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C A N A D A.

COPIES or EXTRACTS of CORRESPONDENCE
relative to the REUNION of the Provinces of
Upper and Lower Canada.

(Presented to Parliament by Her Majesty's Command.)

Ordered, by The House of Commons, to be Printed,
23 *March* 1840.

[*Price 3s. 6d.*]

147.

Under 12 oz.

275

COPIES OR EXTRACTS

OF

CORRESPONDENCE

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(PRESENTED TO PARLIAMENT BY HER MAJESTY'S COMMAND.)



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SCHEDULE.

REUNION OF THE PROVINCES OF UPPER AND LOWER CANADA.

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MAP of CANADA, divided into Counties and Ridings as per Union Bill.

MAP of LOWER CANADA, in Counties as previous to Act of 1829, and as divided by said Act.

MAP of UPPER CANADA, in Counties and Ridings as at present divided.

C A N A D A.

COPIES or EXTRACTS of CORRESPONDENCE relative to the Reunion of
UPPER and LOWER CANADA.

— No. 1. —

COPY of a DESPATCH from the Marquis of *Normanby* to Lieutenant-General
*Sir John Colborne, G.C.B.*No. 1.
Marquis of
Normanby to
Sir John Colborne,
12 June 1839.

Sir,

Downing-street, 12 June 1839.

As I am aware of your anxiety to be informed of the measures contemplated by Her Majesty's Government for the settlement of the affairs of Canada, I avail myself of the opportunity afforded by the departure of the "Liverpool" steam-vessel, to communicate with you on the subject.

It had been the intention of Her Majesty's Government to introduce into Parliament the Bill, of which I enclose you a copy, and which, if agreed to, would have reunited the Provinces of Upper and Lower Canada, and would have made effectual provision for their future government. Late events, however, and especially the recent proceedings in the Legislature of Upper Canada, of which intelligence was received on the 3d instant, have induced Her Majesty's Ministers so far to modify this Bill, as to defer for the present those provisions which relate to the reunion of the provinces, and their future government. Accordingly, the Bill will be divided into two parts; the first extending the authority of the Special Council of Lower Canada, and prolong its existence to the year 1842; the second providing for the future reunion of the Canadian provinces on the principles of a free and representative government. The first Bill only will be immediately pressed on the attention of Parliament, and will, I trust, meet with their concurrence. The second will be brought in, but will not be proceeded with during the present Session, nor until the Legislative Council and Assembly of Upper Canada and the Special Council of Lower Canada shall have had an opportunity of communicating to Her Majesty's Government their views respecting it.

I shall take an early opportunity of communicating with you further on this subject, and of apprizing you of the proceedings in the Imperial Parliament. My present communication is necessarily restricted to a mere indication of the intentions of Her Majesty's Government; but I could not allow this opportunity to pass without apprizing you of them.

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

— No. 2. —

(No. 55.)

COPY of a DESPATCH from the Marquis of *Normanby* to Lieutenant-General
*Sir John Colborne, G.C.B.*No. 2.
Marquis of
Normanby to
Sir John Colborne,
5 July 1839.

Sir,

Downing-street, 5 July 1839.

WITH reference to my despatch of the 12th ultimo, I have the honour to transmit herewith, for your information, copies of two Bills introduced into Parliament on the subject of Canada. The Bill to amend the Act 1 Vict. c. 9,
147. was

No. 2.

Marquis of
Normanby to
Sir John Colborne,
5 July 1839.

was last night read a second time in the House of Commons, and will go into Committee on Thursday next.

The Bill for reuniting the Provinces of Upper and Lower Canada, although introduced into the House, will not be pressed during the present Session to a second reading. Her Majesty's Government have decided on adopting this course, in deference to what appears to be the general sentiment of the people of Upper Canada, and in compliance with Sir George Arthur's recommendation that no unnecessary discussion should at the present moment be taken on the question of union; this Bill, therefore, will stand over until the next Session of Parliament, and, in the meantime, Her Majesty's Government will have an opportunity of ascertaining the views of the people of Canada on the proposed measure. I shall communicate further with you on this subject, when the Bill for amending the 1 Vict. cap. 9, shall have been advanced through its remaining stages.

I have, &c.
(signed) Normanby.

— No. 3. —

EXTRACT of a DESPATCH from Lieut.-General Sir John Colborne, G.C.B. to the Marquis of Normanby.

Government House, Montreal, 28 July 1839.

I HAVE had the honour to receive your Lordship's despatch of the 5th instant, No. 55, with the copies of the two Bills introduced into Parliament. It is my intention to appoint 10 additional members to the Special Council; and there is every reason to believe that if the proposed increased number can be selected from the most influential persons in each district, the Special Council will be enabled to pass many important measures, which will afford general satisfaction, and be conducive to the welfare and future tranquillity of Lower Canada, with reference to the prospect of its union with the Upper Province. It is evidently desired by the British portion of the population that the union of the provinces should not be delayed. The French Canadians, who were strongly opposed to this change last year, are certainly by no means so averse to it as they were; their opinion, probably, has been much influenced by the late insurrectionary movements. The Canadian party connected with the revolutionists, express themselves decidedly favourable to the scheme of the union. In the Upper Province public opinion is much divided upon the subject; but I am persuaded most of the districts are looking forward to the union as a measure which will relieve them from their embarrassments, and prevent any interruption to their commercial undertakings.

— No. 4. —

(No. 107.)

COPY of a DESPATCH from Lieutenant-General Sir John Colborne, G.C.B. to the Marquis of Normanby.

My Lord,

Government House, Montreal, 19 August 1839.

In my despatch of the 28th ultimo, I communicated to your Lordship, as far as I could collect them, in my constant intercourse with individuals, the opinions in respect to the union of the provinces, which have been elicited by the public discussions on that subject.

I still entertain no doubt that in the Upper Province, the districts to the eastward of the river Trent and bay of Quinté are strongly in favour of measures being adopted for reuniting Upper and Lower Canada, and that the majority of the settlers to the westward of the midland district concur with them, although there are many of them altogether opposed to the project.

In

No. 4.

Sir John Colborne
to the Marquis of
Normanby,
19 August 1839.

In the Lower Province, I have already stated that the population of British origin earnestly desire the Union, and that the Canadian French population are not so averse to the measure as they formerly were.

Her Majesty's Government will naturally expect to receive from me at this crisis such suggestions, with reference to the proposed Bill for uniting the Provinces, transmitted to me with your Lordship's despatch of the 5th ultimo, No. 55, as I may be competent to offer from my long residence in Canada.

Some of the clauses of the Bill I imagine have been framed chiefly with a view of propitiating the parties in the colony who may not be attached to our institutions; but while this insufficient sacrifice is made to their political principles, a formidable obstacle must be encountered from the determination of a large and influential portion of the population of the Provinces to adhere closely to the constitution of 1791.

The discussion in Canada, of the clauses to which I advert, cannot fail to impede the progress of the Bill, and increase opposition to it at home, and consequently expose the tranquillity of the colony to great hazard. I should recommend, therefore, that all details which may probably create any decided contest of opinion among the parties known to be violently opposed to each other, should be withdrawn from the Bill, and that the clauses embodied in it should have reference only to such arrangements as will allow the Union to go safely into operation, and that any proposed innovation in the constitution should be left to the consideration and deliberation of the future united provincial legislature.

In the amended bill, which I should suggest for the consideration of the Imperial Parliament, it would be enacted:—

1st. That the Governor-general or Viceroy shall be empowered to declare by proclamation, with the sanction of Her Majesty's Government, that the two provinces of Upper and Lower Canada shall form one united province of Canada, at any time it may be deemed expedient to give effect to the Act, either before or after the year 1842.

2dly, That each county and riding of Upper Canada shall elect one member to sit in the United House of Assembly.

3dly, That the city of Toronto, and the town of Kingston, shall each elect one member.

4thly, That each county of Lower Canada shall elect one member to sit in the House of Assembly of the United Provinces.

5thly, That the cities of Quebec and Montreal shall elect each one member.

6thly, That each of the counties of Middlesex, Durham, Northumberland, Prince Edward, Frontenac, and Leeds in Upper Canada, shall be divided into two ridings, with the right of each riding to elect a member.

7thly, That the townships of Godmanchester, Hinchinbrooke, Hemmingford, Sherrington, and La Colle, in Lower Canada, be constituted a county with the right to elect a member; and also that the townships of Arundel, Harrington, Grenville, Chatham, Wentworth, and Howard on the Ottawa, be constituted a county, with the right of electing a member.

Thus, with these few alterations, Upper Canada would be represented by 42 members, and the Lower Province by 42; 80 of whom would be elected by counties and ridings, and four by cities and towns.

About one-fourth of the members of the Lower Province would be elected by a population of British origin; a fair proportion, admitting that the extent of the population of French origin is about 520,000, and that of British origin about 180,000.

The population of British origin of the two provinces, amounting probably to 680,000, would be represented by 52 members.

There are at present in Upper Canada 33 counties and ridings, the additional ridings proposed to be formed will increase the number to 40.

There are at present 40 counties in Lower Canada, seven of which contain a population of British origin.

For the two counties, Gaspé and Bonaventure, proposed to be attached to New Brunswick, two additional counties are substituted, containing a British population.

No party could justly complain of this arrangement, and if adopted, it would enable the governor or viceroy to direct the bill to go into immediate

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Sir John Colborne
to the Marquess of
Normanby,
19 August 1839.

No. 4.
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 to the Marquess of
 Normanby,
 19 August 1839.

operation with a working house of assembly, without experiencing the very great difficulty of forming new electoral divisions, a measure which would soon probably produce much clamour and discontent.

I should further recommend that the Governor or Viceroy be empowered to nominate and appoint a deputy-governor to reside at Toronto; and four of the executive council to transact the business of the districts to the westward of the midland district, under special instructions from the Governor or Viceroy.

That a deputy-commissioner of Crown lands, a deputy surveyor-general, and a deputy-registrar shall reside at Toronto to assist in transacting the business of the western districts.

And that the Governor or Viceroy be empowered to appoint a chairman of the quarter sessions for each district, with a fixed salary.

With these assistants, and deputed authority, the Governor would be able to rely, on an emergency, on a well-organised and efficient local power to maintain order, and at all times to carry on the duties of the remote districts.

With reference to the constitution of the Legislative Council, it should consist of not less than 25 members from each Province, eligible from the qualifications stated in the Bill now before the House of Commons, and also from the amount of their property. But few persons in these colonies will approve of striking at the independence of the Legislative Council, by enacting that the members are to be removed periodically.

The Legislative Council, composed of respectable and intelligent individuals interested in the welfare of the country, would correct with advantage the hasty legislation of a provincial assembly, and maintain its own popularity.

The scheme of forming new districts and electoral divisions, I am persuaded, would create difficulties and embarrassment. Individuals qualified to be elected to the proposed councils cannot be found in sufficient number; and the portion of the population now attached to the institutions of the mother country would prefer a more decidedly democratic form of government to the proposed alterations, which would render the constitution of the Province more complex, without conferring on them the advantages conveyed by the elective institutions of the adjoining states.

If it be considered expedient to grant to each county, township, or seigniory, municipal rights and privileges, the provincial legislature would be found well disposed to carry into effect any acts with that view which might be recommended by the Governor. The townships of Upper Canada enjoy the privilege of electing their own officers; and this principle might be extended and granted to the seigniories.

In a new province I am convinced that the welfare and interests of the colony will be best consulted by allowing most of the rights to remain with the legislature of the province, which are now proposed to be given to the new districts.

I have, &c.

(signed) *J. Colborne.*

— No. 5. —

COPY of a DESPATCH from the Right Honourable *C. Poulett Thomson* to
 Lord *John Russell*.

My Lord,

Government House, Montreal, 1 Nov. 1839.

I HAVE the honour to inform your Lordship, that after several communications with Sir George Arthur, I have determined on proceeding to the Upper Province about the middle of this month, and I have requested Sir George Arthur, who left this city for Toronto yesterday, to summon the Provincial Legislature for Tuesday the 3d of December, when it is my intention to meet them, and open the Assembly in person.

I have been led to this determination, after the best consideration which I have been enabled to give to the circumstances, both of this and the other province, as well as to the object of my mission.

So

No. 5.
 Rt. hon. C. Poulett
 Thomson to Lord
 John Russell,
 1 November 1839.

No. 5.
 Rt. hon. C. Poulett
 Thomson to Lord
 John Russell,
 1 November 1839.

So far as I can form an opinion, either from what I have heard from Sir John Colborne, or from what I have myself learnt since his departure from this country, there is no danger of any immediate disturbance of the public peace in this province, either by the disaffected within it, or by the sympathisers on the frontier. My presence in the Lower Province is not, therefore, requisite on that score. There are, undoubtedly, many objects of great importance in Lower Canada demanding my attention, but they are comparatively not of a pressing description; and however desirous I am of devoting my time to measures of improvement here, I still feel that I shall have the opportunity of doing so hereafter with as much effect as now, and probably with a better opportunity of fully maturing, with my Special Council, such ordinances as may be required.

The state of communication in this country makes it necessary that I should either proceed to Toronto within the time I have named, or defer my journey for a couple of months, there being no certainty of the road being passable during the interval which elapses between the breaking up of the summer roads and the establishment of the trainage. Were I therefore to defer my journey, for the purpose of devoting myself for a few weeks longer to the consideration of Lower Canada matters, I might endanger the possibility of arriving at Toronto before the end of January, a circumstance which, whether I consider the condition of both provinces, or the great importance of your Lordship and Her Majesty's Government being furnished with correct information upon the measures to be submitted to Parliament, could not but be highly prejudicial.

The information which I have received, and the various communications I have made it my business to have with all parties in the province, lead me also to believe that, so far as Lower Canada is concerned, a union with the Upper Province upon just and equitable principles is greatly desired by the vast majority of the intelligent of all parties, and I expect to have acquired, before my departure, sufficient information as to details, to be enabled to enter upon their consideration with a full knowledge of what is demanded here, if the opinion of the inhabitants of Upper Canada shall be equally in favour of the measure.

Upon these considerations I have come to the first determination which I have had the honour to state to your Lordship.

With regard to the second step, viz. calling together the Assembly, I have arrived at that conclusion only after considerable doubt and very serious and repeated deliberation; for although the opinion of Sir George Arthur, who strongly urged upon me the propriety of doing so, had justly much weight with me, I cannot but feel that the decision is one of great importance.

I should have been very desirous of ascertaining, by a personal residence of some time within the province, the state of public opinion there, before coming to any determination upon the subject. The time which much necessarily be employed for that purpose after my arrival there, three weeks hence, would, however, throw back the meeting of the Assembly, if I decided on calling it together, or that of a new Assembly, should I have found it expedient to adopt that course, for a very considerable time, and be the cause of serious delay, to which I am unwilling to expose myself. It appeared, therefore, to me necessary to decide either upon dissolving at once, or upon at once calling together the present Assembly.

There may be some arguments in favour of submitting the questions proposed by Her Majesty's Government respecting the future constitution of the province, to a new Assembly, summoned *ad hoc*. But there is little in the character of the present Assembly which should render it an improper tribunal to adjudge upon this particular matter; certainly nothing to justify me in appealing to the people, without in the first instance testing their sentiments. It is always in my power to make that appeal, without incurring much greater delay, if I should see reason to think that the present body does not fairly represent the popular mind upon the important subjects I shall have to bring before them, whilst I cannot but feel that it is highly desirable, in the state in which the province is represented to me to be, that no unnecessary excitement should be created; and it certainly cannot be said that a body of men who, in the course of a very short time, must necessarily be sent back to their consti-

No. 5.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
1 November 1839.

tments, are likely to be very deaf to whatever may be the popular feeling upon a great question.

Another consideration has also weighed with me. If the Legislature of Upper Canada should declare decidedly in favour of the union of the provinces, and agree to terms which the Imperial Parliament may adopt and pass into law, it appears to me, from all I can learn of the state of public opinion here, that the measure may be brought into practical operation at a very early period, in which case it would be desirable that the Upper Province should not be subjected to two general elections within a short space of time; one for the Provincial, and a second for the United Assembly.

Upon these grounds, my Lord, I have formed my decision, of which I hope that your Lordship and Her Majesty's Government will approve.

I have, &c.
(signed) C. Poulett Thomson.

— No. 6. —

(No. 12.)

COPY of a DESPATCH from the Right Honourable C. Poulett Thomson to Lord John Russell.

No. 6.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
18 November 1839.

Government-House, Montreal,
18 November 1839.

My Lord,

I HAVE the honour to inform your Lordship, that having summoned the Special Council, by proclamation, to meet on Monday, the 11th instant, I then submitted to them the question of the re-union of the two provinces of Upper and Lower Canada, and solicited their opinion respecting it.

On Thursday, the 14th instant, I received from that body the address, of which, and of my answer, I have the honour to enclose copies; and I likewise transmit an extract from the journals, from which your Lordship will learn their proceedings.

I beg your Lordship to remark, that the members composing the Special Council remain the same as during the administration of my predecessor. It may be necessary hereafter, in the exercise of my discretion, to make some alterations, with a view to increase the efficiency of that body: but I felt that, as the opinions of Her Majesty's Government in regard to the union are well known, it was extremely desirable that I should, if possible, submit the consideration of that important question to a Council in whose selection I had myself had no choice.

It appeared to me that, to secure due weight in the mother country to the judgment of a body so constituted, it was indispensable to avoid even the possibility of an imputation that I had selected for its members those only whose opinions coincided with my own.

I had, moreover, every reason to believe, from the motives which guided my predecessor in his choice, that the Council contains a very fair representation of the state of feeling in the different districts of the province.

For these reasons I determined on making no alteration whatever; and it is with great satisfaction that I can now refer to the opinions of this body adopted almost unanimously. Their views as to the urgency of the union, and the advantages likely to result from it to the province, are set forth in their address in terms so forcible as to leave me nothing to say with reference to their opinion. But I must add, that it is my decided conviction, grounded upon such other opportunities as I have enjoyed since my arrival in this country of ascertaining the state of public feeling, that the speedy adoption of that measure by Parliament is indispensable to the future peace and prosperity of this province.

All parties look with extreme dissatisfaction at the present state of government. Those of British origin, attached by feeling and education to a constitutional form of government, although they acquiesced at the time in the establishment of arbitrary power, as a refuge from a yet worse despotism, submit with impatience to its continuance, and regret the loss, though no fault of their own, of what they consider as their birthright. Those of the French Canadians who remained loyal to their sovereign and true to British connexion, share the

same

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same feelings. Whilst among those who are less well affected or more easily deceived, the suspension of all constitutional rights affords to reckless and unprincipled agitators a constant topic of excitement.

All parties, therefore, without exception, demand a change. On the nature of that change there exists undoubtedly some difference of opinion.

In a country so lately convulsed, and where passions are still so much excited, extreme opinions cannot but exist; and accordingly, while some persons advocate an immediate return to the former constitution of this province, others propose either the entire exclusion from political privileges of all of French origin, or the partial dismemberment of the province, with a view of conferring on one portion a representative system, while maintaining in the other a despotism.

I have observed, however, that the advocates of these widely different opinions have generally admitted them to be their aspirations, rather than measures which could practically be adopted, and have been unable to suggest any course except the union, by which that at which they aim, namely, constitutional government for themselves, could be permanently and safely established.

There exists, too, even amongst these persons, a strong and prevailing desire that the Imperial Legislature should take the settlement of Canadian affairs at once into its own hands, rather than that it should be delayed by a reference to individual opinions, or to the schemes which may be put forward by different sections of local parties.

