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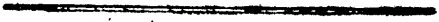
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PARLIAMENT

OF THE

PROVINCE OF CANADA.



FROM MARCH 20TH, TO JUNE 9TH, 1846.

BEING THE SECOND SESSION OF THE SECOND PARLIAMENT.



MONTREAL:
PRINTED BY M. REYNOLDS, PILOT-OFFICE.

1846.

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ERRATA :

Page 165, 1st column—Omit the words "Facts for Mr. Gowan."
 Page 201, 3rd column—The reference to the debate on King's College should be page 200.



MIRROR OF PARLIAMENT.

Vol. I.

MONTREAL, MARCH 28, 1846.

No. 1.

U. C. Provincial Parliament.

LEGISLATIVE COUNCIL CHAMBER,
Montreal, Friday, March 20.

This day, at Three o'clock, P. M., His Excellency the Administrator of the Government proceeded in state to the Chamber of the Legislative Council in the Parliament Building. The Members of the Legislative Council being assembled, His Excellency was pleased to command the attendance of the Legislative Assembly, and the House being present His Excellency opened the Second Session of the Second Parliament of the Province of Canada with the following Speech from the Throne;

Speech.

Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly,

The duty of opening this Session of Parliament has necessarily devolved upon me as Administrator of the Government, in consequence of the lamented departure of the late Governor General. But I am commanded at the same time to make known to you that the Queen has been graciously pleased permanently to designate me as Her Majesty's future Representative in this Province.

In announcing to you the fact of my having thus become the Successor of Lord Metcalfe, you will, I feel assured, concur with me in the expression of sincere regret at the painful cause which has removed this distinguished Nobleman; from a Station, the Duties of which he discharged with a zeal and ability, that on every occasion won for him the highest approbation of his Sovereign, and the respect and gratitude of the People over whom he presided as Her Representative.

The several Addresses to the Queen which were adopted during the last session of the Legislature, have been laid at the foot of the Throne. It will be my pleasing duty to announce to you Her Majesty's gracious Replies.

I should, under any circumstances have directed your early attention to the condition of the Militia Law. But the unsettled state of the Negotiations which have been for some time past carried on between the Imperial Government and that of the United States of America, renders it imperative upon me to press more immediately on your consideration the necessity of a reorganization of this arm of the public defence. I feel the most unbounded confidence that the loyalty and patriotism of every class of Her Majesty's subjects in Canada will be conspicuous, as they have been heretofore, should occasion call for their services to aid in the protection of their country; but a well digested and uniform system is indispensable to give a fitting direction to the most zealous efforts. At the same time I feel warranted in assuring you that, while our gracious Sovereign will ever rely on the free and loyal attachment of her Canadian people for the defence of this Province, and the maintenance of British connection, Her Majesty will be prepared to provide with promptitude and energy, correct

ponding with the power and resources of the Empire, for the security of Her North American Dominions.

The subject of the Civil List, which was brought under your consideration by my Predecessor, will doubtless engage your attention, when I trust to your wisdom to make such a Provision as will enable Her Majesty to give effect to your wishes, by recommending to the Imperial Parliament the requisite changes in the Act of Reunion.

Gentlemen of the Legislative Assembly,

The financial Accounts of the Province for the past year will be immediately laid before you. The estimates for the service of the current year will be likewise submitted for your early consideration.

The necessity of providing for the prosecution and completion of the public improvements undertaken with the sanction of Parliament, will form a subject for your deliberation.

It affords me pleasure to be able to inform you that the revenue of the past year has not fallen short of the expectations which were entertained of its amount, and I rely on your willingness to make such provision for the public service, as a due regard to the interests of the people may require.

Honorable Gentlemen, and

Gentlemen of the Legislative Assembly,

Since your last meeting, the ancient city of Quebec has been subjected to unexampled calamity in the successive fires which laid waste its buildings. Measures, rendered indispensable by the exigency, were adopted by my Predecessor, which will be sent down for your approval.

