Statute which subjects natural-born subjects of his Majesty, professing the Jewish religion in Jamaica to any disabilities to which other persons born within His Majesty's allegiance are not subject, apprehended that the Act in question had been framed under a misconception of the law. The case having been referred to the King's Advocate, and and to His Majesty's Attorney and Solicitor-general, they have reported that they are not aware that either the common law of England, or the laws of Jamaica, have created any such disability as that which this Act professes to remove. Under such circumstances it has not been deemed right to confirm this Act. Upon a subject of this nature it is plainly inexpedient to legislate, unless to remedy some practical evil, or to meet some evident necessity. The confirmation of the Act would not only be useless, but might raise a doubt

respecting

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respecting the validity of conveyances executed previously to this statute, upon which the title to property may depend.

Page 13.

An Act of the Governor, Council and Assembly of Jamaica, passed in the month of December 1826, and intituled, "An Act to entitle Jews born within the allegiance of the King to the Rights and Privileges of other natural-born British Subjects," has made provision for the relief of persons professing the Jewish religion in terms substantially the same as those of the Act of December 1828; His Majesty's decision has been delayed upon the Act of 1826, in consequence of the difficulty which has arisen in discovering what were the grounds which might have induced the Council and Assembly of Jamaica to think that the profession of the Jewish religion would affect the civil rights of a person born within the King's allegiance. The reasons assigned by the law officers of the Crown against the allowance of the later Act, will render it, of course, inexpedient that His Majesty should allow the Act of 1826.

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It is satisfactory to His Majesty that the decision which he has been advised to adopt on this subject will not deprive any class of his subjects of the benefit which the Legislature of Jamaica intended to confer upon them.

Your Lordship will communicate the substance of this despatch to the Legislative Council and Assembly; but if on its arrival in Jamaica, the Legislature should not be in Session, your Lordship will take such measures as may appear most convenient for communicating to the parties more immediately interested, the nature and grounds of his Majesty's decision.

I have, &c.

(signed) *G. Murray.*

— No. 2. —

No. 2.
Viscount Howick
to the Earl of
Belmore,
6 August 1831.

COPY of a LETTER from Viscount *Howick* to Governor the Earl of *Belmore*.

My Lord,

Downing-street, 6 August 1831.

No. 2,067.

Page 16.

AN Act passed by the Governor, Council and Assembly of the island of Jamaica, in the month of February 1830, intituled, "An Act to repeal part of an Act passed in the 41st year of his late Majesty's reign, intituled, 'An Act for constituting a Corporation for better ordering and managing the Police of the Town and City of Kingston, with proper and adequate Powers,' and for the relief of his Majesty's Subjects of the Jewish Persuasion," having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, the Lords of that Committee have reported to His Majesty in Council their opinion that this Act should be specially confirmed and finally enacted, and, in the absence of Viscount Goderich, I have the honour herewith to transmit to your Lordship an Order of His Majesty in Council, dated the 13th day of July, approving that report, and confirming the Act accordingly.

I have, &c.

(signed) *Howick.*

— No. 3. —

No. 3.
Viscount Howick
to the Earl of
Belmore,
6 August 1831.

EXTRACT of a LETTER from Viscount *Howick* to the Earl of *Belmore*; dated Downing-street, 6 August 1831.

"His Majesty has made no order respecting the Act passed for the relief of the Jews in the year 1828, because that Act is suspended by the more extensive measure of 1830."

— No. 4. —

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— No. 4. —

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(No. 74.)

COPY of a DESPATCH from Viscount *Goderich* to Governor the Earl of *Mulgrave*.

My Lord,

Downing-street, 21 February 1833.

WITH reference to my despatch dated the 8th of December last, I have the honour to acquaint your Lordship, that several Acts passed by the Governor, Council and General Assembly of the island of Jamaica, in the years 1831 and 1832, having been referred by his Majesty in Council to the Committee of Privy Council for the Affairs of Trade and Foreign Plantations, the Lords of that Committee have reported to His Majesty in Council their opinion, that the Acts numbered as in the margin should be left to their operation, and that the Acts numbered respectively 3,051 and 3,061 should be disallowed; and I have the honour herewith to transmit to your Lordship two Orders of his Majesty in Council, dated respectively the 4th instant, approving that Report, with a copy of so much of the Report of the Privy Council for Trade, upon the two last-mentioned Acts, as explains the grounds upon which His Majesty was advised to disallow the same.

No. 4.
 Viscount *Goderich*
 to Governor the
 Earl of *Mulgrave*,
 21 February 1833.
 No. 3,019 to 3,022.
 No. 3,024 to 3,035.
 No. 3,037 to 3,068;
 omitting Nos. 3,040-
 3,043, 3,046, 3,047,
 3,051, 3,052, 3,061
 and 3,066.
 No. 3,020, Jewish
 Disabilities Bill.

I have, &c.

(signed) *Goderich*.