The large majority, however, of those whose opinions I have had the opportunity of learning, both of British and French origin, and of those too whose character and station entitle them to the greatest authority, advocate warmly the establishment of the union, and that upon terms of perfect fairness, not merely to the two provinces, but to the two races within this province. Of the extent to which this feeling, with regard to the Upper Province, is carried, your Lordship will find a most conclusive proof in the resolution of the Special Council respecting the debt of Upper Canada. By this resolution a large sum, owing by that province on account of public works of a general nature, is proposed to be charged on the joint revenues of the United Province. Upon other details of the arrangement the same feeling prevails. It would be, however, useless for me to trouble your Lordship with respect to them, until I have had the opportunity of ascertaining the views and opinions entertained by the people of Upper Canada. If, however, as I trust, the principle of reunion should meet with their assent, I am of opinion that it can only be in consequence of demands of an unwarrantable character upon their part, that difficulty will arise in settling the principal terms.

I have, &c.
(signed) C. Poulett Thomson.

Enclosure 1, in No. 6.

To his Excellency the Right Honourable *Charles Poulett Thomson*, one of Her Majesty's most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

Encl. 1, in No. 6.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Special Council for the affairs of Lower Canada, at a meeting convened by your Excellency, under the authority and in pursuance of the statute in this behalf provided, beg leave respectfully to return to your Excellency our thanks for your considerate care of the interests of this province, in having called our attention to Her Majesty's gracious message to both Houses of the Imperial Parliament, relative to the reunion of the provinces of Upper and Lower Canada, upon which important subject your Excellency has been pleased to desire the opinion of the Special Council.

In conformity with the desire of your Excellency, we have applied our deliberate consideration to the various complex interests and objects involved in the measure of reuniting the two provinces, and we most heartily express our humble gratitude to Her Majesty, for having granted her high sanction to a measure, which from our local knowledge and the experience we have had of the government of these provinces, and of their past and present political state, we deem to be essential to their future peace and welfare, and for the good,

No. 6.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
18 November 1839.

Encl. 1, in No. 6.

constitutional and efficient government of them, under the protecting care and authority of Her Majesty, and the adoption of which we are intimately convinced has become of indispensable and urgent necessity.

In considering this contemplated measure, we have directed our attention to a few of the more prominent and important provisions, fit, as we conceive, to be embraced in it; and the views entertained by us on them, as well as on the measure itself, we have embodied in certain resolutions, which we have now the honour humbly to submit to your Excellency, as containing our opinion on the important subject, respecting which it has pleased your Excellency to consult us.

(signed) *J. Stuart*, Chairman.

Special Council, Montreal, 14 November 1839.

Special Council, Wednesday, 13 November 1839.

Resolved, That under existing circumstances, in order to provide adequately for the peace and tranquillity, and the good, constitutional, and efficient government of the provinces of Upper and Lower Canada, the reunion of these provinces under one legislature, in the opinion of this Council, has become of indispensable and urgent necessity.

Resolved, That the declared determination of Her Majesty, conveyed in Her gracious message to Parliament to reunite the provinces of Upper and Lower Canada, is in accordance with the opinion entertained by this Council, and receives their humble and ready acquiescence.

Resolved, That among the principal enactments which, in the opinion of this Council, ought to make part of the Imperial Act for reuniting the provinces, it is expedient and desirable that a suitable civil list should be provided for securing the independence of the judges, and maintaining the executive government in the exercise of its necessary and indispensable function.

Resolved, That regard being had to the nature of the public debt of Upper Canada, and the objects for which principally it was contracted, namely, the improvement of internal communications, alike useful and beneficial for both provinces, it would be just and reasonable, in the opinion of the Council, that such part of said debt, as has been contracted for this object, and not for defraying expenses of a local nature, should be chargeable on the revenues of both provinces.

Resolved, That the adjustment and settlement of the terms of the reunion of the two provinces may, in the opinion of this Council, with all confidence be submitted to the wisdom and justice of the Imperial Parliament, under the full assurance that provisions of the nature of those already mentioned, as well as such others as the measure of reunion may require, will receive due consideration.

Resolved, That in the opinion of this Council, it is most expedient, with a view to the security of Her Majesty's North American Provinces, and the speedy cessation of the enormous expense now incurred by the parent state for the defence of Upper and Lower Canada, that the present temporary legislature of this province should, as soon as practicable, be succeeded by a permanent legislature, in which the people of these two provinces may be adequately represented, and their constitutional rights exercised and maintained.

(signed) *William B. Lindsay*,
Clerk Special Council.

Encl. 2, in No. 6.

Enclosure 2, in No. 6.

Gentlemen,

I THANK you for the prompt attention you have given to the important subject on which I desired to consult to you.

It will afford me great satisfaction to convey to Her Majesty's advisers the opinions which you have recorded, and I can assure you that they will receive from the Imperial Legislature, and from the Government, the consideration which is so justly due to them.

My best attention will be directed to the important suggestions contained in your resolutions, and it will be most gratifying to me to promote the accomplishment of your wishes.

Montreal, 14 November 1839.

Encl. 3, in No. 6.

Enclosure 3, in No. 6.

Journals of the Special Council of Lower Canada. Anno Tertio Victoriae Reginae.

At a session of the Special Council, begun and holden at the Government House, in the city of Montreal, in pursuance of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, entitled, "An Act to make temporary provision for the Government of Lower Canada."

Monday, 11 November 1839.

No. 6.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
18 November 1839.

Encl. 3, in No. 6.

Present :—His Excellency the Right hon. Charles Poulett Thomson, Governor-General; Messrs. Cuthbert, Pothier, De Léry, Moffatt, M'Gill, De Rocheblave, Neilson, Gerrard, Quesnel, Christie, Walker, and Molson.

Prayers.

The Honourable the Chief Justice of the Province, the Honourable Robert Unwin Harwood, and Messrs. Edward Hale, of Sherbrooke, and John Wainwright, having previously taken the prescribed oath, and subscribed the roll containing the same, took their seats at the Council table.

His Excellency proposed to the Council for consideration and adoption the following Ordinances, which were severally read for the first time :—

An Ordinance to continue for a limited time a certain Ordinance relative to the seizing and detaining for a limited time of gunpowder, arms, weapons, lead, and munitions of war.

An Ordinance further to continue for a limited time a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices.

An Ordinance to incorporate the ecclesiastics of the Seminary of St. Sulpice, of Montreal, to confirm their title to the fief and seigniority of the Island of Montreal, the fief and seigniority of the Lake of the Two Mountains, and the fief and seigniority of St. Sulpice, in this province; to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said fiefs and seigniories, and for other purposes.

His Excellency was then pleased to name the Honourable the Chief Justice of the Province to preside at the Council during his Excellency's absence.

The Governor-general called the attention of the Special Council to Her Majesty's gracious Message to both Houses of Parliament, of the 3d of May last, relative to the legislative reunion of the provinces of Upper and Lower Canada.

His Excellency explained to the Council the views entertained by Her Majesty's Government upon this subject, and the anxious desire felt by Parliament and the British people that a settlement of the questions relating to the Canadas should be speedily arrived at, by which an end might be put to the present suspension of the constitution in the Lower Province, the resources of both might receive their full development, and the peace and happiness of all Her Majesty's Canadian subjects might be effectually secured.

His Excellency stated, that it was with this view that Her Majesty's advisers proposed the reunion of the provinces to Parliament, and were prepared to proceed with that measure. Mutual sacrifices were, undoubtedly, required; mutual concessions would be demanded; but his Excellency entertained no doubt that the terms of union could be adjusted by the Imperial Legislature with fairness to both provinces, and with the utmost advantage to all within them.

His Excellency requested to be favoured with the opinion of the Council on this important subject.

His Excellency then withdrew.

The Honourable the Chief Justice of the province took the chair.

On motion of the Honourable Mr. Neilson, seconded by the Honourable Mr. De Léry,—

Ordered, That an Ordinance to continue, for a limited time, a certain Ordinance relative to the seizing and detaining, for a limited time, of gunpowder, arms, weapons, lead, and munitions of war, be read a second time at the next sitting day.

On motion of Mr. Gerrard, seconded by the Honourable Mr. Neilson,—

Ordered, That an Ordinance further to continue, for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, be read a second time at the next sitting day.

On motion of the Honourable Mr. De Rocheblave, seconded by Mr. Quesnel,—

Ordered, That an Ordinance to incorporate the ecclesiastics of the seminary of St. Sulpice, of Montreal, to confirm their title to the fief and seigniority of the Island of Montreal, the fief and seigniority of the Lake of the Two Mountains, and the fief and seigniority of St. Sulpice, to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said fiefs and seigniories, and for other purposes, be read a second time at the next sitting day.

On motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. M'Gill,—

Resolved, That the communication made this day by his Excellency the Governor-general, and entered on the journals, in reference to the reunion of the provinces of Lower and Upper Canada, be taken into consideration in a committee of the whole Council to-morrow.

Then, on motion of the Honourable Mr. M'Gill, seconded by the Honourable Mr. De Rocheblave,—

The Council adjourned until to-morrow, at 10 o'clock A.M.

No. 6.

Rt. hon. C. Poulett
Thomson to Lord
John Russell,
18 November 1839.

Tuesday, 12 November 1839.

Present:—The Honourable the Chief Justice, Presiding Member; Messrs. Cuthbert, Pothier, De Léry, Moffatt, M'Gill, De Rocheblave, Neilson, Gerrard, Quesnel, Christie, Walker, Molson, Harwood, Hale, of Sherbrooke, and Wainwright.

Prayers.

An Ordinance to continue, for a limited time, a certain Ordinance relative to the seizing and detaining, for a limited time, of gunpowder, arms, weapons, lead, and munitions of war, was, according to order, read a second time.

The question of concurrence having been put upon the said Ordinance, it was agreed to unanimously.

On motion of the Honourable Mr. Neilson, seconded by the Honourable Mr. De Léry,—

Ordered, That the said Ordinance be fairly transcribed.

An Ordinance further to continue, for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, was, according to order, read a second time.

The question of concurrence having then been put upon the said Ordinance, it was agreed to unanimously.

On motion of Mr. Gerrard, seconded by Mr. Walker,—

Ordered, That the said Ordinance be fairly transcribed.

The order of the day for the second reading of an Ordinance to incorporate the ecclesiastics of the seminary of St. Sulpice, of Montreal, to confirm their title to the fief and seigniority of the Island of Montreal, the fief and seigniority of the Lake of the Two Mountains, and the fief and seigniority of St. Sulpice, in this province; to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said fiefs and seigniories, and for other purposes, being read :

On the motion of the Honourable Mr. De Rocheblave, seconded by Mr. Quesnel,—

Ordered, That the said order of the day be discharged.

According to order, the Council was put into a committee of the whole, to take into consideration the communication made yesterday by his Excellency the Governor-general, and entered on the Journals, in reference to the reunion of the provinces of Lower and Upper Canada. After some time the Council was resumed, and Mr. Hale, of Sherbrooke, reported from the said Committee, "That they had come to several resolutions upon the said communication," which he delivered in at the table.

Ordered, That the question of concurrence be put on the said resolutions on the next sitting day.

Then, on motion of Mr. Walker, seconded by Mr. Wainwright,—

The Council adjourned until to-morrow at noon.

Wednesday, 13 November 1839.

Present:—The Honourable the Chief Justice, Presiding Member; Messrs. Cuthbert, Pothier, De Léry, Moffatt, M'Gill, De Rocheblave, Neilson, Gerrard, Quesnel, Christie, Walker, Molson, Harwood, and Hale, of Sherbrooke.

Prayers.

The order of the day being read for the question of concurrence being put on the resolutions reported yesterday by the committee of the whole Council, on his Excellency the Governor-general's communication in reference to the reunion of the provinces of Lower and Upper Canada.

The said Resolutions being then read, are as followeth:—

1. Resolved, That under existing circumstances, in order to provide adequately for the peace and tranquillity, and the good, constitutional, and efficient government of the provinces of Upper and Lower Canada, the reunion of these provinces under one Legislature, in the opinion of this Council, has become of indispensable and urgent necessity.

2. Resolved, That the declared determination of Her Majesty, conveyed in Her gracious message to Parliament, to reunite the provinces of Upper and Lower Canada, is in accordance with the opinion entertained by this Council, and receives their humble and ready acquiescence.

3. Resolved,

No. 6.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
18 November 1839.

3. Resolved, That among the principal enactments, which, in the opinion of this Council, ought to make part of the Imperial Act for reuniting the provinces, it is expedient and desirable that a suitable civil list should be provided for securing the independence of the judges, and maintaining the executive government in the exercise of its necessary and indispensable functions.

4. Resolved, That regard being had to the nature of the public debt of Upper Canada, and the objects for which, principally, it was contracted, namely, the improvement of internal communications, alike useful and beneficial for both provinces, it would be just and reasonable, in the opinion of this Council, that such part of said debt as has been contracted for this object, and not for defraying expenses of a local nature, should be chargeable on the revenues of both provinces.

5. Resolved, That the adjustment and settlement of the terms of the reunion of the two provinces may, in the opinion of this Council, with all confidence, be submitted to the wisdom and justice of the Imperial Parliament, under the full assurance that provisions of the nature of those already mentioned, as well as such others as the measure of reunion may require, will receive due consideration.

6. Resolved, That, in the opinion of this Council, it is most expedient, with a view to the security of Her Majesty's North American Provinces, and the speedy cessation of the enormous expense now incurred by the parent state for the defence of Upper and Lower Canada, that the present temporary legislature of this province should, as soon as practicable, be succeeded by a permanent legislature, in which the people of these two provinces may be adequately represented, and their constitutional rights exercised and maintained.

The first and second of the said resolutions being again read, and the question being separately put thereon, the Council divided upon each.

Yeas.	
The Honourable the Chief Justice. Messrs. Pothier. De Léry. Moffatt. M'Gill. De Rocheblave.	Messrs. Gerrard. Christie. Walker. Molson. Harwood. Hale of Sherbrooke.

Nays.		
Mr. Cuthbert.	Mr. Quesnel.	Mr. Neilson.

So they were carried in the affirmative.

The third of the said resolutions being again read, and the question being put thereon, the Council divided on the same.

Yeas.	
The Honourable the Chief Justice. Messrs. Cuthbert. Pothier. De Léry. Moffatt. M'Gill. De Rocheblave.	Messrs. Gerrard. Quesnel. Christie. Walker. Molson. Harwood. Hale of Sherbrooke.

Nays.		
Mr. Neilson.		

So it was carried in the affirmative.

The fourth, fifth, and sixth of the said resolutions being again read, and the question being separately put thereon, the Council divided upon each.

Yeas.	
The Honourable the Chief Justice. Messrs. Pothier. De Léry. Moffatt. M'Gill. De Rocheblave.	Messrs. Gerrard. Christie. Walker. Molson. Harwood. Hale of Sherbrooke.

Nays.		
Mr. Cuthbert.	Mr. Neilson.	Mr. Quesnel.

So they were carried in the affirmative.

No. 6.
 Rt. hon. C. Poulett
 Thomson to Lord
 John Russell,
 18 November 1839.

On the motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. M'Gill—
 Resolved, That an humble address be presented to his Excellency the Governor-general, submitting to his Excellency the foregoing resolutions.

Then, on motion of the Honourable Mr. M'Gill, seconded by the Honourable Mr. Moffatt, the Council adjourned.

Thursday, 14 November 1839.

Present: The Honourable the Chief Justice, Presiding Member; Messrs. Pothier, De Léry, Moffatt, M'Gill, De Rocheblave, Neilson, Gerrard, Quesnel, Christie, Walker, Molson, Austin, Harwood, and Hale of Sherbrooke.

Prayers.

The following draft of an address to his Excellency the Governor-general was submitted to the Council by the Honourable Mr. Moffatt:

To His Excellency the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor-general of British North America, and Captain-general and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Special Council for the affairs of Lower Canada, at a meeting convened by your Excellency, under the authority and in pursuance of the statute in this behalf provided, beg leave respectfully to return to your Excellency our thanks for your considerate care of the interests of this province, in having called our attention to Her Majesty's gracious message to both houses of the Imperial Parliament, relative to the reunion of the Provinces of Upper and Lower Canada, upon which important subject your Excellency has been pleased to desire the opinion of the Special Council.

In conformity with the desire of your Excellency, we have applied our deliberate consideration to the various complex interests and objects involved in the measure of reuniting the two provinces; and we most heartily express our humble gratitude to Her Majesty for having granted her high sanction to a measure, which, from our local knowledge, and the experience we have had of the government of these provinces, and of their past and present political state, we deem to be essential to their future peace and welfare and to the good, constitutional, and efficient government of them, under the protecting care and authority of Her Majesty, and the adoption of which, we are intimately convinced, has become of indispensable and urgent necessity.

In considering this contemplated measure, we have directed our attention to a few of the more prominent and important provisions, fit, as we conceive, to be embraced in it; and the views entertained by us on these, as well as on the measure itself, we have embodied in certain resolutions, which we have now the honour humbly to submit to your Excellency, as containing our opinion on the important subject respecting which it has pleased your Excellency to consult us.

The Honourable Mr. Moffatt moved, seconded by Mr. Gerrard,

That the address to his Excellency the Governor-general, now submitted, be adopted by this Council.

The Council divided on the motion.

The Honourable the Chief Justice. Messrs. Pothier. De Léry. Moffatt. M'Gill. De Rocheblave. Gerrard.	Yeas. Nays.	Messrs. Christie. Walker. Molson. Austin. Harwood. Hale of Sherbrooke.
Mr. Neilson.		Mr. Quesnel.

So it was carried in the affirmative, and

Resolved, accordingly, on the motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. Neilson.

Ordered, That the said address be presented to his Excellency the Governor-general by the whole Council, and that three of its members do wait on his Excellency, humbly to know when his Excellency will be pleased to receive the same.

Ordered,

Ordered, That the Honourable Messrs. Pothier and Moffatt, and Mr. Gerrard, be the said members.

The Council was adjourned during pleasure.

After some time the Council was resumed.

The Honourable Mr. Moffatt reported that the Honourable Mr. Pothier, Mr. Gerrard, and himself, had, according to order, waited on his Excellency the Governor-general, humbly to know at what time his Excellency would be pleased to be attended by the whole Council with their address; and that his Excellency had been pleased to say that he would receive the same immediately after the passing of the Ordinances.

The presiding member reported that this Council had presented their address to his Excellency the Governor-general, to which his Excellency was pleased to return the following answer:—

Gentlemen,

I thank you for the prompt attention you have given to the important subject on which I desired to consult you.

It would afford me great satisfaction to convey to Her Majesty's advisers the opinions which you have recorded, and I can assure you that they will receive from the Imperial Legislature, and from the Government, the consideration which is so justly due to them.

My best attention will be devoted to the important suggestions contained in your resolutions, and it will be most gratifying to me to promote the accomplishment of your wishes.

The presiding member then stated that he had received the command of his Excellency the Governor-general to inform the Council, that the affairs for which the Council was convened having been concluded, the present meeting is closed and the members discharged from further attendance.

I certify the preceding pages to be a true copy of the journals of the Special Council of Lower Canada, for the Sessions commenced the 11th and ended the 14th Nov. 1839.

(signed) *W. B. Lindsay,*
Clerk Special Council.

Montreal, 14 November 1839.

No. 6.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
18 November 1839.

— No. 7. —

(No. 18.)

COPY of a DESPATCH from the Right Honourable *C. Poulett Thomson* to Lord *John Russell*.

No. 7.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
7 December 1839.

My Lord,

Toronto, 7 December 1839.

I HAVE the honour to inform your Lordship, that on the 3d instant I opened the Legislature of this province, with the speech of which I herewith enclose a copy for your Lordship's information. I yesterday received from both branches of the Legislature addresses in answer to it, of which I also enclose copies. The attendance of members was unusually numerous, and in both Houses the addresses were voted with unaccustomed dispatch.

In conformity with the intention expressed in my speech from the Throne, I have this day sent down to both Houses the accompanying messages on the subject of the reunion of the provinces. The forms observed by the House of Assembly are so tedious, that I fear the consideration of my message can hardly be entered upon before the middle of next week. As the House of Assembly, during its last session, decided the question of the union by a considerable majority, although conditions were affixed to it which were wholly inadmissible, whilst the Legislative Council refused to entertain the subject, I deemed it necessary to make some variation in the message sent to each House, which will be found noted in the copy.