The sympathy and benevolence of different portions of the British Empire, were roused into active exercise by the knowledge of the severe infliction with which it has pleased Divine Providence to permit the Citizens of Quebec to be visited, and we have the strongest reasons for appreciating the noble generosity which has been exhibited, and which has proved how truly the inhabitants of Canada are felt by the people of Great Britain, to be Brethren and fellow subjects of the same mighty Nation. It will be for your wisdom to consider what further measures it may be proper to adopt, for the restoration of what has been thus destroyed.

The last intelligence from the Mother country indicates a most important change in the Commercial Policy of the Empire. I had previously taken occasion to press upon Her Majesty's Government a due consideration of the effects that any contemplated alteration might have on the interests of Canada. But until we have a fuller exposition of the projected scheme, which a few days will probably bring to us, it would be premature to anticipate that the claims of this Province to a just measure of protection have been overlooked.

In these and the various other subjects affecting the prosperity of Canada, which may occupy you, I offer my hearty co-operation; and I earnestly trust that, under the direction of an all-wise Providence, we shall be enabled to pursue a course calculated to promote the best interests, and to foster the rising growth of this rapidly advancing colony.

HOUSE OF ASSEMBLY.

March 20, 1846.

The SPEAKER and the Members having returned from the Legislative Council to their own House, Messrs. De Bleury and Papineau introduced the Hon. D. B. Viger, as Member for Three Rivers.

Messrs. Draper and Smith introduced Mr. Taschereau.

Messrs. Moffatt and Robinson introduced Mr. Cayley.

Mr. DRAPER then moved to introduce a Bill to indemnify certain public officers and others who may not have taken the oath by law required.—The Bill was accordingly introduced and read a first time.

The Speech from the Throne was then read in English and in French.

On the motion of Mr. GOWAN, 500 copies of the address from the Throne were ordered to be printed, one half in the English, the other half in the French language.

On the motion of Mr. DRAPER, the speech of His Excellency was ordered to be taken into consideration on Monday next.

Mr. SMITH of Frontenac, presented a petition from R. Riddell, Esq., complaining that he had not been furnished with a list of the voters objected to before the Committee appointed to investigate his election, in accordance with the order of the House.

Mr. AYLWIN gave notice of his intention to move for copies of all applications to Government from Sir James Stuart, for leave of absence from the sphere of his duties in the District of Quebec, from the 10th of March last up to the present time.

After some routine business, the House adjourned till Monday.

LEGISLATIVE COUNCIL.

23d March, 1846.

After the presentation of Sundry Petitions, by different members of the Council.

The Hon. Mr. NEILSON, presented the Report of the Librarian, in reference to the state of the Library, which was referred to a committee of seven.

The Hon. Mr. BRUNEAU, Moved,—That the clerk be authorized to subscribe to the papers published in this Province.

Hon. Mr. MORRIS, suggested the subscribing for only the leading journals of the Province.

Hon. Mr. BRUNEAU said, the News Paper is the only organ of public opinion in this Province; therefore, said he, because a paper is published in a small place in the back woods of Canada, that is no reason for slighting it, no, it is the organ of the place where it is published, and therefore entitled to the same deference as would be paid to those called leading papers.

Hon. W. MORRIS thought it a waste of public money. When we recollect that parliament cost during the last session alone the sum of £40,000, we ought to be wary of throwing away public money with such a lavish hand.

Hon. ADAM FERRIS, considered one copy was plenty and if only one copy was taken it would cost only a few pounds say £50. In reply to the Hon. W. Morris saying take only the leading papers, he said, if we take only the leading papers who is to decide which are leading and which are not, where shall we be

gin and where shall we end. Every paper is becoming in its time a leading paper, as the place where it is published grows larger.

The motion was referred to committee of 5, to consider and report.

Hon. Mr. McGill gave notice that he would move on Thursday for the changing the hour of meeting from one to three P. M.

The Hon. Mr. Neilson moved, seconded by the Hon. Mr. Joliette, the resolutions in reply to the speech from the throne, they were as usual a mere echo of the speech.

*Hon. Mr. NEILSON said in moving the resolution. I accepted the honor imposed upon me with diffidence, for although an old member of the Legislative Assembly, I am but a young member of this House, and I think some older member might have been chosen. The speech has received I suppose, the sanction of the Ministry and therefore they could not with propriety move the resolutions in reply. I was therefore called upon. The first matter in the resolution is the congratulation of Lord Cathcart on his assumption of the reins of Government, and the expression of our regret at the removal from amongst us of Lord Metcalfe, and I feel confident that all will concur in the expression of the resolution; the next matter is the finance, and I am happy to state that the revenue is better this year than it was last year: the next is the change in the commercial policy of Great Britain, I am persuaded that the British Government will not sacrifice the interest of her colonies and her shipping. The power of the British Empire must be supported throughout the whole world. The next matter is one in which we feel particularly interested. I refer to the lamentable fires at Quebec,—a person who has not seen the destruction can have no idea of the distress. The reply throughout the whole is merely an echo of the speech from the throne, with two exceptions.

Honble Mr. DEBOUCHERVILLE then rose and said, that he hoped the Resolutions would not be pressed to day; there were some objectionable passages to which he hoped some gentleman would propose amendments.

Honble JAMES MORRIS, rose and said I also hope that they will not be pressed they are not a mere echo of the speech from the throne, there are some parts of the Resolutions to which I could not give my assent, I doubt if, I could vote for the fourth resolution.

Honble W. MORRIS, said, my Honble friend opposite is a great stickler for British parliamentary practice, and he would tell this house, that it was the practice of the House of Lords invariably not to postpone, the debate on the reply to the speech from the Throne. The answer is in separate resolutions, so that we need not vote *en bloc* but separately, and they can be discussed separately. The only difference between the speech and the resolutions in reply is, first, "on every occasion" has been left out in the answer, as the Honble mover considers that Lord Metcalfe's every act could not be approved of. Lord Cathcart had a right however to say in the speech when he looked at the majority in the lower house that Lord Metcalfe won for himself the highest approbation of his Sovereign and the gratitude of Canada. The other alteration is in reference to Great Britain being prepared on all occasions to defend her Provinces with vigour, as the Honble mover of the resolutions considered that in 1812, she had not done so in relation to this Province, but, the answer is easily given to this, she was at war with the whole world. The words "as her predecessors have always been" being left out, these are the only alterations, and he hoped that Honble gentlemen seeing that this is the case, and having

had the speech in their hands since Friday will not wish for a postponement. I do contend that Lord Metcalfe has won for himself the gratitude of the people of Canada, I am sure no nobleman ever departed from Canada carrying with him the esteem of the people of Canada more than did Lord Metcalfe. If you pay any respect to the opinion of the people look at the address of congratulation passed by the Lower House on Lord Metcalfe being raised to the Peerage echoing as it did the sentiments to which I have just referred. Lord Metcalfe while in India, Jamaica and Canada spent the whole of his public and private income. It is untrue that Lord M. made his fortune in India, it was left him by his father. If Lord Cathcart witnessed as I believe he did witness the departure of Lord M. from this City, he must have been convinced from the expression of opinion that he had won for himself the respect of the people of Canada. If Honble gentlemen wish not to pass an encomium on the Lord M. let them move an amendment to the motion.

The Honble M. DEBOUCHERVILLE then rose and said, I will have two amendments to propose, not only on the departure of Lord M. but on the appointment of Lord Cathcart as Governor; Lord Durham in his report recommended that it should be a civilian and not a soldier who should be sent out as Governor of Canada.—Lord Cathcart is a soldier, and therefore I cannot congratulate him on his appointment, when he said that he was appointed *eternally* he meant to draw a comparison between his present appointment as Administrator of the Government, and his appointment as Governor-General.