The course which I have adopted for bringing the union under the consideration of the Legislature, and inviting their assent to it, is the result of the best consideration I could give to the subject, after taking the opinions of those most qualified to judge of what would be acceptable to this province, and, at the same time most likely to facilitate the settlement of the question; if, as I have reason to hope, the majority of both Houses concur in assenting to a legislative reunion of the two Canadas; a determination which, I am satisfied, will be in accordance with the wishes and opinions of the vast majority of the people, as well as of the interests of the whole.

Her Majesty's Government will receive a clear and distinct decision of the Upper Canadian Legislature, upon the terms of the union which affect the interests of this province in its relation to the other, as well as to the Crown.

For Governor
Thomson's Speech,
vide Correspondence
relative to
the Affairs of
Canada, Part I.
1840, p. 202.

No. 7.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
7 December 1839.

And upon points relating to the future government and institutions of the united province, if the union takes place, I shall have the opportunity of receiving any suggestions which either House may make, and of affording any explanation that may be required either to persons appointed for that purpose, or through my official authorities in the Legislature, of the provisions which I shall have to recommend.

I have, &c.
(signed) C. Poulett Thomson.

Encl. in No. 7.

Enclosure in No. 7.

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
House of Assembly} the subject of the reunion of this province with Lower Canada, recommended by Her Majesty in her gracious message to both Houses of Parliament on the 3d 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
House of Assembly, } 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 connexion, 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 reunion alone could those difficulties be removed. During the last Session of the Imperial Legislature, they did indeed refrain 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 reunion 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 shown 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 enterprise 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 these improvements. Without her co-operation, the navigation, for which nature has done so much, for which this province has so deeply burdened 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, impartial, and vigorous government for both, and to unite the people within them in one common feeling of attachment to British institutions and British connexion, the union is
desired

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.

It was with great satisfaction, then, that Her Majesty's Government learned that, upon the question of the union itself, the House of Assembly had pronounced their decided judgment during their last session, and it will only remain for the Governor-general now to invite their assent to the terms upon which it is sought to be effected. That decision was indeed accompanied by recommendations to which the Government could not agree, but the Governor-general entertains no doubt that, under the altered circumstances, they will no more be renewed. [*To the Legislative Council.*—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 and interests, to arrange the subordinate details.

The first of the terms of reunion to which the Governor-general desires the assent of the House of Assembly, is the equal [*To the Legislative Council.*—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 emigration, and having regard to the commercial and agricultural enterprise 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
House of Assembly} 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 reunion 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
House of Assembly} 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
House of Assembly} 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.

— No. 8. —

(No. 21.)

COPY of a DESPATCH from the Right hon. C. Poulett Thomson to Lord John Russell.

My Lord,

Toronto, 14 December 1839.

IN my despatch of the 7th instant, No. 18, I informed your Lordship that I had on that day transmitted to each branch of the Provincial Legislature a message on the subject of the reunion of this Province with Lower Canada. Printed copies of those messages I now enclose for your information.

In both Houses, the consideration of this important question was adjourned from Saturday until Tuesday, on which day resolutions in reply were introduced

No. 7.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
7 December 1839.

No. 8.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
14 December 1839.

For Messages, vide
Despatch, 7 Dec.
p. 16.

No. 8.
 Rt. hon. C. Poulett
 Thomson to Lord
 John Russell,
 14 December 1839.

duced into the Legislative Council by Mr. Sullivan, and into the Assembly by the Solicitor-general.

In the Legislative Council the debate commenced on Tuesday last, in a committee of the whole House, and was continued, by adjournment, until yesterday, when, on a division, the resolutions, of which I enclose a copy, were carried by a majority, as I am informed, of 14 to 8.

As the Legislative Council do not record their votes, I am unable to furnish your Lordship with an authentic list of the division, but I annex the list which has been furnished to me by a gentleman who was present, and which I have every reason to believe correct.

It is worthy of notice that an amendment having been proposed to negative unconditionally the reunion of the provinces, but four members could be found to support it.

The House waited on me this day to present their resolutions, when I returned to them the answer of which I enclose a copy. I refer to this circumstance, which is one not of usual occurrence, as a strong proof of the willingness of the Legislative Council to approve of the course which I have adopted, of the principles on which this measure is proposed by Her Majesty's Government, and of the terms which have been offered, and to rely with confidence on them and on the Imperial Legislature for the arrangement of the details of the measure. I cannot but feel satisfied that this decided expression of opinion on the part of gentlemen so well acquainted with the affairs of Canada, and possessing so large a stake in the province, will have a very beneficial effect both on this continent and in the mother country.

In the House of Assembly the debate has likewise been continued from day to day, but no decision has as yet been taken by them on the resolutions. I trust, however, that it may be in my power to communicate to your Lordship, by the next opportunity, the result of their deliberations.

I have, &c.
 (signed) C. Poulett Thomson.

Enclosure 1, in No. 8.

Encl. 1, in No. 8. RESOLUTIONS adopted by the Legislative Council, and presented to his Excellency the Governor-General, on the subject of a Reunion of the Provinces of Upper and Lower Canada, with his Excellency's Answer thereto.

14 December 1839.

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.

Resolved 2,—That the present derangement of the finances of Upper Canada, the total suspension of her public improvements, the paralysed 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 reunion 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 connexion with the parent state.

Resolved, 4—That for these urgent reasons, the assent of this House be expressed to the important measure of reunion 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,

Thirdly, That the public debt of this province shall, after the union, be charged on the joint revenue of the united province.

Resolved, 5—That in yielding this ready concurrence to the measure of reunion 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 reunion, and for the establishment of such a system of government in the United Province as will tend to the developement 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.

No. 8.
Rt. hon. C. Poulett Thomson to Lord John Russell,
14 December 1839.

Enclosure 2, in No. 8.

Encl. 2, in No. 8.

FOR.		RESIDENCE.	AGAINST.		RESIDENCE.
1	Adamson - -	Home District.	1	The Bishop - -	Toronto.
2	Baldwin - -	Toronto.	2	Allan - - -	Ditto.
3	Crooks - - -	Hamboro'.	3	Crookshank - -	Ditto.
4	Dunn - - -	Toronto.	4	Elmsley - - -	Ditto.
5	De Blaquiere - -	Oxford.	5	Macaulay, J.S. - -	Ditto.
6	Fraser - - -	Glengarry.	6	M'Donell - - -	Ditto.
7	Fergusson - -	Hamilton.	7	Willson - - -	Gore District.
8	Macaulay, John - -	Toronto.	8	Vankoughnett - -	Cornwall.
9	Morris - - -	Perth.			
10	M'Donald - - -	Guananoque.			
11	M'Gillivray - -	Glengarry.			
12	Radcliffe - - -	Western District, Adelaide.			
13	Sullivan - - -	Toronto.			
14	Wells - - -	Toronto.			

Enclosure 3, in No. 8.

Encl. 3, in No. 8.

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.

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 reunion, 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 reunion.

— No. 9. —

(No. 22.)

COPY of a DESPATCH from the Right Honourable C. Poulett Thomson to Lord John Russell.

No. 9.
Rt. hon. C. Poulett Thomson to Lord John Russell,
23 December 1839.

My Lord,

Toronto, 23 December 1839.

I HAVE great satisfaction in informing your Lordship that on Friday last, the House of Assembly adopted by large majorities the resolutions agreeing to the union of this province with Lower Canada, upon the principles proposed by Her Majesty's Government, and on the terms to which I invited their assent by my message to both Houses; and to-day I received the address of the House of Assembly, of which, together with my answer, I have the honour to enclose copies.

The consideration of these resolutions occupied the attention of the House for many days in committee, but no record being kept of the proceedings in that stage,

No. 1.
No. 2.
No. 3.

Rt. hon. C. Poulett
Thomson to Lord
John Russell,
23 December 1839.

No. 4

resolutions were put from the chair, and I enclose an extract from the journals, to which I would beg your Lordship's particular attention, as indicating not merely the sense of the House of Assembly upon the resolutions themselves, but as showing the opinion of that body against any additional conditions or restrictions of any kind being imposed on Her Majesty's Government or Parliament, which might fetter their deliberations on the measure which I shall have to recommend.

The only variation to the strict form of acquiescence in the principles or terms of union submitted by me to the House of Assembly, is to be found in the third resolution respecting the civil list. In this, the House of Assembly express their desire that such part of the civil list as did not relate to the salaries of the judges, and the governor, and the administration of justice, which are made permanent, should be granted for the life of the Queen, or for a period of not less than ten years. As the expression of "permanent" was used in my message, this must be considered as some variation from the principle submitted by me. But upon examining the subject closely, I felt that I could not with any propriety call upon the House to do more. It was not in my power, as I informed them, to state either the amount of the civil list required, or to specify the officers and salaries, or the other expenses to be charged upon it. The Bill introduced into the Imperial Parliament last session attempted to do so: but it was clear to me, upon full consideration, that many charges which the public service requires to be placed beyond the control of annual votes, had been omitted from that list; and that besides it was impossible for me to state either the nature of the officers, or the amount of the salaries and expenses which might be necessary under the United Government, and the new order of administration which I hope to see introduced. The civil list for this province, it is to be remembered also, has not yet been definitively fixed, and there are some charges of a temporary nature now defrayed from the casual and territorial revenues, which might be the subject of much contention. When, therefore, I found the House generously assenting to leave both the amount and distribution of the sum to be set apart for the payment of fixed charges for the Government service, altogether to Her Majesty's Government, and to the discretion of the person who might be charged with the arrangement of the united Government in the provinces, it seemed to me reasonable to afford an opportunity at some future, and, perhaps, distant time, for the revision of that arrangement if necessary. At the same time it is in the power of Parliament to alter the terms, if it should see fit.

I shall submit to your Lordship at the proper time the provisions by which I should propose that the intentions of the House of Assembly should be carried out in the Union Bill; but I will here add that I trust Her Majesty's Government will acknowledge the generous confidence which is displayed by the House of Assembly upon this subject, and support me in the endeavour I shall undoubtedly make, if I am charged with the discretionary exercise of the power thus granted, to limit the expenditure under this head as much as possible, and to leave as much of the expenses of the Government as can be done with safety and propriety, to the legitimate control of the representatives of the people, by annual vote.

In transmitting to your Lordship this decision of the House of Assembly, which completes the expression of their assent to the union of Upper and Lower Canada, and to the terms and principles on which it is proposed, from all the constituted legislative bodies in both provinces, I cannot but express my conviction that never has opinion been more fairly taken, more decidedly expressed, or with a fuller understanding of what was agreed to; and I must likewise remark, that if every day's experience has convinced me more and more of the wisdom and true policy of a reunion, so have I become more and more satisfied that the measure is no less in accordance with the wishes of the great majority of the people, than it is with the interests of all.

I have, &c.

(signed) C. Poulett Thomson.

No. 9.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
23 December 1839.

Enclosure 1, in No. 9.

To His Excellency the Right Hon. *Charles Poulett Thomson*, one of Her Majesty's most Honourable Privy Council, Governor-general of British North America, and Captain-general and Governor-in-chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-admiral of the same.

Encl. 1, in No. 9.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg to transmit to your Excellency certain resolutions which we have adopted, in reference to the message of your Excellency on the subject of the Union of these Provinces.

(signed) *Allan N. Macnab*, Speaker.

House of Assembly, 21 Dec. 1839.

Enclosure 2, in No. 9.

RESOLUTIONS Proposed on the Subject of the Union of the Provinces.

Resolved, That the House of Assembly, at its last Session, declared that, in their opinion, a united Legislature for the Canadas, on certain terms, was indispensable, and that further delay must prove ruinous to their best interests, and that his Excellency the Governor-general, by his message to this house, has announced that, with a view to remove the difficulties of these provinces, 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, impartial, and vigorous government for both, and to unite the people within them in one common feeling of attachment to British institutions and British connexion, the legislative union of Upper and Lower Canada has been recommended by Her Majesty to the Imperial Parliament; and his Excellency the Governor-general has invited the assent of this house to certain specified terms upon which the union may be established. It therefore becomes the duty of the representatives of the people of this province carefully to consider the provisions by which this measure may be carried into effect with the greatest security to their future peace, welfare and good government, and the permanent connexion of these colonies with the British empire.

Encl. 2, in No. 9.

2. Resolved, That this house concur in the proposition that there be an equal representation of each province in the united legislature.

3. Resolved, That this house concur in the proposition that a sufficient civil list be granted to Her Majesty for securing the independence of the judges, and to the Executive Government that freedom of action which is necessary for the public good: the grant for the person administering the government, and for the judges of the several superior courts, to be permanent, and for the officers conducting the other departments of the public service, to be for the life of the Sovereign, or for a period of not less than ten years.

4. Resolved, The public debt of this province shall, after the union, be charged on the joint revenue of the United Province.

Enclosure 3, in No. 9.

MESSAGE Presented to House, 23d December 1839.

Gentlemen,

It affords me the most sincere satisfaction to find that after a careful deliberation on the propositions suggested by me for the reunion of this province with Lower Canada, those propositions have received your assent. I shall take the earliest opportunity of transmitting your resolutions to Her Majesty's Government, with a view to their being laid before the Imperial Legislature.

Encl. 3, in No. 9.

The generous confidence which you have reposed in Her Majesty's Government and Parliament respecting the Civil List, and the details of the measure of reunion will be duly appreciated, and it will be the anxious endeavour of Her Majesty's advisers, in all their proceedings upon this important subject, to justify that confidence, and promote the permanent well-being of the people of Upper Canada.

For myself personally I beg you to accept my thanks for the diligence and attention which you have devoted to the communications which it has been my duty to make to you. If, as I feel confident, the union should be productive of the advantages to this province, which I anticipate from it, it will hereafter be my greatest pride to have co-operated with you in perfecting that measure.

No. 9.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
23 December 1839.

Enclosure 4, in No. 9.

ABSTRACT of Proceedings, House of Assembly.

Thursday, 19th December 1839.

Encl. 4, in No. 9.

House in Committee of whole on the subject of the Union of the Provinces; progress reported; sit again this day.

House in Committee on Message of his Excellency on the subject of the Union; resolutions reported.

The first resolution put as follows:—

Resolved, That the House of Assembly at its last session declared that, in their opinion, a united legislature for the Canadas on certain terms was indispensable, and that further delay must prove ruinous to their best interests; and that his Excellency the Governor-general, by his message to this House, has announced that, with a view to remove the difficulties of these provinces, 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, impartial, and vigorous government for both, and to unite the people within them in one common feeling of attachment to British institutions and British connexion, the Legislative Union of Upper and Lower Canada has been recommended by Her Majesty to the Imperial Parliament, and his Excellency the Governor-general has invited the assent of this House to certain specified terms upon which the Union may be established: it therefore becomes the duty of the representatives of the people of this province carefully to consider the provisions by which this measure may be carried into effect with the greatest security to their future peace, welfare and good government, and the permanent connexion of these colonies with the British empire.

In amendment, moved by Mr. Robinson, That all after the word "Resolved" be expunged, and the following inserted: "That while this House feels truly grateful to Her Majesty for causing the subject of the reunion of Upper and Lower Canada to be submitted to the representatives of Her Majesty's loyal subjects in this province for their consideration, before finally adopting a measure calculated so materially to change their social and political situation, it cannot, after mature deliberation, give its sanction to any proposition having for its object the reunion of these provinces, which they humbly submit will, if carried into effect, have no other result than to render the difficulties in Lower Canada in a short time more formidable, while it would endanger the security and advantages which Upper Canada has hitherto enjoyed."

Yeas and Nays on the Amendment.—Yeas: Messrs. Attorney-general, Boulton, Caldwell, Cartwright, Elliott, Gamble, Jarvis, M'Crae, M'Donell (Northumberland), Murney, Robinson—11. Nays: Messrs. Aikman, Armstrong, Bockus, Burwell, Burritt, Chisholm (Halton), Chisholm (Glengarry), Cook, Detlor, Duncombe, Dunlop, Ferrie, Gowan, Hotham, Hunter, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargan, M'Donell (Glengarry), M'Donnell (Stormont), M'Intosh, M'Kay, M'Lean, M'Micking, Merritt, Moore, Morris, Parke, Powell, Richardson, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor-general, Small, Thomson, Thorburn, Wickens, Woodruff—44. Amendment lost; majority, 33.

In amendment, moved by Mr. Cartwright, That all after the word "Resolved" in the original motion be expunged, and the following inserted: "That his Excellency the Governor-general, in his message to this House, transmitted on the 7th inst., has declared, 'That it was with great satisfaction Her Majesty's Government had learnt that upon the question of the union itself the House of Assembly had pronounced their decided judgment during their last session, this House feels it due to the wishes of their constituents, the best interests of the province, and its connexion with the parent state, to protest against any other construction being put upon the resolutions of this House respecting the union, other than a decided opposition to that measure, except upon the conditions which are set forth in their resolutions of the 27th March last, which this House in its deliberate and mature consideration feels it its duty to assert to be essential and indispensable.'"

Division on Amendment.—Yeas: Messrs. Armstrong, Bockus, Boulton, Burritt, Burwell, Cartwright, Detlor, Elliott, Gamble, Gowan, Jarvis, M'Crae, M'Donell (Northumberland), M'Lean, Murney, Richardson, Ruttan, Rykert, Shade, Sherwood, Thomson—21. Nays: Messrs. Aikman, Attorney-general, Caldwell, Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Ferrie, Hotham, Hunter, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargan, M'Donell (Glengarry), M'Donnell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Moore, Morris, Parke, Powell, Robinson, Shaver, Solicitor-general, Small, Thorburn, Wickens, Woodruff—34. Amendment lost; majority 13.

Division on the original Question.—Yeas: Messrs. Aikman, Attorney-general, Bockus, Burritt, Burwell, Cartwright, Chisholm (Halton), Chisholm (Glengarry), Cook, Detlor, Duncombe, Dunlop, Ferrie, Gamble, Gowan, Hotham, Hunter, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargan, M'Donell (Glengarry), M'Donell (Northumberland), M'Donnell (Stormont), M'Kay, M'Lean, M'Micking, Merritt, Moore, Morris, Murney, Parke, Powell, Richardson, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor-general, Small, Thomson, Thorburn, Wickens, Woodruff—47. Nays: Messrs. Boulton, Caldwell, Elliott, Jarvis, M'Intosh, Robinson—6. First Resolution carried; majority, 41.

The

The second resolution was read as follows:—Resolved, That this House concur in the proposition that there be an equal representation of each province in the United Legislature.

In amendment, moved by Mr. Sherwood, that all after the word "Resolved," the whole be expunged, and the following inserted:—"That this House cannot concur in the proposition that there be an equal representation of each province, but are of opinion that the number of members to be returned to serve in the House of Assembly of the United Legislature be as follows:—From Lower Canada, 50 members; from Upper Canada, as at present."

Division on Amendment: Yeas—Messrs. Armstrong, Boulton, Burritt, Burwell, Cartwright, Elliott, Hunter, Jarvis, M'Crae, M'Donell (Northumberland), M'Lean, Murney, Richardson, Ruttan, Rykert, Shade, Sherwood, Thomson, Wickens—19.

Nays—Messrs. Aikman, Attorney-general, Bockus, Caldwell, Chisholm (Halton), Chisholm (Glengarry), Cook, Detlor, Duncombe, Dunlop, Ferrie, Gamble, Gowan, Hotham, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donnell, (Stormont), M'Intosh, M'Kay, M'Micking, Merrit, Moore, Morris, Parke, Powell, Robinson, Shaver, Solicitor-general, Small, Thorburn, Woodruff—36.

Amendment lost; majority 17.