Hon. ADAM FERRIE said, I much wonder at the leaving out in the speech, of the subject of King's College. This is the most important measure now before the country.

Hon. Mr. DEBOUCHERVILLE, rose and said. The word *permanently*, has a very strong signification. It indicates as if we were going to have trouble with our neighbours across the line 45. By saying *permanently* (for we know he cannot live always) he signifies that it is her Majesty's intention hereafter, to appoint men accustomed to war, to govern us. What do they know about civil affairs. They are accustomed either to obey implicitly the commands given to them or to have their commands implicitly obeyed. They are not the men therefore for governors, are we going to have them to rule us who are to have their commands obeyed as a law. From the appointment of Lord Cathcart I augur war, I am very glad to hear a member of the Executive Council say "no, no." It may be that we are not to have soldiers as governors, I sincerely trust it is not so.

The Hon. Mr. DeBoucherville then moved in amendment to the first resolution to the effect that Lord Metcalfe had not won the gratitude of the people of Canada, which was lost, the main motion was then put and carried.

The second Resolution was then moved. Hon. Mr. DeBoucherville moved an amendment, the substance of the amendment we could not hear.

Hon. Mr. DEBOUCHERVILLE remarked. Can it be that Lord Metcalfe possessed the confidence of the people of Canada—what was his majority in the lower House? Lord Metcalfe had returned from India, and while there had imbibed notions which could do very well for India, but were not at all suited for Canada. An hon. member who before would have been easily returned for any county in Lower Canada, was cast out at Richelieu and afterwards at Montreal, and had afterwards to seek refuge

in a rotten borough. How long, and how difficult it had been to get a Solicitor General for Canada East. This shews that in Lower Canada at least, Lord Metcalfe did not possess the confidence of the people. How long were we without an Inspector General? I believe that in private life he was a good man, but he did not possess the confidence of the people. In September 1843, there were certain resolutions passed establishing responsible government, Lord Metcalfe had violated them in the President of the Council not having a seat during the whole of last session.

Hon. JAMES MORRIS then rose and said. I should like much there should if possible be unanimity in the address. In 1843, Lord Metcalfe violated the constitution under which we now are sitting. I have recorded my vote and I do not see as yet any reason to alter it. I regret the necessity of voting against so many hon. gentlemen, I do so however conscientiously, I do not wish to draw back from the vote I have already given.

Hon. Mr. MASSUE remarked. Lord Metcalfe has not won the gratitude of the people of Canada, at least I as one, do not admit it.

The resolutions were then put *seriatim*, without further debate and passed. They were referred to a committee to prepare an address, the address was reported and adopted. After which they adjourned.

HOUSE OF ASSEMBLY.

MONDAY, 23rd March, 1846.

A report of the present state of the Library was laid on the table by Mr. Speaker.

35 Petitions were presented.

Petitions read:—

Of A. J. Wolfe, Esquire, of Co. of Quebec, praying to be indemnified for losses sustained while superintending the construction of the road between Metis and the Lake Matapedia.

Of Rev. A. Short, and others, Members of the Church of England, in the Parish of Cape Cove, in the District of Gaspé, praying that measures may be adopted for vesting in the Church Society, of the Diocese of Quebec, for the benefit of the Church of England, their portion of the income arising from Clergy Reserves.

Of Joseph Cormier, Esquire, and others, of the Magdalene Islands, of District of Gespe, praying that the said Islands be not annexed to Prince Edward's Island; and that certain alterations may be made in the administration of Justice.

Of John N. Dempsey, of the City of Toronto, praying that measures may be adopted to enable the Court of Queen's Bench to admit him to practice as an Attorney.

Of Thomas McCrae, and others, of Upper Canada, praying for an extension of the time allowed for the completion of the Niagara and Detroit Rivers Railroad.

Of William Rowe, et. al. of District of Newcastle, praying for an act to incorporate the Grimsby Harbor Company, with power to erect a wharf and form a harbor.