In Amendment by Mr. Gowan—That after the word "Resolved," in the original, the whole be expunged, and the following inserted:—"That upon a matter of such grave importance as a Legislative Union of this province with Lower Canada, this House is unwilling to assume the responsibility of assenting to a measure involving so many important considerations without a further manifestation of the public will than has yet been declared, and the House considering that, before assenting to any measure that might involve the liberties of the people, and deprive them of their constitutional charter, it would be but an act of proper courtesy and respect to the intelligence and loyalty of the people of Upper Canada to appeal directly to them upon the question; that therefore an humble address be presented to his Excellency the Governor-general, praying that his Excellency may be graciously pleased to exercise the Royal prerogative by dissolving this present Parliament."

Yeas—Armstrong, Detlor, Gamble, Gowan, Jarvis, M'Crae, M'Donnell (Stormont), M'Intosh, Rykert, Sherwood, Thomson—11.

Nays—Aikman, Attorney-general, Bockus, Boulton, Burritt, Burwell, Caldwell, Cartwright, Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Elliott, Ferrie, Hotham, Hunter, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donell (Northumberland), M'Kay, M'Lean, M'Micking, Merrit, Moore, Morris, Murney, Parke, Powell, Richardson, Robinson, Ruttan, Shade, Shaver, Solicitor-general, Small, Thorburn, Wickins, Woodruff—44.

Amendment lost; majority, 33.

Division on original question: Yeas—Aikman, Attorney-general, Bockus, Chisholm (Halton), Chisholm (Glengarry), Cook, Detlor, Duncombe, Dunlop, Ferrie, Hotham, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donnell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Moore, Morris, Parke, Powell, Shaver, Solicitor-general, Small, Thorburn, Wickins, Woodruff—33.

Nays—Messrs. Armstrong, Boulton, Burritt, Burwell, Caldwell, Cartwright, Elliott, Gamble, Hunter, Jarvis, M'Donell (Northumberland), M'Lean, Murney, Richardson, Robinson, Ruttan, Rykert, Shade, Sherwood, Thomson; 20.

Question carried; majority, 13.

Third Resolution put as follows:—

Resolved, That this House concur in the proposition that a sufficient civil list be granted to Her Majesty for securing the independence of the judges, and to the Executive Government that freedom of action which is necessary for the public good. The grant for the person administering the Government, and for the judges of the several superior courts to be permanent; and for the officers conducting the other departments of the public service to be for the life of the Sovereign, and for a period of not less than 10 years.

Yeas—Messrs. Aikman, Armstrong, Attorney-general, Bockus, Burritt, Burwell, Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Elliott, Ferrie, Hotham, Hunter, Jarvis, Kearnes, Lewis, Mallock, Manahan, M'Cargar, M'Donell (Glengarry), M'Donell (Northumberland), M'Donnell (Stormont), M'Kay, M'Lean, M'Micking, Merrit, Moore, Morris, Murney, Parke, Powell, Ruttan, Rykert, Shade, Shaver, Solicitor-general, Small, Thomson, Thorburn, Wickins, Woodruff—43.

Nays—Messrs. Boulton, Caldwell, Cartwright, Detlor, Gamble, M'Intosh, Robinson, Sherwood—8.

Question carried; majority, 35.

Fourth Resolution put and carried as follows:—

Resolved, That the public debt of this province shall, after the union, be charged on the joint revenue of the united province.

Adjourned.

No. 9.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
23 December 1839.

Encl. 5, in No. 9.

Enclosure 5, in No. 9.

ABSTRACT of Proceedings, House of Assembly.

Friday, 20 December 1839.

Address moved to his Excellency the Governor-general, transmitting Resolutions on the subject of the Union to his Excellency.

Amendment by Mr. Cartwright, That the following be embodied in the Address :—

Resolved, That this House, having thus far concurred in the proposition of Her Majesty's Government, are bound by a sense of justice and duty to their constituents and the province at large, to declare further what provision they consider as essentially necessary to obtain from the union those results which alone can justify its adoption, and in the expectation of which this House alone consents to the measure. That, in order to secure to the deliberations of the United Legislature all possible freedom from the influence of origin and institutions derived from a foreign country, and of the associations arising from the deplorable events which have happened within the last two years in the sister province, the seat of Government should be fixed at some place in Upper Canada; and that the English alone should be the language of the United Legislature, as this provision will, in the opinion of this House, be found an indispensable auxiliary to the amalgamation of the people, and to the gradual assimilation of the institutions of Upper and Lower Canada; and that this House desire to recommend to the consideration of Her Majesty's Government the propriety of introducing into any law for uniting these provinces a clause requiring a real property qualification for Members of the House of Assembly; and that, saving such exceptions as the foregoing Resolutions may render necessary, this House desire to see the principles of the constitution of 1791 maintained and preserved inviolate; and they rejoice to perceive among the principles recognized by Her Majesty's Ministers, as forming the basis of the union, is to be found "the maintenance of the three estates of the Provincial Legislature," by which this House clearly understand that the constitutional prerogative of the Crown will be upheld; that the principles on which the Legislative Council was created will not be departed from, and that the rights and liberties of the people, and the privileges of their representatives, will be guarded and sacredly preserved.

Yeas—Messrs. Bokus, Boulton, Burritt, Burwell, Cartwright, Detlor, Elliott, Hunter, Lewis, Mallock, M'Crae, M'Donell (Northumberland), M'Lean, Murney, Richardson, Ruttan, Rykert, Shade, Sherwood, Solicitor-general, Thomson—21.

Nays—Messrs. Attorney-general, Caldwell, Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Ferrie, Gowan, Hotham, Kearnes, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Morris, Parke, Powell, Robinson, Shaver, Small, Thorburn, Wickins, Woodruff—29.

Amendment lost; majority, 8.

In Amendment, by Mr. Bokus, that the original be expunged and the following inserted :—That it be resolved, that this House did, on the 27th day of March 1839, adopt the following Resolutions by large majorities :—

Wednesday, 27 March 1839.

Resolved, That in reference to the Resolutions of this House on the subject of a legislative union of the provinces of Upper and Lower Canada, this House is distinctly opposed to that measure, unless the conditions, as embodied in the following Resolutions, be fully carried out in any Act to be passed by the Imperial Legislature for that purpose :—

1st. Resolved, That in the event of the Union of the provinces of Upper and Lower Canada, the seat of Government should be within the present boundary of Upper Canada.

2d. Resolved, That that portion of Lower Canada laying east of the Madawaska, and south of the St. Lawrence, consisting of the counties of Gaspé, Bonaventure, and Rimouski, be attached to the province of New Brunswick.

3d. Resolved, That a proper qualification for Members of the Legislative Council and House of Assembly be fixed upon by the Act of Union.

4th. Resolved, That the Act of Union not to make void any of the appointments of the present Legislative Council, in full confidence that future appointments will be made in such manner, from the different districts, as best to secure the commercial, agricultural and general interests of the province.

5th. Resolved, That the number of Members to be returned to serve in the House of Assembly be as follows :—From Lower Canada, 50 Members; from Upper Canada, as at present.

That the elective franchise in counties be confined to those who hold their lands in free and common soccage from and after a time to be settled by the Imperial Parliament, not later than the year 1845, and that it be strongly urged on the Imperial Parliament to pass immediate measures for facilitating the change of tenure in Lower Canada, so as to extend to them the exercise of the elective franchise with as little delay as possible.

6th. Resolved, That a new division of Lower Canada into counties be made by the Governor and Council of that province, so as to provide for the election of such number of members as, together with the members from cities and towns, make up the number to be returned from Lower Canada.

7th. Resolved, That the English language be spoken and used in the legislature, courts of justice, and in all other public proceedings.

8th. Resolved,

8th. Resolved, That courts of appeal and impeachment be established within the united province.

9th. Resolved, That the surplus revenue of the post-office, together with the casual and territorial, and every other branch of revenue, be placed under the control of the legislature.

10th. Resolved, That, until otherwise provided for by the joint legislature, the courts and laws to remain as at present.

11th. Resolved, That the debt of both provinces shall be chargeable on the revenue of the united province.

12th. Resolved, That the local legislature have power to originate duties, or reduce them from time to time, as they may deem necessary and advisable, subject however to restrictions similar to those of 42d section of 31 Geo. 3, c. 31, respecting certain local Acts.

13th. Resolved, That, with the above exceptions, the principles of our constitution, as contained in 31 Geo. 3, c. 31, remain inviolate.

14th. Resolved, That there be two commissioners appointed to proceed to England on the part of this House, and that Sir Allan N. M'Nab, Speaker of this House, and William Hamilton Merritt, Esq. M. P. for the county of Haldimand, be the said commissioners.

That his Excellency the Governor-general, by his message of the 7th December instant, informed this House as follows :

"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 reunion 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 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. And this House having, after much discussion, abandoned the above recited conditions ; and as the resolutions adopted by this House do not contain ' information from which the details might be rendered more satisfactory to the people of both provinces,'—

"Be it therefore further resolved, That the people of this province have a just right to an opportunity of expressing their opinions on this momentous question, by petition to this House ; and, as the annual township meetings will be held in the several townships of this province on the first Monday in the month of January next, it is expedient to postpone the further consideration of the question of the reunion of these provinces until Monday, the 13th day of January next.

Division on Mr. Bockus's amendment :—

Yeas—Messrs. Bockus, Boulton, Burwell, Cartwright, Detlor, Elliott, Gowan, M'Crae, M'Lean, Murney, Rykert, Thomson—12.

Nays—Messrs. Attorney-general, Burritt, Chisholm (Halton), Chisholm (Glengarry), Cooke, Duncombe, Dunlop, Ferrie, Hunter, Jarvis, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donnell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Moore, Morris, Parke, Powell, Richardson, Robinson, Ruttan, Shade, Shaver, Sherwood, Small, Solicitor-general, Thorburn, Wickins, Woodruff—37.

Amendment lost—majority 25.

In amendment, Mr. Cartwright, That the following be added to the original motion :—

"And that the said committee be instructed to embody in the said address the following words:—

'That, saving such alterations as the said resolutions may render necessary, the principles of the constitution, as contained in the Act 31st Geo. 3, c. 31, may be preserved inviolate.'

Yeas—Attorney-general, Bockus, Boulton, Burritt, Burwell, Caldwell, Cartwright, Detlor, Elliott, Gamble, Gowan, Hunter, Jarvis, Mallock, M'Crae, M'Donell (Northumberland), M'Lean, Murney, Richardson, Robinson, Rykert, Shade, Sherwood, Solicitor-general, Thomson—25.

Nays—Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Ferrie, Hotham, Kearnes, Lewis, Manahan, Marks, M'Cargar, M'Donnell (Glengarry), M'Donell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Moore, Morris, Parke, Powell, Ruttan, Shaver, Small, Thorburn, Wickins, Woodruff—28.

Amendment lost—Majority, 3.

On the original question,—

Yeas—Messrs. Attorney-general, Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Ferrie, Hotham, Hunter, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donell (Northumberland), M'Donnell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Moore, Morris, Parke, Powell, Ruttan, Shaver, Small, Solicitor-general, Thorburn, Wickins, Woodruff—33.

Nays—Messrs. Bockus, Boulton, Burritt, Burwell, Caldwell, Cartwright, Detlor, Elliott, Gamble, Gowan, Jarvis, M'Crae, M'Lean, Murney, Richardson, Robinson, Rykert, Shade, Sherwood, Thomson—20.

Question carried—majority, 13.

[Adjourned.]

No. 10.
 Lord John Russell
 to the Rt. hon.
 C. P. Thomson,
 3 February 1840.

— No. 10. —

(No. 68.)

COPY of a DESPATCH from Lord *John Russell* to the Right Hon.
C. Poulett Thomson.

Sir,

Downing-street, 3 February 1840.

I HAVE to acknowledge the receipt of your despatch, No. 22, of the 23d of December, reporting the adoption, by large majorities of the House of Assembly of Upper Canada, of the resolutions proposed for the reunion of the province with Lower Canada, on the basis contemplated by the Government, and conformably with the terms which you had recommended. In this despatch you likewise furnish a copy of the proceedings of the House.

I have at the same time received your despatch, No. 23, of the 24th of December, in which you enclose extracts of the minutes of the Legislative Council, showing the anxiety which prevailed in that branch of the Legislature to meet the views of Her Majesty's Government on this important question.

It is with sincere gratification that Her Majesty's Government have received the intelligence communicated in these despatches; and in conveying to you their entire approbation of your proceedings, I beg you to accept my congratulations on the success which has attended your measures, and the expression of my high opinion of the ability and judgment with which you have conducted them.

I cannot but anticipate the happiest results from the unanimity which has prevailed in both Houses of the Legislature on this occasion, and from the confidence which is plac'd by them in the Imperial Parliament, and in the efforts of the Government so to legislate on the question, as to secure the happiness and prosperity of Her Majesty's Canadian subjects.

I have, &c.

(signed) *J. Russell*.

— No 11. —

No. 11.
 Rt. hon. C. Poulett
 Thomson to Lord
 John Russell,
 24 December 1839.

(No. 23.)

COPY of a DESPATCH from the Right Hon. *C. Poulett Thomson* to Lord
John Russell.

My Lord,

Toronto, 24 December 1839.

WITH reference to my despatch to your Lordship of the 14th instant, No. 21, I transmit herewith, for your information, an extract from the Journals of the Legislative Council, showing the proceedings of that House when the resolutions on the subject of the reunion of Upper and Lower Canada were brought up from the committee.

From these proceedings your Lordship will perceive that every attempt to attach any fresh conditions to the resolutions was at once rejected; and, as a still stronger illustration of the confidence reposed by the Council in Her Majesty's Ministers and the Imperial Legislature, I have to state that, when subsequently resolutions were brought forward, embodying, as recommendations only for consideration, some of the stipulations which had previously been proposed as conditions, those resolutions were at once rejected, although I had expressed my readiness to receive them, and also stated that they should receive, both on my own part and that of Her Majesty's Government, attentive consideration.

I have, &c.

(signed) *C. Poulett Thomson*.

Enclosure in No. 11.

EXTRACT from the Journals of the Legislative Council.

No. 11.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
24 December 1839.

Encl. in No. 11.

THE chairman reported that the Committee had gone through the subject-matter of said message, and had agreed to a series of resolutions, which they recommended to the adoption of the House.

Ordered, That the report be received; and the said resolutions were then read by the clerk as follows:—

The first resolution being read a second time, and the question of concurrence being put thereon, it was moved and seconded, in amendment thereto, "That after the word 'that,' in line 1 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."

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

The original question was then put and carried in the affirmative.

The second resolution being read a second time, and the question of concurrence put thereon, the same was carried in the affirmative.

The third resolution being read a second time, and the question of concurrence being put thereon, it was moved and seconded, in amendment thereto, "That after 'a,' in the fourth line of the last-mentioned resolution, the word 'legislative' be inserted."

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

The original question was then put and carried in the affirmative.

The fourth resolution being read a second time, and the question of concurrence being put thereon, it was 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."

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

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 reunion of the Provinces of Upper and Lower Canada be carried into effect, either by provisions in the Act of Reunion, or in such other manner as the Imperial Parliament may direct."

The question of concurrence was put on the last-mentioned amendment, and the same was carried in the negative.

The original question was then put, and carried in the affirmative.

The fifth resolution being read a second time, and the question of concurrence put thereon, the same was carried in the affirmative.

On motion made and seconded, it was ordered that the foregoing resolutions be engrossed, and presented to his Excellency the Governor-general.

And

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

Ordered, that the Hon. Messrs. Sullivan and De Blaquiere, do compose the committee for that purpose.

No. 12.

Rt. hon. C. Poulett
Thomson to Lord
John Russell,
31 December 1839.

— No. 12. —

(No. 24.)

COPY of a DESPATCH from the Right Honourable *C. Poulett Thomson*
to Lord *John Russell*.

My Lord,

Toronto, 31 December 1839.

As I perceive it stated in some of the local papers, that the measure of the union has been carried in this province, by an unusual exertion of influence over the members who voted for it, and as this statement may, perhaps, be repeated in England, I think it my duty to inform your Lordship, that in two of the most important amendments moved in the house, that namely, of Mr. Robinson for negating altogether the union, and that of Mr. Cartwright for negating the union except on certain specified conditions, the minority consisted in the former case of 10, of whom five held places during pleasure; and in the latter of 21, of whom nine held places during pleasure. From this statement, your Lordship will at once perceive the incorrectness of the assertion to which I have alluded.

I have, &c.

(signed) *C. Poulett Thomson*.

No. 13.

Lord John Russell
to the Rt. Hon.
C. P. Thomson,
4 February 1840.

— No. 13. —

(No. 69.)

COPY of a DESPATCH from Lord *John Russell* to the Right Honourable
C. Poulett Thomson.

Sir,

Downing-street, 4 February 1840.

I HAVE received your despatch, No. 24, of the 31st December, explaining the composition of the majority and minority on the two most important amendments moved in the House of Assembly, on the discussion of the reunion of the provinces; and I have to return you my thanks for having thus furnished me with the means of disproving any assertion which may be made, that the measure has been carried by an unusual exercise of the influence of Government over the members who voted in favour of it.

I have, &c.

(signed) *J. Russell*.

No. 14.

Rt. hon. C. Poulett
Thomson, to Lord
John Russell,
24 December 1839.

— No. 14. —

EXTRACTS of a DESPATCH from the Right Hon. *C. Poulett Thomson*, to Lord
John Russell, dated Toronto, 24 December 1839.

I HAVE already transmitted to your Lordship addresses from the Special Council of Lower Canada, from the Legislative Council and from the House of Assembly of Upper Canada, assenting to the reunion of the two provinces; agreeing upon certain terms upon which the respective interests of each should be determined, and approving of the principles upon which it has been proposed by Her Majesty's Government that the measure should be founded. Subject to these terms, and in accordance with these principles, the arrangement of the details of the measure is submitted, with confidence, by these different bodies (the only authorities to which a direct appeal can be made in these provinces) to Her Majesty's advisers, and to the wisdom and justice of the Imperial Legislature.

It will be my duty to offer different suggestions for the details of the proposed measure, founded on the best judgment I have been able to form of what is calculated to make the Act of Reunion generally acceptable to the people of these provinces. The provisions which I shall submit, are the result of inquiries in all quarters, of a careful examination of the institutions, and of the state of society

society in each province, and of consultation with persons best informed and of most influence within them. I shall embody them in the heads of a Bill, accompanied with explanatory remarks, which I hope to be able to transmit at an early period. The absence of some returns, as well as of some information which I expect from the Chief Justice of Lower Canada, to whom I am greatly indebted for assistance, prevents the immediate completion of these documents.

No. 14
Rt. hon. C. Poulett Thomson to Lord John Russell,
24 December 1839.

I shall, however, by this opportunity, point out the principal suggestions at variance with the provisions of the Bill introduced into the House of Commons last Session, which I shall recommend for adoption.

I have already informed the House of Assembly, when, in reply to their Address, I transmitted a copy of the Bill, that it was my intention to suggest alterations of this description; and I have, besides, communicated most fully with members of both branches of the Legislature upon them.

As the terms of reunion affecting the two provinces in their relation to each other and to the crown, have been agreed to, it is unnecessary for me now to refer to them. The share of representation to be enjoyed by each province in the first instance, and the charge of the debt on the united revenue, are conditions disposed of; and the manner of settling the Civil List, the grant of which has been agreed to, can best be explained hereafter.

I come now to the chief alterations I shall have to suggest.

1st. It was proposed that the union should take place in 1842. I consider it indispensable that the union should be left to be declared by the Governor-general acting under instructions from Her Majesty's Government. In this I am happy to be borne out by the opinion of Sir John Colborne.

Date of commencement of Union.