Of the President and Board of Police of the Town of Cobourg, praying for amendments to the Act of Incorporation.

Of the Quebec Board of Trade, praying for certain amendments in the present rates of duties.

And of the Municipal Council of Three Rivers, praying that they may have the controul of the common situated within the limits of the said Municipality.

The Petition of D. W. Dempsey, of T. McCrea, and others, and of the Board of Police of Cobourg, were referred to Select Committees.

Messrs Bertrand, Lacoste, and Dickson, were reported as absent Members of the Oxford contested Election Committee; Messrs Dickson, Lacoste, Desjardins, and Tache, from the Middlesex Election Committee, and Messrs. Lacoste and Chabot, from the West Halton Contested Elec-

tion Committee, and were severally summoned to appear in their places at the next meeting of the House.

A Bill was presented by Mr. Christie, to enable the inhabitants of the Magdalone Islands to establish a Municipal Council therein. Ordered for a second reading on Monday next.

And a Bill to provide for proof of certain marriages before Magistrates, and others, in Gaspe, and for recording the same, as also certain baptisms and burials. Ordered for second reading on Monday next.

Also, a Bill relating to certain Municipalities in the District of Gaspe, not regularly established according to law, and to remedy the defect.—2nd reading on Monday.

Also, a Bill for the better administration of Justice in the General Sessions of the Peace for Gaspe, and to prevent charges upon the Treasurers for unnecessarily summoning Jurors thereto.—2nd reading on Monday.

Also, a Bill for the annual visitation of certain institutions in this province, and for causing reports of the state and condition thereof to be annually laid before the Legislature. 2nd reading on Monday.

The House went into consideration of His Excellency's speech at the opening of the Session.

COL. PRINCE, in rising to propose the resolutions on which to found an address in answer to the speech from the Throne, said he felt that they will be carried by the unanimous voice of the House and he would say that he hoped that they would not be the only question that would be carried in a similar spirit. He (Col. Prince) had to congratulate the House, he had to congratulate the country that so noble and distinguished an individual as the present Administrator of the Government was appointed to govern this country;—he (the Administrator) was no stranger; his Father's name was well known on the pages of history; his own name was well known on the pages of history; he was not alone fit to govern as a Military man and if he were only so far qualified still would he be equal to the task provided he had the dispositions to carry out the system of Responsible Government, the only system in his (Col. Prince's) opinion, under which a people could thrive. The noble man at the head of the Government had been well schooled for governing; he possessed that excellent quality for one in his station, firmness of purpose; he had served in the place to acquire it, he had experienced the power of that quality under the Duke of Wellington that great statesman who had conducted the Government at a crisis the most important. Having said this much on the subject of the appointment of the Administrator of the Government he (Colonel Prince) would proceed to the next resolution with feelings of the deepest regret feelings shared in by the people of Canada generally—it referred to the departure from amongst us of Lord Metcalfe; all particularly regretted the cause of his removal (hear, hear, hear) The most liberal minded, the least liberal minded, man in Canada could not but regret that we were so unhappily deprived of the able, zealous, loyal and great services of so good a man; he, Col. Prince, was satisfied there would be no difficulty in coming to a resolution of regret for the loss of such a man; why should there be any difficulty? Other and distant nations had expressed their admiration of him; had lauded him to the skies, and not beyond his merits; the wealthy merchants and others of the East and West Indies had joined in honouring him. Can we then hesitate, who witnessed so much of his merits? What was his course amongst us? Did any one ever approach him seeking relief who did not obtain it? Did any man in his situation before give more to allay distress?—was he ever ex-