If the country continues undisturbed, as I have every reason to believe that it will, I feel confident that the union may be effected with ease and safety, as soon after the passing of the Act of Parliament as the necessary arrangements will admit of; and whether I look to this or the other province, I attach the utmost importance to its being completed as early as possible. The House of Assembly of this province expires at the end of this session, and it is most desirable that the new elections should be for the United Parliament, and not for a single session of an Upper Canada legislature. The state of the finances here renders the early adoption of some measure indispensable; and if the union be decided by Parliament, it would be idle to attempt any having reference to the present condition of the revenue and resources of this province alone. In Lower Canada, I need not say, that unless under some very extraordinary circumstances indeed, the sooner a constitutional form of government can be restored with safety the better. Still, to be prepared for every contingency, it would, in my opinion, be unwise for Parliament to fix the exact date. By leaving it to the Governor-general to declare the period, all unnecessary delay may be avoided, and yet security be taken against any unexpected occurrence.

2d. It was at first proposed that the Legislative Council should be named by the Crown for a period of eight years, and the selection of members be subject to certain qualifications. Amongst the variety of persons of all political opinions whom I have consulted in both the Canadas, I have not met with one who does not consider this plan as objectionable; and I have not, therefore, hesitated to pledge myself that it shall be abandoned. There may be some persons who adhere to the opinion that the Council should be elective. On that, however, Parliament has placed its veto; and the choice, therefore, remains between some such plan as that above alluded to, and the mode established by the Constitution of 1791. Between them, I have never met with an individual who hesitated in giving the preference to the last, and, in my opinion, most justly. The qualifications would in practice be entirely powerless as a check upon the Government, if it were disposed to abuse the right of nomination, whilst the state of dependency in which members of the Council would be placed by the sort of tenure proposed, would destroy the weight and influence they might otherwise enjoy, those very qualities, which it is above all things desirable, if a Legislative Council is to exist at all, that they should possess. Neither do I think that there is any ground whatever for a change in the Constitution in this respect.

Legislative Council.

Tenure and qualification of Councilors.

No. 14.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
24 December 1839.

Electoral Division.

I propose, therefore, that the Council should be named, as at present, for life, subject to the disqualifications which now exist, and with the addition only of the power of resignation.

3rd. It was proposed to constitute an entirely new Electoral division of the country, for the purpose of Parliamentary representation. I recommend an adherence, so far as is practicable, to the present electoral divisions, and in this, I adopt the principle, and, with few variations, the plan suggested by Sir John Colborne. Both in Upper and Lower Canada, the county divisions are purely Parliamentary, and differ altogether from the divisions for municipal, ecclesiastical, or judicial purposes; they are of recent formation, and in this province, subject to be varied as population increases. There does not, therefore, exist any strong argument against an entirely new division, founded either on the antiquity of the present system, or its hold on the habits of the people. Still, there is always inconvenience in breaking up established divisions, and unless great countervailing advantage can be shown to result from it, it should be avoided. This is certainly not the case here. To attempt to measure out representation in proportion to population, is impossible. Your very premises forbid it, inasmuch as you set out upon the principle of giving an equal number of representatives to 650,000 people, and to 400,000. An attempt to adjust the proportions to a mixed calculation of population and area would not be more practicable. In Lower Canada, the northern limits of some of the counties are quite indefinite; nor, indeed, has this system been attempted, even in this province, where representation has an extraordinary degree of elasticity. I find, for instance, one county (Halton), containing 35,000 inhabitants, and 1,622 miles square, returning two members, whilst another (Prescott), containing 5,400 souls, and only 442 miles square, returns two members likewise. It would be very unwise, then, to introduce a vast change, in order to carry out a novel and impracticable principle, and that change too, one which could not be permanent: for it must be borne in mind, that whatever plan you lay down now, must be subject to change hereafter, and that, probably, within a very short period. In this country, where, in the course of a few years, entirely new districts come to be settled, and even in such as have been already partially settled, the greatest possible variation in the amount of population occurs in a few years, a new arrangement of the representation is necessarily of frequent occurrence, and can be best settled by the people themselves, as the necessity arises. Experience in both provinces proves the truth of this, as within a very short period the number of representatives, as well as of places returning Members, have been greatly varied.

Adherence to existing Territorial Divisions.

I propose, then, and that with the concurrence of all the best authorities upon the subject, to adhere as closely as possible, for electoral purposes, to the territorial divisions which exist both in Upper and Lower Canada, only reducing the number of representatives returned from two, as they are mostly at present, to one. In this province it will be necessary to divide one or two counties only; and in Lower Canada, where the division was made in 1829, upon the most partial and capricious grounds, to reunite three or four. Thus little change will take place in the territorial divisions, and no fresh survey or calculation of area and population will be necessary. The number of representatives will be diminished; but this is not only necessary, but will prove highly advantageous, and its propriety is urged by all whose opinion is of most value. In a country like this, where there are few, if any, persons of independent fortune,—where almost every man is occupied upon pursuits which demand his whole time and attention,—where to be absent from home is attended, not only with expense which can be ill afforded, but with a sacrifice of interest which few will submit to—a numerous representation is a most serious evil. There is great difficulty in finding fit representatives. They must be paid, which entails heavy expense on the district which sends them; and even with payment, many of those who would be best qualified to serve will not submit to the loss of time and neglect of their private affairs. The payment, however, may enable others, who do not present the same guarantee of industry, property, and intelligence, to obtain seats, and thus an extended number only tends to a worse representation. Under the system which I propose, it will be found that all these evils will be obviated. The necessity for a change in the territorial divisions will be taken away, the numbers will be reduced, and there will still remain a very fair representation, not less so than exist

exists at present, of all the different parts of the country. This will be amply shown in the returns with which I shall accompany the plan, which, I am happy to add, is supported by the best authorities, in both provinces, whom I could consult. If there be any change necessary hereafter, it will be in the power of the United Legislature to effect it, and the remedy can easily and speedily be applied.

4th. I recommend an entire change in the proposed organization of municipal bodies. The establishment of municipal government is no less required with reference to the union itself, and to the other provisions of the Bill, than it is demanded for the advantage of the people. Upper Canada has at present municipal institutions, though of a limited character; and many of the necessary expenses of the country are borne by local taxation, though that taxation is limited by the Assembly, and not within the discretion of the locality which pays it. Lower Canada has none, and there the same expenses are defrayed out of the general revenue of the province. It is indispensable, therefore, that means should be provided by which, contemporaneously with the union, these charges may be locally defrayed in Lower Canada.

One of the most important provisions in the plan proposed last session, one on which the Earl of Durham has justly laid the greatest stress, and of which I find the strongest approbation expressed in the Canadas, is that which restricts the initiative of money votes in the House of Assembly to the Government, and which is calculated to put an end to the disgraceful system of local jobbing for Parliamentary grants, which has prevailed in both provinces. But if this provision be adhered to,—and without it I should think the Bill of little comparative value,—it is absolutely necessary to provide machinery by which local taxation can be raised for local purposes. Thus the establishment of municipal institutions becomes a necessary part of the Union Bill; and I find that it is earnestly desired by the people of this country, as a most important improvement of their present system, and as likely to conduce, in the highest degree, to their welfare and prosperity. The Report with which I shall furnish your Lordship, upon the state of Roads, will afford ample testimony on this subject.

Upper Canada is divided into "districts" for all judicial, police, and magisterial purposes; and provision is made by law for the establishment of new "districts" as population increases, and the necessary appendages of courthouse, gaols, &c. are provided. These districts are subdivided into townships, which have already a municipal government. These townships elect officers annually, who perform certain duties connected with the roads, the collection of the local taxation imposed by the Legislature, and other functions. Owing, however, to the too great subdivision, and to the absence of any power of taxation, except to a most limited extent, but little advantage is derived from them.

In Lower Canada no municipal institutions exist, although they have been loudly called for in the eastern townships, and are not undesired by the French Canadian population. Divisions, however, exist there in the form of townships in the new English settlements, and the parishes in the French.

I propose to give to each district in Upper Canada a municipal body, composed of members chosen by each township; and in the Lower Province to erect districts for the same purpose, by the union of counties where necessary, composed in the like manner of members chosen by the townships or parishes. By this simple arrangement, which requires no new machinery, and involves no change in the divisions already existing in the Upper Province, or even in the Lower, none beyond the union of divisions already recognized, for the purpose of forming a new district, a system of municipal government will be established altogether adequate to the object sought, and free from all the objections to which the plan of last session was justly exposed. At the same time, by the establishment of a lieutenant in each of these districts, to be named by the Crown, one of the evils most felt in this extensive country, namely, the absence of any recognized authority with whom communication may be had by the Government in different parts of the province, will be provided against. Your Lordship will receive with the heads of the Bill which I shall have to transmit the details of this plan, which are extremely simple, as well as a full statement of the grounds upon which it is based.

These are the principal suggestions, which it is my duty to make, for the provisions of the Bill which will be introduced into Parliament, and which I

No. 14.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
24 December 1839.

Municipal Go-
vernment.

Nature of sug-
gested alterations.

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24 December 1839.

earnestly hope may be adopted. When I transmit the heads which I have prepared, your Lordship will find many recommendations of less importance which I have inserted, and which will then be fully explained; but I have been anxious to submit, with the least possible delay, those more essential changes in the details of the measure as proposed last session, which the information I have acquired on the spot, and the opportunities I have had of consulting with those best qualified to advise, enable me to recommend, as calculated to produce the best results in the two provinces. They are founded upon the principle of effecting no change, except when, for the object sought, it is absolutely necessary; and where it is, of introducing that change with as little interference with existing institutions and habits as possible. Keeping in view the principles laid down by Her Majesty's Government, and accepted by all the legislative bodies in these provinces, I have sought to give effect to them in the way which will produce the least disturbance; and I am satisfied that, effected in this manner, they will prove far more satisfactory to the people generally, than any more extensive alterations.

By the adoption of the measure in this form, those evils which have resulted from the separation of the two provinces, whose interests are so blended, and whose position renders each so dependent on the other, will be removed; they will enjoy one Legislature and one Government, but it will be left to the United Legislature to introduce gradually such other changes in the system now existing in each province as may appear desirable.

— No. 15. —

No. 15.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
22 January 1840.

EXTRACTS of a DESPATCH from the Right Honourable *C. Poulett Thomson* to Lord *John Russell*; dated Toronto, 22 January 1840.

It now remains for me in this despatch to advert to the principal heads of the Bill of which I recommend the adoption. These I shall class as follows:

1. Declaration of union to be made by the Governor-general.

On this point I have so fully stated my opinion in my despatch of the 24th December, that I need not refer to it.

2. Establishment of Legislative Council.

For the reasons which I have also before stated to your Lordship, I recommend an adherence to the constitution of 1791. The only alterations I suggest are, that members should have the power of resignation, which did not before exist; and that any absence from attendance extended over a period of more than three years, should give the Governor the power of removal. I consider this latter provision of importance, because one of the chief difficulties with which we have had to contend in this body, has been the neglect of members to attend. The distinction of being a member of the Council is sought for and prized; but experience has shown, that gentlemen having acquired it, are very much inclined to disregard the duties belonging to the office; and, in order to obtain a proper attendance, it has accordingly been necessary to increase the number of the Council to an inconvenient extent. Some remedy, therefore, seems to me indispensable, and I know of none less liable to abuse than this. I do not propose to attach a qualification to the Council. A pecuniary qualification, it is evident, would be ineffectual; since being required but once, it would be open to easy evasion, and certainly is not of such importance as to make it desirable to control the prerogative of the Crown.

3. The Assembly.

The Assembly will consist of 76 members, 38 from each of the provinces; and I transmit a statistical table of the present state of the representation of each in their separate Assemblies, and of the population and area of each of the counties now, or heretofore, sending members to Parliament. Captain Pringle will be prepared to furnish your Lordship with the most ample information upon the distribution of the proposed representation; and I am happy to think that so little change in the territorial divisions of either province will produce

Declaration of
Union.

Legislative
Council.

Assembly.

No. 15.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
22 January 1840.

produce a result so generally just, and so effective to the end sought. The only observation to which the plan proposed by me may, I conceive, be open, is, that single representation is in every instance adopted; but without adverting to general argument, upon which I should be prepared to consider this a preferable mode, I will remark, that it is undoubtedly that which is preferred here. Already Upper Canada has several ridings and counties, each returning one member; and I have found that, when additional representatives became the right of any county, on account of its increasing population, such division has been always preferred in place of adopting the other course of giving an additional member to the whole county. Nor would any other course be practicable, keeping in view the two essential conditions of the proposed representative system, namely, an adherence, as far as possible, to existing territorial divisions, and the avoidance of an inconveniently large number of members. Of this latter point I have already explained the importance, and I cannot too strongly urge it as conducive to the well-working of the representative system in these provinces.

The qualification for members is most desirable. I propose that it should be fixed at 500*l.*; and low as this sum may seem, it will, I am satisfied, be found sufficient.

Qualification of
Member of As-
sembly;

I do not propose, in the present Bill, to retain that part of the measure of last year, which contemplated the annexation of Gaspé to New Brunswick. Having endeavoured to ascertain the feelings of the people of Gaspé on this point, I have found them extremely averse to being separated from Lower Canada. Their social and commercial relations are entirely with the latter province, and access to Quebec is in the summer far easier, and in the winter not more difficult, than to Fredericton or St. John's. The petitions which they formerly addressed to the Crown and Parliament for separation from Lower Canada, were the consequence of the measures adopted by the Assembly against Mr. Christie, by which they were virtually disfranchised; but that grievance having now been removed, they are anxious to remain in their present position. I am not aware of any reason on which this should be refused to them.

Gaspé.

4. The language.

I recommend that, in the publication of all records of the Legislature, the English language only should be adopted. Great inconvenience and embarrassment have been experienced in Lower Canada from the necessity of using the two languages; and in the United Legislature there can be no good ground for continuing the practice. The debates, of course, may be conducted either in French or English, according to the discretion of the Speaker. The constitution of Louisiana affords a precedent for this regulation.

Language.

5. Laws of Upper and Lower Canada.

Your Lordship will find some clauses supplying what is required to meet special provisions of the Upper and Lower Canada Statute Books. These have been framed with great attention, and will be necessary.

Laws of the Pro-
vinces.

6. Municipal Institutions.

I transmit a Report upon the present state of Municipal Institutions in this province, and Captain Pringle will be prepared to furnish your Lordship with the fullest information upon the system, as well as upon that which I propose, and of which the substance is contained in the clauses, given in outline, in the accompanying Bill. It is not proposed to interfere with the present township institutions of Upper Canada: they will continue, unless it be proved by experience, that they are unnecessary, in which case the United Legislature can amend or abolish them. In Lower Canada there are no institutions of this kind, and the proposed arrangement will effect all that is required.

Municipal Institu-
tions.

The greatest advantage will result from the establishment of a lieutenant in each district, and by his presiding over the Council. In this very extensive country the utmost inconvenience is felt from the absence of any authority to whom the Executive can apply, either for information or assistance; and by the creation of lieutenantcies of this description, this defect will be supplied, whilst the connexion of such an officer with the Council, will secure to the Government a knowledge of its proceedings, and greatly facilitate its action.

Lieutenancy of
District.

No. 15.
Rt. hon. C. Poulett
Thomson to Lord
John Russell,
22 January 1840.

It is quite useless to provide for the establishment of municipal institutions in the towns. In Upper Canada, any town which at all demands such a Government, has already been incorporated by Act of the Legislature, and I propose, with reference to Quebec and Montreal, to confer the necessary powers on them by Ordinance under the authority of the Act 2 Vict. c. . . If, hereafter, any other towns should require municipal institutions, they will no doubt be obtained through the Legislature, and it would be wholly unnecessary to provide especially for this in the Union Act. Upon this subject, however, I would beg to refer your Lordship to Captain Pringle, who is intimately acquainted with the whole system and scheme.

Revenue.

7. Revenue, debt, civil list, and appropriation of funds, as provided for in clauses 50 to 57 inclusive, in the Bill of last year.

I do not propose to submit clauses upon these heads, which may be more conveniently framed in England, but I shall proceed to state the principles upon which the settlement of these matters should be effected.

The Public Revenue of both Provinces to form one fund, from a day to be named, say the 1st January of the year succeeding the proclamation of the union. Thus, if the union be proclaimed next autumn, the revenues will be united on the 1st January 1841, the commencement of the financial year in both provinces.

Debt.

The Public Debt of both provinces to be united from the same day. In Upper Canada, the whole debt has been contracted for public works, with the exception of a small sum for war losses, &c., but upon the junction of the revenues of the two provinces, as there would be no separate fund belonging to Upper Canada, whence the interest of this portion could be defrayed, it becomes indispensable, as in the Bill of last year, to place the whole of the Upper Canada debt upon the joint revenue. The greater part of it having been contracted for public works bearing tolls, which will eventually, no doubt, become profitable, and which, as part of the public revenue, either now received or to be received hereafter by this province, will be handed over to the united revenue; this charge cannot be considered very onerous on Lower Canada. As the junction will thus be confined to the public debt of the provinces, there will be no necessity at all for arbitrators to divide public from local.

The Civil List :

Civil List.

The Special Council in Lower Canada, and the Legislative Council here, having both addressed Her Majesty, concurring in the propriety of the establishment of a permanent Civil List, and the House of Assembly of this province having concurred in that resolution, subject to the desire that the grant for the governors and judges should be permanent, but that for the other departments, for the life of the Queen and ten years, it remains for Parliament to fix the sum which shall be allotted for each of these purposes; and I presume, when thus fixed, Her Majesty will surrender the Crown revenues, subject to resumption at the expiration of the time accorded by the House of Assembly for the general departments of the Government.

I enclose a statement of the present payments made under each of these heads, in both provinces, as well as of the revenue in both at present under the control of the Crown; to which must be added the Imperial duties under the 14th Geo. 3, which will revert, by the repeal of the Act 1 & 2 Will. 4, as provided in the Bill of last year. This statement will form a guide for the Civil List, permanent and temporary, to be taken in the Union Bill. Some considerable margin, it appears to me, ought, however, to be taken for extraordinary expenses, as I am satisfied that it would not be safe in these colonies to leave the Government dependent on the Assembly altogether for any such charges.

Pensions.

It is most desirable, likewise, that a fund of a moderate amount should be set apart for pensions or retiring allowances at the disposal of the Crown. But whatever be the amount fixed, it is clearly understood here, that the distribution, except so far as relates to the distinction between what is permanent and what is temporary, shall not be defined at all, and that it will be in the power of the Crown to allot the sums amongst the different offices, or to create new ones, as necessity may arise when the union is completed, and the government has been remodelled.

I enclose further a note of a provision to be specially made for a sum due to the

the Ordnance department, under an agreement effected in 1833, out of the proceeds of the military reserve in the neighbourhood of this city.

Power must be given to the Governor to charge the casual and territorial revenues, prior to their cession, with any compensation allowances which may become necessary to officers whose offices may be abolished or united under the Union. It will be necessary also to give a power to charge this fund, before its cession, with any sums to which the faith of the Crown has been previously pledged.

No. 15.
Rt. hon. C. Poulett Thomson to Lord John Russell,
22 January 1840.

It is to be hoped that this arrangement also will render the appointment of any arbitrators unnecessary; but in this, as in the former case, I must remind your Lordship, that if Her Majesty's Government deem any Commissioners requisite, they must be appointed by the Governor, as the Upper Canada Legislature will probably not meet again. Arbitrators.

The expenses attendant on the carrying the Act into execution, the expenses of returning officers, &c., the civil list, and the debt, must be made, as in the Bill of last year, charges in their order on the joint revenues of the United Province; and the residue will then be disposable by the Legislature, according to the form introduced in the former Bill, the initiation of money votes being, of course, expressly reserved to the Crown.

Powers of Governor and Lieutenant-governor :

It will be absolutely necessary for the well-working of the Union, that when first it is proclaimed, a Lieutenant-governor should remain in one of the provinces; but as under the commission all powers of a Lieutenant-governor cease during the presence of the Governor within the province, this must be provided for; accordingly, a clause has been prepared for this purpose. Lieutenant-governor necessary.

After it may have become unnecessary to maintain a Lieutenant-governor, however, it is highly necessary that the Governor-in-chief should have the power of constituting one or more deputy governors, who should exercise at distant parts of the province, such powers as he may delegate to them, and clauses for this purpose have likewise been prepared by Mr. Stuart.

I consider this last provision indispensable. Some Government authority, acting under the control and direction of the Governor-in-chief, along a territory nearly 1,000 miles in length, is absolutely required. The expense will not be great, probably 1,000*l.* a year, at the utmost, would suffice for such an officer, and he might not always be necessary; but without the power of constituting one in particular cases, and above all, at the first opening of the new system, I should very much fear the consequences.

I earnestly recommend the adoption of these clauses to your Lordship.

CIVIL LIST.

The amount of the Civil List must be calculated on the sums paid in 1839 for the following services :—

	Permanent.	£.	s.	d.
Governors - - - - -		8,000	-	-
Judges' Salaries—Crown Officers, ditto—and Contingent and Miscellaneous Expenses of Administration of Justice - - - - -		36,543	14	3
Pensions to Judges - - - - -		1,333	6	8
		£45,877 - 11		

No. 15.
Right hon. Pou-
lett Thomson to
Lord John Russell,
22 January 1840.

		Not Permanent.						£.	s.	d.
Civil Secretaries and their offices	-	-	-	-	-	-	-	7,602	19	8
Provincial ditto	ditto	-	-	-	-	-	-	3,003	11	-
Receiver-general	ditto	-	-	-	-	-	-	2,728	11	-
Inspector-general	ditto	-	-	-	-	-	-	1,918	12	5
Executive Council	-	-	-	-	-	-	-	3,534	13	5
Emigrant agent	-	-	-	-	-	-	-	677	-	-
Board of works	-	-	-	-	-	-	-	1,007	-	-
Pensions	-	-	-	-	-	-	-	5,496	16	1
Rent, repairs, furniture, fuel, &c. for public offices	-	-	-	-	-	-	-	2,468	13	10
								<u>£. 28,437</u>	<u>17</u>	<u>5</u>

The revenues at the disposal of the Crown in 1838, the last period to which the accounts can be made up, and the receipts under the Act, 14 Geo. 3, which, by the repeal of the 1st and 2d Will. 4, will revert to Her Majesty, were as follows:—

		LOWER CANADA.						£.	s.	d.	£.	s.	d.
Casual and territorial revenue	-	-	-	-	-	-	4,964	5	2				
Customs under Provisional Act, 43 Geo. 3	-	-	-	-	-	-	6,683	15	11½				
Licences on billiard tables	-	-	-	-	-	-	33	15	-				
Annual aid, by Act 53 Geo. 3	-	-	-	-	-	-	5,000	-	-				
Crown lands and timber licences	-	-	-	-	-	-	8,541	-	-				
Payment of B. A. Land Company*	-	-	-	-	-	-	6,000	-	-				
Revenue under 14 Geo. 3	-	-	-	-	-	-	22,061	11	4½				
								<u>53,284</u>	<u>7</u>	<u>6</u>			
		UPPER CANADA.						£.	s.	d.	£.	s.	d.
Canada Company's payment	-	-	-	-	-	-	20,000	-	-				
Fees on commissions	-	-	-	-	-	-	53	11	-				
Sales of Crown lands	-	-	-	-	-	-	1,350	-	-				
Patent and survey fees	-	-	-	-	-	-	993	10	1				
Sales of timber	-	-	-	-	-	-	11,565	-	-				
Fines	-	-	-	-	-	-	268	6	8				
Seizures	-	-	-	-	-	-	1,479	12	5				
Revenues under 14 Geo. 3	-	-	-	-	-	-	12,805	-	-				
								<u>48,515</u>	<u>-</u>	<u>2</u>			
								<u>£. 101,799</u>	<u>7</u>	<u>8</u>			

The year 1838 was, on account of the disturbances, peculiarly unfavourable to the Crown revenues in both Provinces.

It is of course not contemplated that the offices to be established under the new constitution of the United Provinces, should be identical with those now existing; but as it will evidently be necessary while a saving is made by a consolidation of some, to incur an additional expense by the creation and extension of others, it may be assumed, that the cost of the new establishment will not be less than that of the present.

Nothing has been taken for the clergy of any denomination, because under the Clergy Reserves Bill, passed by the two branches of the Legislature, that charge is placed on the casual and territorial revenue, until the proceeds of Clergy Reserves shall be sufficient to bear it. In the event therefore of an address to the Crown from either House of Parliament against the Clergy Reserves Bill, it would be necessary to make provision in the Union Bill for the support of the clergy.

The debt of Upper Canada is charged entirely on the joint revenues of the United Province, because, although a portion of it may have been contracted for purely local purposes, yet as it was incurred under the authority of the general Legislature, and as there are no local funds whatever on which it could be placed, it is impossible otherwise to provide for it.

Out of the proceeds of the sale of the reserve to the westward of Toronto, 10,000 £. in the whole is to be paid over to the respective officers, under an agreement made in 1833 for the erection of barracks.

* Not yet paid.

REPORT to His Excellency the Governor-General, on LAND TAX, ROADS, and MUNICIPAL INSTITUTIONS.

Captain J. W. Pringle's Report on Land-tax, Roads, and Municipal Institutions.

Taxes on Land, particularly as regards Wild Lands.

THE Taxes on land are much too low to be of benefit, either from their amount or their effect.

The cultivated land is valued at 1*l.* currency (equal to 16*s.* sterling) per acre, and the wild land (*i. e.* uncleared bush or forest) at 4*s.* per acre, in whatever situation they may be, whether in the vicinity of the city of Toronto, or in the most remote townships.

On this valuation a tax is assessed of one penny per pound. The cultivated land pays, therefore, one penny, and the wild one-fifth of a penny per acre.

A further tax to support lunatics, of one-eighth of a penny per pound has lately been imposed (2 Vic. c. 13), which gives, therefore, an additional one-fortieth of a penny per acre on wild land.

The amount from these taxes is paid into the district treasury, to support all expenses of the administration of justice, prisoners' conveyance and maintenance, wolf bounty, &c.

The settler is further required to give statute labour for the maintenance of the roads, in proportion to the amount of his assessment. If 25*l.*, he is required to work two days, and so on to 500*l.*, 12 days; or he may commute the same by paying 2*s.* 6*d.* per diem.

Every person possessed of a waggon or team, is further required to furnish the same for three days' work on the roads, or to commute at 5*s.* per diem for each.

Since the wild lands that are wholly unsettled, were exempt from this statute labour on the roads, as an equivalent, a tax was imposed (59 Geo. 3, c. 8, s. 3), on them of one-eighth of a penny per acre.

The amount of this latter tax, and of the commutation paid for statute labour is required to be expended on the roads in the townships for which the tax is paid.

Wild lands are thus chargeable with per acre $\frac{1}{2} + \frac{1}{40} + \frac{1}{8} = \frac{19}{40}$, or nearly three-eighths of a penny currency per annum.

If these taxes on wild land (6 Geo. 4, c. 7) remain unpaid for three years, the amount is increased a third; after five years, the increase is a half, and at the expiration of eight years, the lands are sold by the sheriff to such person as offers to pay the taxes due, for the smallest portion of the land, and he obtains such portion on his payment of the tax; subject, however, to be reclaimed by the owner within one year, on his paying the taxes, and 20 per cent. on the money advanced by the purchaser, and the sheriff's expenses.

Rather than pay even the above trifling amount of tax, or from being non-resident, and perhaps not even aware that they possessed such lands, proprietors of large tracts have frequently allowed them to be sold for the accumulation of the taxes as above-mentioned, so that lots have been purchased at about 5*d.* per acre.

Persons attended or sent their agents to these sheriff's sales, considering it a good employment of their money, even if the owner redeemed his land. But in few instances has this been done, so that these jobbers, few in number, and acting in collusion, have acquired and hold large tracts of these lands.

The effect of this measure has not been, therefore, what was held out, *viz.* to cause the land to be settled, but quite the contrary.

The emigrant, or small settler, had no opportunity of obtaining land at such sales, or if he had, the terms of redemption would prevent his settling upon it for one year. He must, therefore, either buy land from these jobbers and holders of wild tracts, at such price as they demand, or go off into the back settlements, where Government lands are still to be had at 8*s.* per acre; but there he will be remote from market, schools, &c., and must cut a path from his location to market, or to his neighbours, through the blocks of wild lands, thereby improving these blocks, with which view only the owners keep them, in expectation that when settlements are made round them, they will realize a large price.

It is, principally, however, by purchasing the rights to lots of wild land held by the children of American royalists (termed U. E. rights), that speculators have acquired so much land; such claims for 200 acres have been obtained for 4*l.* or 5*l.*; and if the purchaser had interest with the land department, he could select the best lots.

The difficulties or delays in obtaining titles to land from the surveyor-general's office, is represented also to have worn out the emigrant's patience and purse.

The effect of all this has been to send the great majority of emigrants, at least three-fourths of those who have landed in Canada during the last ten years, to the United States, where they are informed by agents sent to entice them over, that good land is to be obtained, without any difficulty, for one dollar and a half an acre; of course they are not told that the taxes are, perhaps, ten times greater than they are in Canada*.

The

* In the United States they have four distinct budgets: *viz.* for the Union, the State, the County, and the Township, but all are collected by the township officer; the amount of the three former in Pennsylvania, are deduced from comparing 13 counties in different parts of that State, average 16*s.* 2*d.* curr. per head on the whole population. The amount paid for the township tax could not be ascertained.—De Tocqueville, "Democracy in America," chap. 13, sec. 5.

In the State of New York the taxes are said to be still greater.

Captain J. W.
Pringle's Report
on Land-tax,
Roads, and Muni-
cipal Institutions.

The holders of these wild lands cry out for emigration, and that the mother-country should charge herself with the cost, which means, send us people to give us a better price for our land, or to settle round it, and improve its value, or at any rate to supply us with cheap labour.

If measures be adopted to cause the holders of these wild lands to offer them for sale at a reasonable price, and which will, at the same time, give the means to make good roads through the country, emigration would pour in without any assistance from the Government.

The most simple and equitable measure appears to be, to increase the tax upon land, to make it a general and equal tax on all land, whether wild or cultivated, and to expend the amount so raised wholly in the formation of roads through the district from which it is levied.

The principle of taxing land by the extent, the acre, is already established, as has been mentioned by the Act imposing a tax on unoccupied or wild land (59 Geo. 3, c. 8), as some equivalent for such land not furnishing statute labour for the highways.

But this is by no means an equivalent; and taking all the taxes together, it will be seen by the following extract from the report of a gentleman of great experience, that the holder of wild lands pays a mere trifle, as compared to the settler, the latter a poor labourer, the other generally a rich speculator.

"I will now show the difference in the contributions paid by the settler and the non-resident to the public stock.

"The man who settles upon 50 acres of land, which is the usual grant to emigrants (and which indeed is quite sufficient), before he has cut a stick of timber, before his cabin is erected, and before he brings a hoof upon his lot, pays 10*d.* as a district rate in money, and works two days upon the highways; whilst the non-resident pays only 1*s.* 4½*d.* in all for the same quantity. Calculating wages at the lowest sum at which it can be had in the country,

	<i>s.</i>	<i>d.</i>
Two days will be equal to	7	6
Cash for district rate	10	0
	—	—
Amount paid by emigrant	8	4
The non-resident pays only	1	4½
	—	—
Difference	6	11½

"So that the settler, whose every blow enriches his neighbour, and whilst he makes his 50 acres contribute toward the trade and commerce of the country, actually pays more than five times the sum towards the public benefit that the non-resident does.

"But we shall see how the case stands, after the emigrant shall have been 10 or 12 years on his land, supposing him to have been possessed of a little capital, industry, and frugality.

	£.	<i>s.</i>	<i>d.</i>
Thirty acres improved	30	—	6
Twenty acres unimproved	4	—	4
One pair of oxen	8	—	8
One horse	8	—	8
Five cows	15	—	3
Six young cattle	6	—	6
Stove	5	—	5
	—	6	4
Five days statute labour 3 <i>s.</i> 9 <i>d.</i>	18	9	0
	—	1	5
The non-resident proprietor still pays only	1	4½	0
	—	—	—
	£. 1	3	8½

"Thus, the man, whilst he doubles the value of the adjoining wild lot, pays nearly 18 times as much towards the public service as its owner. Is there any reason for this? On the contrary, is there the least show of reason why the speculator should not at least contribute equally with the other?"

The inquiries I have made lead me to the conclusion that to effect the objects proposed, namely, to cause either sale or settlement on the wild lands, and to be of benefit in the formation of roads, the tax should be at the lowest 3*d.* currency, or nearly 2½*d.* sterling per acre.

Such a tax would not be sufficient to cause the sale of the blocks of wild lands near towns; for instance, within seven or eight miles of Toronto, which must be worth 20*l.* or 25*l.* per acre; but when the municipal districts are established, such lands will of course be subject to a further tax proportional to their real value in the market.

It has been shown that the Act for the sale of land for arrears of taxes has worked ill; and it appears that a measure, such as the following, would be better adapted to the circumstances of the country.

In order to make as little change as possible, still keeping to the same period of eight years; but at the end of four years, to forfeit one-half of the land, and at the expiration of eight years, to forfeit also the other half.

Since the object of the Government must be to encourage the settlement of the colony, the price of Government lands should be made very moderate, little more than sufficient to pay the cost of survey, plans, and the expenses of the land department.

It is considered that a dollar, namely, 5s. currency, or 4s. sterling, would be enough for this purpose*.

Since many of the holders of wild blocks would not pay the tax of 3d. per acre, they would be obliged to offer their lands for nearly the same amount as that fixed on by the Government.

The emigrant—the pauper from England, is seldom satisfied now with an allotment of less than 200 acres, in order, he says, that he may provide for his family, which of course has the effect of keeping settlements apart from each other; the tax of 3d. per acre would make him satisfied with such quantity as he can usefully employ, which appears to be 50 acres†.

The complaints of delays and favouritism at the Surveyor-general's office have been alluded to. In addition to this, emigrants were obliged to come to Toronto to obtain their titles. In order to remedy this, agents have lately been appointed for districts (7 Will. 4, c. 118), for the disposal of the public lands. They are required by section 15, "to have plans to enable them to give full and requisite information to purchasers."

This is, no doubt, a step to facilitate emigrants obtaining lots, without the necessity of travelling to Toronto, but it is not enough. The clerk in each township should have plans of all Government lots within the township, and be authorized to give the purchaser immediate possession, on his paying the price.

If such a system as the above were adopted, few emigrants would pass over to the United States.

The money to be expended on roads would give them ample employment on their first arrival, and enable them soon to save sufficient to purchase 50 acres.

The common wages in Upper Canada are three-quarters dollar, or 3s. sterling per diem, and in harvest-time one dollar per diem; a man can board himself for two dollars a week, getting three full meals daily.

If hired by the month, his wages are 10 to 12 dollars a month, and his living.

The Assessment Returns from the several districts in Upper Canada, give the amount of cultivated land at nearly one and a half million acres, and five million acres wild lands; whilst the quantity that has been surveyed amounts to above twenty million acres, and three-fourths of that has been granted, and the great part is also located. But persons do not take out their patents in order to avoid payment of taxes.

It must be evident, that in order to make the tax on wild land effect the great object proposed, no evasion must be admitted; but, that every holder or claimant of landed property must be required to register the amount of the same, and to pay the Acreage Tax thereon.

The amount of this tax, at 3d. per acre, would, in Upper Canada alone, be nearly 100,000l. currency per annum, or 6,000l. to 7,000l. for each district, to be laid out yearly on the roads.

If the districts be taken as the municipal divisions, the Council will have power of further assessment on property, according to its value, for objects of public improvement.

It

* The present price of Government land is 8s. per acre, but the lot must be set up to auction, and is only sold at that price if no advance be made. This system enables a person to avail himself of the labour and judgment of another who has visited the spot, and to deprive him of it.

The price is now paid by instalments; if reduced to 5s., this would not be necessary, particularly as the object is to prevent the emigrant taking more land than he can usefully cultivate.

Five shillings per acre, and 3d. tax annually, is nearly the same as 8s. and 3-8ths of a penny tax, which is now paid, if calculated at six per cent. on the additional purchase money.

† A man can clear five acres per annum, which he immediately sows in wheat, after the timber is burned, and it yields about 16 or 18 bushels per acre; the present price is one dollar a bushel.

After the wheat is harvested, he leaves it in grass, so that at the end of six years he will have 30 acres cleared; 25 in pasture and hay for his cattle, and 20 in wood, which is necessary for his fencing, firing, &c.; and he will then, and not till then, be enabled to break up the five acres first cleared and sow them with grain; and so on at the rate of five acres per year for the next six years, by which time he will have 30 acres of old cleared land to be treated in any course of husbandry he may think advisable.

Captain J. W.
Pringle's Report
on Land-tax,
Roads, and Muni-
cipal Institutions.

It is most desirable, therefore, to prevent a misapplication of the funds, which has occurred to a great extent from want of knowledge of the principles of road-making, bridges, &c., that a competent person, who is in some degree acquainted with civil engineering, should be appointed to each district as road-master. Fit persons may be found for about 150*l.* per annum, and an allowance of 5*s.* per day when absent from their home on duty*. They should be required to pass an examination by the Commissioner of Public Works or Board of Works, or some such competent tribunal, previous to appointment.

For this there is a precedent in Ireland, when the county engineers were established.

In concluding, I may remark, that many gentlemen who have settled in this country, satisfied with their 300 to 600 acres, which they reside upon and improve, will hail a tax, such as is proposed on wild lands, as a boon; and, although such a tax would be strongly opposed in the House of Assembly, in which many of the members are holders of wild land, if the House were to be dissolved on such a question, few members would be returned who did not pledge themselves to support the measure; for the small settlers feel the want of roads, and would be glad to contribute their share towards improving them, when they found that the funds were to be properly disposed of. The present state and management of the roads next claims notice.

Roads.

In regard to the state of the roads, they are generally mere tracks through the woods, the stumps only so far cleared that a waggon may wind between them, impassable after bad weather, chiefly from not being drained, which is at places attempted to be remedied by laying down trees (corduroy), at an expense greater than a drain would cost.

Even on some of the important lines, the roads are impassable a great part of the year^s as, for instance, from London to Port Sarnia, which is only used in winter; in summer they are compelled to go round by Detroit.

The blocks of wild land held by absentees, prevent the improvement of these lines of roads by settlement along them; many settlers in the back townships, even after staying some years, and improving their lots, have abandoned them, from want of access to markets, and of schools for their children.

In the province of Lower Canada, the enactments which have been made for the maintenance of the roads, and the manner in which such have been carried into effect, are fully described in the Appendix to the Report of Lord Durham.

In Upper Canada, the only system provided by law for the general maintenance of the roads is the statute labour, to be called out annually in each township under pathmasters, and the trifling tax imposed in commutation of that labour, one-eighth of a penny per acre on wild lands.

This statute labour and tax on wild land is totally inadequate for effecting any good on the roads. The performance of the statute labour by the settlers is besides badly organized, and leads to constant disputes.

The magistrates in quarter sessions are authorized to award a sum of 50*l.* from the district treasury for any one road, if the district be out of debt, which, however, is scarcely ever the case.

By application, however, to the Legislature, grants are made for particular roads and bridges; these grants are placed under the disposal of Commissioners resident in the district, generally named by the member, and of course his own supporters.

These grants have been notoriously misapplied, either from want of knowledge in the persons selected, or from carelessness, or worse; so that not half the benefit has accrued to the public which such amounts ought to have produced.

In the vicinity of Toronto, to the distance of eight or ten miles from the town, the roads have been macadamized, and tolls placed upon them; the amount collected has been, however, inadequate to pay the interest of the money expended.

This failure will prevent any similar measures being adopted on other roads, since it has failed even close to the capital. Good reasons, indeed, have been put forward against the system of toll-bars, even in England, from the very heavy per-centage it absorbs from the amount

* Mr. Harrison, Civil Secretary, and also on the Committee of Education, to whom I am indebted for much of the above information, tells me it is in contemplation to appoint inspectors for the district schools. If this be done, that office and surveyor of roads might in many instances be advantageously combined, and a more liberal salary given.

amount collected, even setting aside the annoyance which is always caused by its execution.

The great cost of macadamized roads must retard their adoption for a long time in the Canadas; but in addition to this they are less required there than in Europe. In the winter the sleighing is equally good on the clay road, and in the summer there is so long a period of dry weather, that the clay road answers all ordinary purposes. What is chiefly required is that they should be drained, which is only to be properly effected by placing them under the management of a person of some science.

As an experiment, ten miles of plank road have been recently formed near Toronto, which may answer, since wood is generally to be had for little more than the expense of the labour of cutting. The mode of forming the road is by laying sleepers three feet apart, and covering them by planks three inches thick, on which sand is laid. This, it is estimated, will last seven years, and cost about 700*l.* a mile. The road is more elastic and agreeable than a macadamized road. Such expensive works will be applicable, however, only to the great lines of communication which must be formed by enactments of the Legislature, and placed under a different management from the district roads, as a Commissioner or Board of Public Works; but since the formation of these lines will greatly augment the value of the lands through and near to which they pass, the proprietors of these lands should be taxed for their formation to some extent in proportion to the advantage their properties will respectively derive from their construction.

It is now time to give an account of the Municipal Institutions which already exist, and to point out the manner in which they may be most easily extended and made general throughout the colony.

MUNICIPAL INSTITUTIONS.

Towns.

NEARLY all the towns in Upper Canada have obtained corporate powers; namely, Toronto, Kingston, Hamilton, Cobourg, Niagara, Prescott, Cornwall, and London. The three former have made considerable improvement in the streets, by the construction of footpaths, generally of plank, making sewers, macadamizing, and draining the streets.

In Toronto, the funds raised for these purposes amounted last year to 3,534*l.*, by an assessment of 1*s.* 1 $\frac{1}{2}$ *d.* in the pound, on a valuation which is considered nearly equal to a rack-rent.

Previous to these works being made in Toronto, after rain, or the breaking up of the frost, the streets were such in such a state, that the inhabitants had sometimes to use bullocks to get a carriage from one street to another. These improvements have been of great utility for the salubrity of the town, and comfort of the inhabitants.

Country.

In the country there are no institutions giving to the inhabitants the power of raising money for local improvements.

The townships, which are generally from seven to ten miles square, and vary in population from 500 to 5,000, elect their township officers: every rate-payer being entitled to vote, it is nearly household suffrage.

The election takes place annually. (33 Geo. 3, c. 2.)

The officers are, a clerk, whose duty is to keep all the accounts and books, and to take a census; two assessors, who rate the property for the taxes imposed by the Legislature; a collector, to collect the amount, and pay it to the clerk, that it may be transmitted to the district treasurer.

At the township meeting, path-masters (overseers of roads) are also appointed; each path-master is assigned a few miles of road, so that there are some 20 or 30 named for one township. Their duty is to call out and superintend the performance of the statute labour.

A number of fence-viewers, not exceeding 18 in number (4 Will. 4, c. 12), are also named, whose duty is to see that the fences are maintained between properties.

The path-master and fence-viewers are not paid. The assessors are paid by a percentage of four, the collector, of five per cent. on the amount.

The next division above townships is counties; but these are mere electoral districts for the return of representatives to the House of Assembly.

There are 27 counties in Upper Canada, two of which are divided into four ridings each.

Two or more counties are united, to form a district; at the principal town of which are placed the gaol and court-house, and the assizes are held there. There is a sheriff, a treasurer, and a clerk of the peace for each district, and the magistrates have jurisdiction over the district, so that a district resembles a county in England.

There are now 15 districts in this province, three having just been proclaimed. This is provided for by 7 Will. 4, c. 30, according to which the inhabitants of a county, or of adjoining townships, may apply to the Legislature to be formed into a new district, showing inconvenience from the number of inhabitants, or extent of the existing district to which they belong. The Legislature then authorize such district being formed as soon as the gaol and court-house are completed; four more districts have been authorized, and will be proclaimed as soon as the court-house and gaol are finished, which will make the number 19 in Upper Canada.

It has been stated, that all the taxes collected in the townships are remitted to the district treasurer. These monies are disposable by the magistrates to cover all the expenses of the administration of justice, maintenance of prisoners, &c. If there be a surplus after these are defrayed, the magistrates in quarter sessions may award 50 *l.* to be laid out on any one road; but from the building of the gaol, court-house, &c. the districts are generally in debt; so that they are obliged to apply to the Legislature for an additional assessment; and such is, in frequent instances, granted to the amount of 1 *d.* in the pound additional; but this only in two or three cases applies to the one-fifth of 1 *d.* per acre on wild lands, the wild land being exempted from such addition.

The above may be considered a sufficient description of the institutions at present established in Upper Canada, in order to judge what will be best adapted for the formation of municipal districts as contemplated in the Union Bill.

The townships are evidently too small for each singly to form a respectable council, and to carry out improvements on any general scale of utility. They would be like the parishes in England, under which arose so many abuses in the poor laws, &c.

In respect to the counties or districts being taken for the municipal division, the latter have the advantage of being already constituted as the magisterial division, and have a treasurer, clerk of the peace, &c., as has been stated*.

There are now 15, but will shortly be 19, districts in Upper Canada, the whole population being 400,000, so that the average for each will not be too large for proper municipal government; and if they do increase to an inconvenient size, we have seen that there is provision made for their subdivision.

The extent of the district, varying from 300 to 3,000 square miles, is not too large, in a newly-settled country, where the most important result of the institutions will be, the formation of good lines of roads through it.

In order to form the municipal council, it is proposed that each township shall send representatives according to its population; namely,

- 700 to 2,000, one.
- 2,000 to 5,000, two.
- 5,000, and upwards, three.

If the population of a township be less than 700, it will be annexed, *pro tem.*, to the next smallest contiguous township or townships, so as to make up the number of 700, and to return a joint representative.

When the 19 districts are formed, the number of townships in each will be from 13 to 24; which, according to the above scale, will give from 12 to 30 councillors for each district council.

In

* In the United States, the system varies in different States. In New York, Pennsylvania, Ohio, the inhabitants of each county choose representatives to form a County Assembly, which has the right of taxing the inhabitants, of exercising executive powers, and even of directing, to some extent, the administration of the townships.

In Massachusetts, the business of the county is under the direction of the Governor and his Council. The county has no Representative Assembly; and its expenditure is voted by the Legislature. The townships have, however, the right of taxation; there are 19 principal officers in each, and every inhabitant is constrained, under pain of fine, to undertake the duties; but they are nearly all paid.—De Tocqueville, chap. 5, sec. 3, 6.

In the French settlements in Lower Canada, the divisions are seignories and parishes. The boundaries of both seem to be sufficiently defined and recognised. The latter are generally smaller in extent and population than the townships, but may be adopted for the electoral divisions. Since parts of the seignories are, however, stated not to be included in parishes, power must be give to make new divisions when required, so as to embrace all appropriated lands. In the English settlements the townships are as in Upper Canada.

Captain J. W.
Pringle's Report
on Land-tax,
Roads, and Muni-
cipal Institutions.

In Lower Canada the same scale may be taken for the return of councillors, but making it from parish or township, instead of from townships only; in many of the counties there being both parishes and townships.

In Lower Canada there are only five districts to the greater population of 600,000. Such districts would be, therefore, much too large for the purposes of municipal government. The number of counties (40) may be considered as too many, so it will be desirable that power should be given to unite two or more counties to form the municipal districts.

The extent of the powers for taxation to be given to the municipal council, it may be considered advisable to limit. It has been stated, in respect to the taxing of land by the acre, that 3 *d.* per acre on all lands will, probably, have the effect desired, to which amount the council might be for the present restricted.

In regard to the tax on property, it has been mentioned that in Toronto above 1 *s.* on the pound rental is now collected. The council might be limited, in the first instance, to that amount, or to 1 *s.* 6 *d.*, calculated on an interest at six per cent. on the real value of the houses, land, &c.

(signed) *J. W. Pringle.*

Toronto, 20 January 1840.

REPRESENTATION OF UPPER CANADA, AS PER UNION BILL.

COUNTIES.		Area in Square Miles.	Population.	Present No. of Representatives in House of Assembly.	Proposed No. of Representatives in United House of Assembly.	REMARKS.
	York - - -	1,904	60,056	- - -	- - -	Toronto included.
	— 1st Riding -	365	24,459	1	1	
	— 2d — - -	469	12,280	1	1	
	— 3d — - -	405	15,246	1	1	
	— 4th — - -	665	8,071	1	1	
	Halton - - -	1,622	35,216	2	1	West Riding, pop. 16,958, sq. miles, 957.
	Lincoln (4 Ridings) -	658	25,544	4	1	East Riding, pop. 18,258, sq. miles 666. Niagara included.
	Middlesex - - -	1,898	23,741	2	1	London included.
5.	Northumberland -	1,721	20,059	2	1	South Riding, pop. 11,846, sq. miles 740.
	Leeds - - -	918	18,383	2	1	North Riding, pop. 8,213, sq. miles 981.
	Durham - - -	1,380	15,696	2	1	Brockville included.
	Wentworth - - -	310	15,106	2	1	Hamilton included.
	Carleton - - -	859	14,886	2	1	
10.	Grenville - - -	678	13,593	2	1	
	Lennox and Addington	722	13,579	2	1	
	Prince Edward -	334	13,212	2	1	
	Oxford - - -	897	12,537	2	1	
	Frontenac - - -	1,363	12,451	2	1	Kingston included.
15.	Glengarry - - -	450	12,094	2	1	
	Hastings - - -	1,314	11,352	2	1	
	Stormont - - -	392	10,839	2	1	Cornwall included.
	Simcoe - - -	3,034	9,829	2	1	
20.	Lanark - - -	964	8,550	2	1	
	Norfolk - - -	600	8,469	2	1	
	Essex - - -	665	8,467	2	1	
	Kent - - -	1,940	8,434	2	1	
	Dundas - - -	377	6,565	2	1	
	Prescott - - -	442	5,431	2	1	
25.	Haldimand - - -	467	4,625	1	1	
	Huron - - -	1,281	2,626	1	1	
27.	Russell - - -	641	2,585	1	1	Huron and Russell are rapidly increasing.
	City of Toronto -	York County	12,571	1	1	
	Town of Kingston -	Frontenac -	3,877	1	1	
	— Hamilton -	Wentworth -	3,188	1	1	
	— Niagara -	Lincoln -	1,873	1	1	
	— Brockville -	Leeds -	1,800	1	1	
	— London -	Middlesex -	1,090	1	1	
	— Cornwall -	Stormont -	1,515	1	1	
				62	39	

REPRESENTATION OF LOWER CANADA, AS PER UNION BILL.

	COUNTIES.	Frontage on River St. Lawrence.	Area in Square Miles.	Population.	No. of Representatives.	Proposed Number of Representatives in United House of Assembly.	REMARKS.
		<i>Miles.</i>					
	Saguenay (a) - -	100	72,000	8,385	2	1	
	Montmorency (a) - -	34	7,396	3,743	1	1	
	Orleans - - - -	-	69	4,349	2	1	
	Quebec (a) - - -	12	13,200	10,257	2	1	
5.	Portneuf (a) - - -	39	8,640	12,350	2	1	
	Champlain (a) - - -	22	783	6,991	2	1	
	St. Maurice (a) - - -	27	9,810	12,909	2	1	
	Berthier (a) - - -	28	5,760	20,255	2	1	
	L'Assomption - - -	11	208	12,767	2	1	
10.	La Chesnaye - - -	10	299	9,461	2	1	Co. of Leinster, previous to Act of 1829.
	Terrebonne - - -	-	3,100	16,623	2	1	
	Two Mountains - - -	-	979	20,905	2	1	
	Ottawa (a) - - - -	-	34,669	4,786	2	1	Rapidly increasing.
	Vaudreuil - - - -	-	316	13,111	2	1	
15.	Beauharnois - - - -	-	710	16,857	2	1	
	L'Acadie - - - -	-	242	11,419	2	1	
	Laprairie - - - -	-	239	18,497	2	1	Co. of Huntingdon previous to 1829 fully settled, and therefore cannot increase.
	Montreal - - - -	-	194	4,486	2	1	
	Chambly - - - -	-	211	15,483	2	1	
20.	Vercheres - - - -	-	192	12,319	2	1	
	Richelieu - - - -	-	367	16,149	2	1	
	St. Hyacinthe - - -	-	477	15,366	2	1	
	Rouville - - - -	-	384	18,115	2	1	
	Missisquoi - - - -	-	363	8,801	2	1	
25.	Stanstead - - - -	-	632	10,306	2	1	
	Shefford - - - -	-	749	5,087	2	1	
	Sherbrooke - - - -	-	2,786	7,104	2	1	
	Drummond - - - -	-	1,674	3,566	1	1	
	Yamaska - - - -	-	283	9,496	2	1	
30.	Nicolet - - - -	-	475	12,504	2	1	
	Lotbiniere - - - -	-	735	9,191	2	1	
	Megantic - - - -	-	1,465	2,283	1	1	Rapidly increasing.
	Dorchester - - - -	-	342	11,928	2	1	
	Beauce - - - -	-	1,987	11,900	2	1	Co. of Dorchester, previous to 1829.
35.	Bellechase - - - -	-	581	13,529	2	1	
	L'Islet - - - -	-	3,034	13,518	2	1	
	Kamouraska - - - -	-	4,328	14,557	2	1	
	Remouski - - - -	-	8,840	10,061	2	1	
	Gaspé - - - -	-	3,188	5,003	2	1	
40.	Bonaventure - - - -	-	4,108	8,109	2	1	
	Montreal, exclusive of County - - -	-	-	27,297	4	1	
	Quebec - - ditto - - - -	-	-	25,916	4	1	
	Three Rivers, exclusive of County St. Maurice - - - -	-	-	4,000	2	1	
	William Henry, County Richelieu, and included in its population - - - -	-	-	2,000	1	-	
				-	88	39	

(a) These Counties extend indefinitely North, but, excepting near the river, are almost unfit for settlement.

— No. 16. —

No. 16.
Right hon. C. P.
Thomson to
Lord John Russell,
18 January 1840.

COPY of a DESPATCH from the Right Hon. *C. Poulett Thomson* to Lord
John Russell.

My Lord,

Toronto, 18 January 1840.

I HAVE the honour to transmit an Address from the House of Assembly to Her Majesty, with reference to the projected union of this with the Lower Province.

Some members of the Assembly having been defeated in their attempt to oppose the Union, or to attach to it conditions or principles other than those submitted in my Message, and assented to unconditionally by the great majority of the House, felt desirous of marking their opinion upon certain points for the consideration of Her Majesty's Government, and others entertained no objection to their being thus brought forward in a modified shape, a desire to which, so far as my influence could go, I did not object. I therefore submit them, only remarking, however, that all of these recommendations were raised as conditions, when the resolutions were under discussion, and rejected by considerable majorities. They must, therefore, be considered simply as suggestions.

Your Lordship will find that I recommend the adoption of some of them. The use of the English language only, in the records of the proceedings of the Legislature, seems to me desirable; though further than that I should not be disposed to go. The adoption of a qualification for members when they are paid, as they are in the Assembly of Upper Canada, and will be undoubtedly in the United Legislature, appears to me also desirable. In Upper Canada, the qualification is now merely nominal, however, and therefore in order to carry out the principle recommended by the House of Assembly, it must be extended and improved. The introduction of Municipal Government into the Lower Province, as well as the improvement of it in this, will form, I trust, a main feature of the new measure.

The question of the seat of Government is, of course, one which cannot, and ought not, to be decided in the Bill; it must be left to be regulated by circumstances.

Notwithstanding that Montreal, from its being the termination of the Atlantic navigation, as well as from its central position, has been generally pointed out as the fittest place for the seat of Government, and for the meeting of the Legislature, I should be extremely sorry to have that city, or indeed any particular place, designated as the future capital of the United Province. Circumstances might render it very desirable to remove the meetings of the Legislature from the centre of a French population; and, above all, in a country in which the variations, in both the amount of population and the extent of country peopled, are so great, no man can foresee what district may, in a few years, afford the greatest advantages for the seat of Government. I should therefore be decidedly opposed to any attempt to prescribe this, or to diminish the undoubted prerogative of the Crown to summon the Legislature at any place which in its discretion it may judge best.

I have, &c.
(signed) *Poulett Thomson*.

Encl. in No. 16.

Enclosure in No. 16.

Address to Her Majesty on the subject of the Union of the Provinces of Upper and Lower Canada.

To the Queen's most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg permission to approach your Majesty with renewed expression of our unwavering attachment to your Majesty's royal person and government.

During the present session of your Provincial Parliament, a subject more important than any that has ever engaged the attention of the representatives of the people, has been brought under their consideration, in pursuance of the commands of your Majesty, by your Majesty's Governor-General of these provinces,—namely, the legislative reunion of Upper and Lower Canada. In the Message of his Excellency to the two branches of the Legislature, they are informed, that “after the most attentive and anxious consideration of the state of these Provinces, and of the difficulties under which they respectively labour, your Majesty's advisers came to the conclusion, that by their reunion alone could these difficulties

culties be removed: that during the last session of the Imperial Legislature they 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 the 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 House of Assembly deeply feel this additional proof of your Majesty's solicitude for their happiness and prosperity; and it will ever be held by them in grateful remembrance.

In pursuance of the message referred to, the House of Assembly lost no time in taking into consideration the three distinct propositions submitted by your Majesty's Governor-General as the basis on which the reunion might be established, namely,—first, equal representation of each Province in the United Legislature; secondly, the grant of a sufficient Civil List; and thirdly, that the public debt of this Province be charged on the joint revenue of the United Province.

In the discussion of these propositions, it happened that some of the members of this House apprehending the greatest danger to our civil and political institutions, and even to our connexion with the parent State, were opposed to the union on any terms; while of those who supported the measure, there were many who were not wholly free from apprehensions as to the result, and who regarded it a hazardous experiment, unless in addition to the terms submitted by the Governor-General, certain details calculated to secure their institutions and their connection with the Imperial Crown, should accompany their concurrence with the terms proposed. A majority, however, gave their unconditional assent to the propositions above-mentioned, in the fullest confidence that your Majesty, in calling the attention of the Imperial Parliament to the Union, would at the same time recommend the adoption of every necessary safeguard to the maintenance of British interests and British supremacy. It is in this confidence that we now humbly submit to your Majesty's most gracious consideration, the following propositions, which, in the opinion of this House, are calculated to secure the great end, in expectation whereof the assent to the Union was given.

And first, we respectfully entreat your Majesty, that the use of the English language in all judicial and legislative records be forthwith introduced; and that at the end of a space of a given number of years after the Union, all debates in the Legislature shall be in English. And as a matter of justice to your Majesty's subjects in Upper Canada, we earnestly and confidently appeal to your Majesty, to admit their right to have the seat of the Provincial Government established within this Province. It surely cannot be denied to the people of this Colony, that if favour is to be shown to either Upper or Lower Canada, their claim stands pre-eminent; independent of which, the moral and political advantages of the concession are too obvious and undeniable to admit of dispute.

It is with the most sincere satisfaction that this House has received from your Majesty's Representative, the assurance that the Bill introduced into the House of Commons during the last Session of the Imperial Legislature, is not to be "considered as embodying the provisions which may hereafter be adopted by the Imperial Parliament." And, "that it is his Excellency's intention to recommend to Her Majesty's Government, in the new measure that must be introduced, to adhere as much as possible to existing territorial divisions for electoral purposes, and to maintain the principle of the Constitutional Act of 1791, with regard to the tenure of seats in the Legislative Council."

We would further respectfully submit, the necessity of providing that the members of the Legislature should possess a stake in the country equal to that now required by the laws of this Province; that to the call of public duty, that of private interest may be added, as an inducement to wise and careful legislation; and for this purpose, we trust that a sufficient qualification in real estate will be required from any person holding a seat in the Legislature.

We would also respectfully suggest to your Majesty, the paramount subject of emigration from the British Isles, which we consider the best calculated to render the United Province British in fact as well as in name. No time, in our humble opinion, should be lost, in the establishment and vigorous prosecution of a well-organized system of emigration calculated to afford every possible facility to the settlement of that extensive domain, the proceeds of which have been proposed to be surrendered to the control of the Provincial Legislature, upon certain terms and conditions, which in Upper and Lower Canada, is at present in right of the Crown at your Majesty's disposal.

We have no desire to interfere unnecessarily in questions of detail which more immediately affect the sister province; but we cannot omit respectfully soliciting your Majesty's attention to the introduction of a system of Municipal Government into Lower Canada, in order to provide for local expenditure by local taxation, and under local management, on the same principles as have obtained in Upper Canada, where the system established by the Provincial Legislature, after repeated and careful revision, has in its operation proved highly satisfactory to the people.

We would, lastly, desire humbly to assure your Majesty, that to the principles on which our Constitution has been established, to the representative mode of government under a monarchy, and to a permanent connexion with the British Empire, and a dutiful allegiance to our Sovereign, the people of Upper Canada most faithfully and firmly adhere.

It is only from apprehensions of danger on these most important matters, that doubt or difficulty has been felt in assenting to the Union; and we therefore now humbly trust that your Majesty, fully acquainted with our situation, will not confine your Royal consideration to the claims that are referred to in this address, or in any other proceeding of this House,

No. 16.
Right hon. C. P.
Thomson to Lord
John Russell,
18 January 1840.

No. 16.
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but that continuing to us that gracious and generous protection we have hitherto experienced from your Majesty and the British Nation, your Majesty will add such further safe guards as in your wisdom may be thought necessary and desirable to protect your faithful subjects in the peaceful enjoyment of their laws and liberties, and to perpetuate their connexion with your Majesty's Crown and Empire.

Commons House of Assembly,
13 January 1840.

(signed) *Allan N. Macnab*, Speaker.

Division on passing the Address.

Yeas.

Messrs. Aikman, Attorney-general, Bockus, Boulton, Burritt, Burwell, Caldwell, Deltor, Elliott, Ferrie, Gamble, Gowan, Hotham, Hunter, Jarvis, Lewis, Malloch, McLean, Powell, Richardson, Robinson, Ruttan, Rykert, Shade, Sherwood, Solicitor-general, Thomson, Wickens, 28.

Nays.

Messrs. Chisholm of Glengarry, Cook, Duncombe, Manahan, McCargar, McDonell of Glengarry, McDonell of Stormont, McIntosh, McKay, McMicking, Merritt, Moore, Parke, Shaver, Small, Thorburn, Woodruff, 17.

Address passed by a majority of 11.

— No. 17. —

No. 17.
Right hon. C. P.
Thomson to Lord
John Russell,
11 February 1840.

(No. 43.)
COPY of a DESPATCH from the Right Honourable *C. Poulett Thomson* to
Lord John Russell.

My Lord,

Toronto, 11 February 1840.

YESTERDAY I prorogued the Parliament of Upper Canada with a speech from the Throne, of which I beg to enclose a copy.

I believe that no former Session of the Legislature of this Province has been so much distinguished by the order and regularity with which important business has been transacted, and especially by the absence of asperity in the debates and proceedings of the two Houses. This is so universally admitted, that I felt it incumbent upon me to notice the fact in my Speech from the Throne.

It is likewise with great satisfaction that I have to state, that all the accounts which I receive from different parts of this Province, unite in describing a very great and marked improvement in public feeling. Everything is perfectly tranquil, and there seems to prevail through the country a desire for repose, and a feeling of confidence in the future, which are most gratifying.

In a state of society so excitable as this, it is, of course, impossible to predict with any certainty what turn the public mind may take, or how long the present feeling may last, but I am very confident that an opportunity now presents itself for a settlement, on a sure foundation, of the affairs of this Province, which, if taken advantage of, may be productive of the utmost benefit.

If the Union be established by Parliament, upon the conditions upon which it has been proposed and accepted in both Provinces, means will be afforded for the establishment of a better and more vigorous system of Government, and of a better regulated and infinitely more useful Legislature, the old party distinctions and personal jealousies which have so much contributed to create dissension and dissatisfaction, will be broken up, without any violent change, or an appearance of triumph to either side, and the development of the natural resources of the two Provinces, which has been checked by the events of the last few years, and by the suspension of the Constitution in Lower Canada, may proceed uninterruptedly.

But, above all, it is necessary for the continuance of the state of feeling which I have described in this Province, or to afford a prospect of improvement in future, that the settlement of the Clergy Reserves, which has been agreed to here, should receive the confirmation of Her Majesty, and that the question should never more be returned for discussion in Upper Canada.

I have already, on many occasions, expressed my opinion on this subject; but I am so much impressed with the fatal effect which the renewed agitation

of

of it would have on the future condition of this Province, that I feel it my duty to take every opportunity of urging its importance on Her Majesty's Government, and on Parliament. This appears to me the more necessary, because I do not believe, from the experience which I have myself had, of discussions of matters relating to the Canadas in England, that this question is felt to be of the immense importance which it really is to the state of society here. The attention of Parliament has been chiefly turned to the condition of Lower Canada, where the subject has never been agitated; and, even as regards this Province, attention has been principally directed to improvements or alterations in the constitution or form of government rather than to this subject, which in reality has been the real cause of the dissatisfaction and excitement which produced the demand for such changes.

It rests, therefore, in my opinion, mainly with the Imperial Parliament, whether this Province shall become contented and prosperous, or whether agitation shall be revived, and all hope of a peaceable and happy settlement of its affairs be indefinitely postponed. If the establishment of the Union, and the settlement of the Clergy Reserves, be adopted in accordance with the wishes of the Legislature here, and if Parliament shall consent to afford some aid in developing the resources, and re-establishing the credit of the Colony, when the Union shall be determined upon, which may be done without any pecuniary sacrifice on the part of the mother country, I am sanguine as to the future condition of the Canadas. But, unhappily, if British politics and party differences should prevent or retard this settlement, I can only look forward to a state of dissatisfaction and disorder far greater than that in which this Province was justly represented to be some months ago, and to consequences most disastrous to Her Majesty's subjects, and fatal to British connexion.

I have, &c.

(signed) C. Poulett Thomson.

No. 17.
Right hon. C. Poulett Thomson to Lord John Russell,
11 February 1840.

Enclosure in No. 17.

Governor-General's Speech on proroguing the Legislature of Upper Canada.

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

Encl. in No. 17

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 reunion 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, 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.

No. 17.

Right hon. C. Pou-
lett Thomson to
Lord John Russell,
11 February 1840.

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.

Toronto, 11 February 1840.

—No. 18.—

No. 18.

Lord John Russell
to the Right hon.
C. Poulett Thom-
son,
20 March 1840.

(No. 90.)

COPY of a DESPATCH from Lord *John Russell* to the Right Honourable
C. Poulett Thomson.

Sir,

Downing-street, 20 March 1840.

HER Majesty has directed me to express to you Her gracious approbation of the various steps which you have taken, in order to procure the adjustment of the differences which have so long prevailed in Canada.

The promptitude with which you have acted in ascertaining the sentiments of the Special Council,—the decision which you made to resort in person to the Upper Province,—the conciliatory spirit in which you met the Legislature of that Province,—and the zeal for Her Majesty's service and the good of Her people, which you have on all occasions evinced, have been observed by The Queen with the greatest satisfaction, and have inspired Her Majesty with a confident hope, that you may successfully complete the work you have so ably commenced.

I have, &c.
(signed) *J. Russell*.

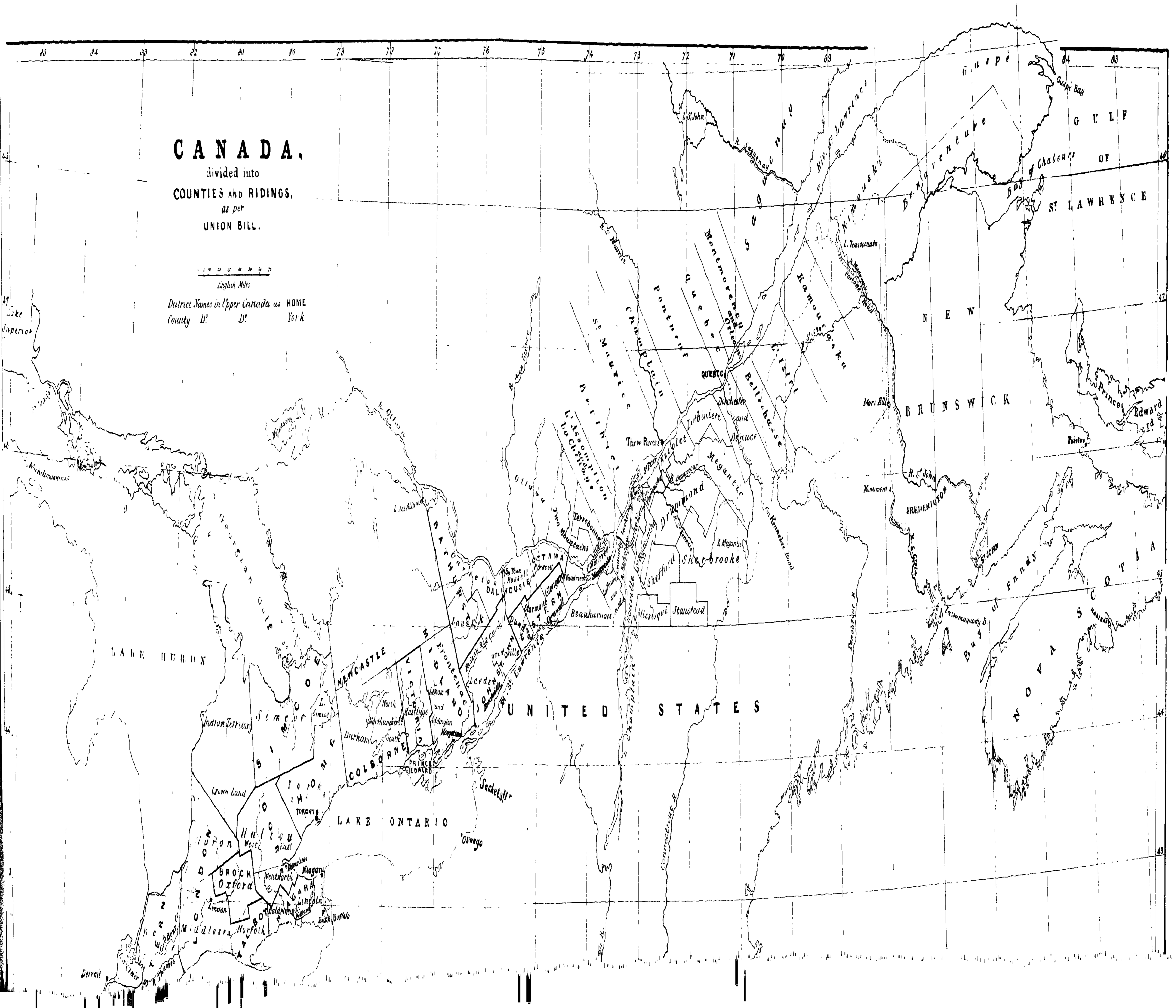
CANADA,

divided into
COUNTIES AND RIDINGS,
as per
UNION BILL.

0 10 20 30 40 50

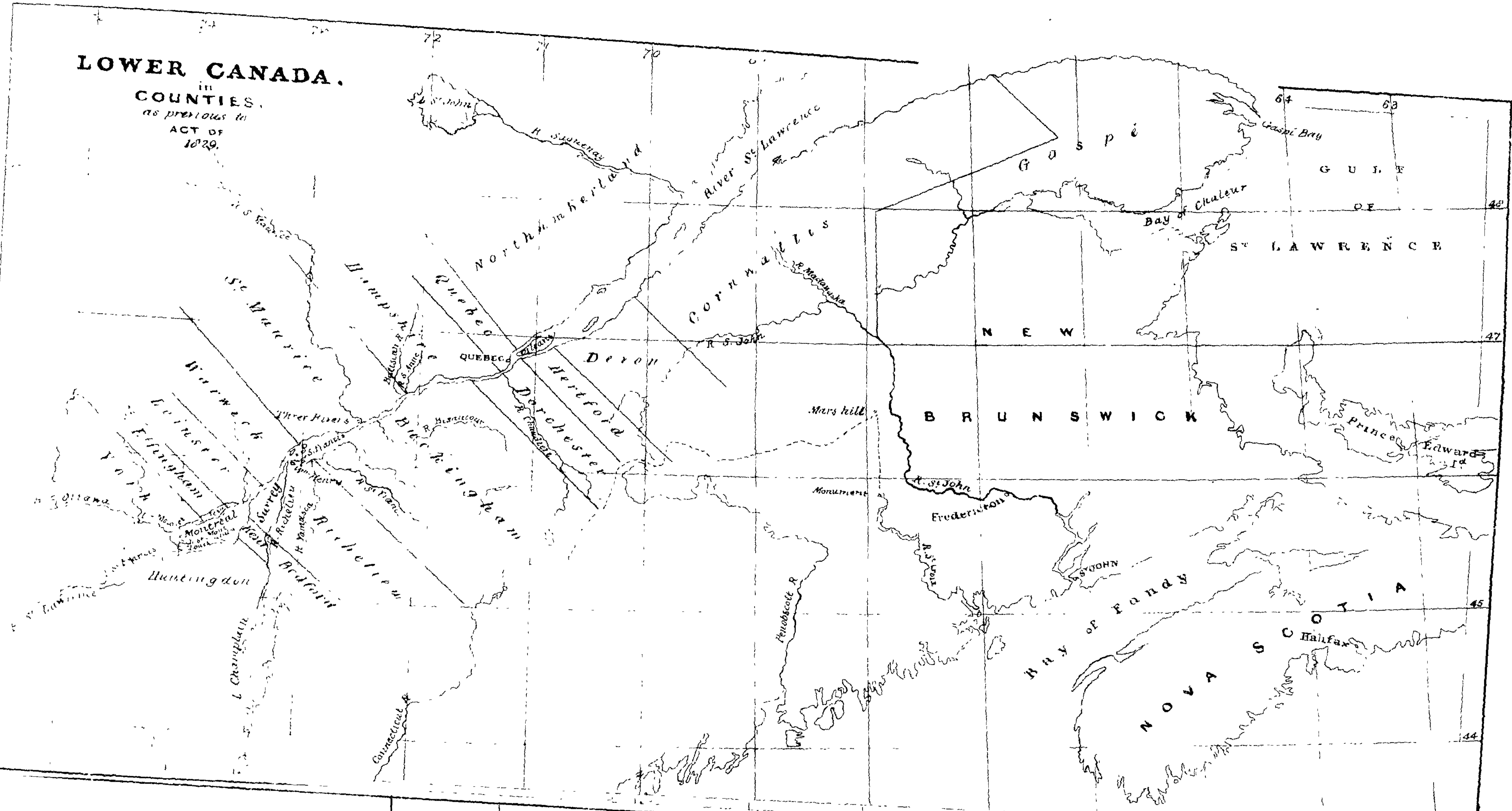
English Miles

District Names in Upper Canada as HOME
County D^s D^s York



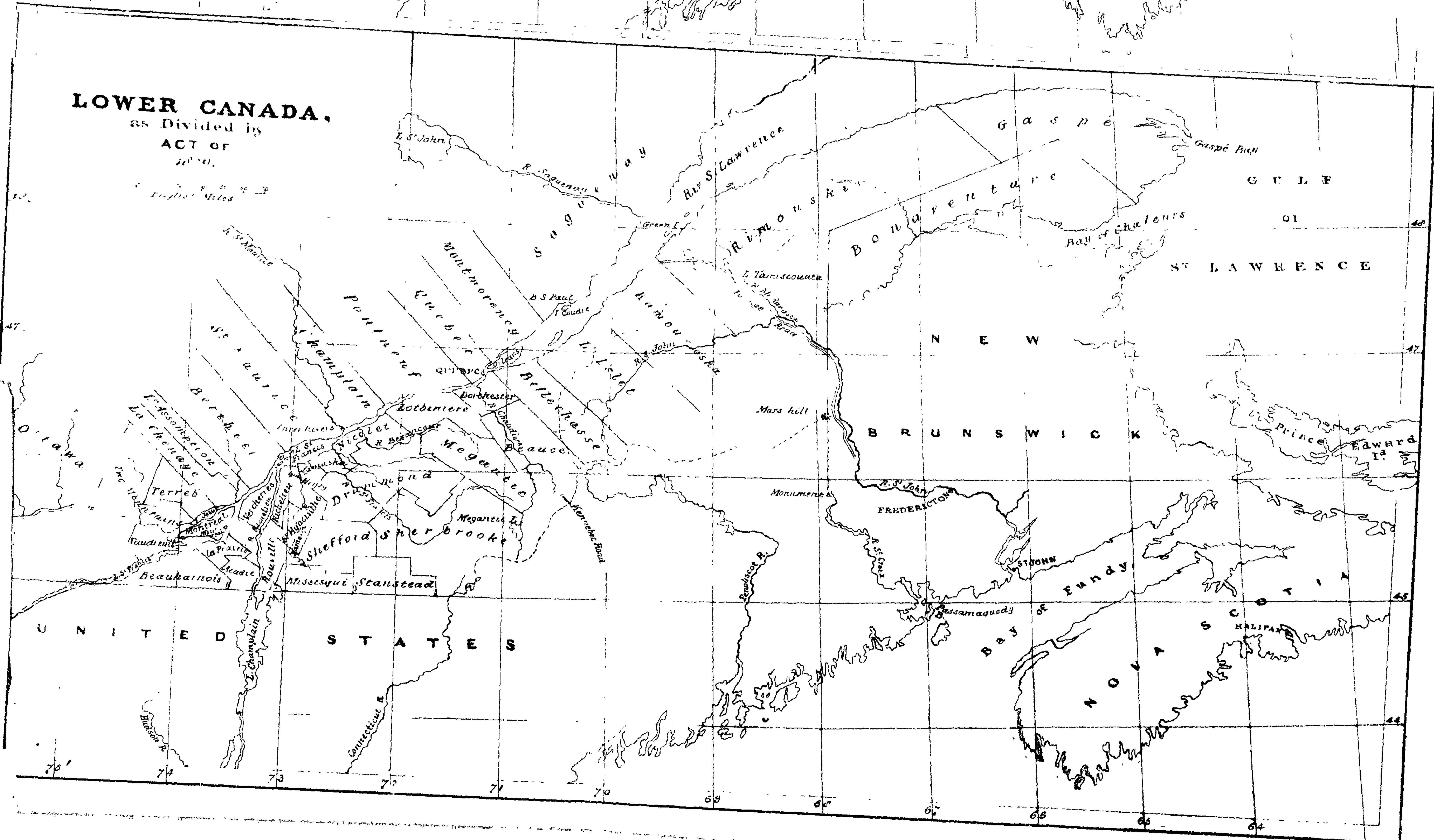
LOWER CANADA.

in
COUNTIES.
as previous in
ACT OF
1829.



LOWER CANADA,

as Divided by
ACT OF
1850.



UPPER CANADA,
 in
 Counties and Ridings,
 as at
 Present Divided.

English Miles

District Names in Upper Canada as HOME
 County D^o D^o York