ceeded in attention to the duties of his position?—did any work more, or more zealously, in what he conceived to be his duty towards the country? Some honorable members may think that he (Lord Metcalfe) was in error, but all should regard with gratitude his zealous labours, and the House would not do justice to itself if it did not without opposition adopt the resolution; he (Col. Prince) was surprised, he did not say it reproachfully, that since His Lordship left Canada no addresses have been sent after him; there were many districts more wealthy than that to which he (Col. P.) belonged, that should have imitated the act of the latter in that regard, and he would again say that it was not so. The hon. member concluded this part of his speech by declaring that he "did not believe there was a greater statesman, a better Governor, or better man than Lord Metcalfe." The next topic of the speech was the Militia Law; he (Col. Prince) had no difficulty in believing that none were more loyal, more attached to British interests than the Militia of Canada.—But no one knew better than did the Speaker of that House, none was more competent to judge of the present disorganized state of the Militia; bravery was no good, indeed it was often most dangerous, unless it was well directed; brave men wanted good commanders not only to take them into battle but also to take them out when it was necessary. The militia of Canada as at present regulated was by no means an efficient body; he (Col. Prince) did not believe that these energies would be called into action; he did not think a war likely; there could not be a greater curse to the United States, or a greater calamity to Canada, than war; he believed this was understood, and that the world was now too civilized to allow of such misery being brought about for trifles; but if war did come, he (Col. P.) and others would have to depend in no small degree upon the Militia of the Province, and he therefore hoped that measures would be adopted to organize that force efficiently and effectually. As regarded the Civil List, he (Col. P.) thought that under our present constitution there could not be much difficulty in regulating it; public men holding offices require to be well paid; in all countries Ministers made great sacrifices, and if there was a country in which, more than another, Ministers made great sacrifices, it was this; he thought, therefore, that the subject ought to be attended to, and hoped that such an address to the Queen would be adopted as might cause the requisite alteration in the Union Act for the settlement of the question. Respecting public improvements, it was known that much was on hand in the Province—that Parliament has sanctioned them—that money had been borrowed in England, and that that money had been sent without commensurate improvement, but that should not operate to prevent further loans. Roads and other means of communication should be proceeded with; they were facilities to our revenue, and induced strangers to come amongst us and contribute by their means and energies to advance our country. Let no man shudder at the idea of taxation; no good could be done without it; no country ever improved without it, and the Minister who would dread it and shrink from it was not fit for his place. The hon. member then alluded to the present flourishing condition of the revenue, as was shewn by the documents furnished to the House. The next subject which he (Col. P.) met with in the speech was truly a mournful one, that was the conflagration at Quebec, none sympathized more with the sufferings of the people of that city than did the inhabitants

of Upper Canada; he (Col. Prince) was delighted with the general good feeling towards the sufferers which was manifested; in the distant region to which he belonged much could not be done, they were a poor people, but human nature could not prompt more than was felt and he (Col. Prince) never gave, or never would give, a vote more readily than that which would be given towards the further relief of the citizens of Quebec. The next topic to which the hon. member adverted was Sir Robert Peel's new policy; he agreed with the Administrator of the Government in saying that it would be premature to anticipate how Canada would be effected by the late changes; but, he did not see such great cause of alarm; he was one of those who advocated Free Trade, and he did not see that Canada would suffer to the extent apprehended by some; this was a fine country but does not grow more wheat than her own people could use, Canadians were not to be alarmed because they could not export grain largely; there were other sources to which they should turn their attention,—there was the growth of Hemp in which no country could do more than Canada, why then should England be obliged to send to Russia for that article,—then there was the Wool of Canada why not attend more to that, in both W. and E. Canada a great deal might be done in that particular; he (Col. Prince) thought and hoped that the Farmers of Canada would, like those in England turn their attention to science to meet the exigencies of the day, turn from the dung cart to science; they should not condemn but join in the policy of that great statesman Sir Robert Peel. The hon. member next adverted to that part of the close of the Speech which referred "to the rising growth of this rapidly improving colony"; he was delighted to read that passage, he trusted that the eyes of the present Administration, that the eyes of the country at large were open to the necessity of improving the grand resources of Canada; she possessed as great advantages as any country in the world,—her splendid lakes, her excellent soil, and beautiful climate rendered her one of the best adapted countries in the world for the sustenance of man, but, all would be useless unless the Government of the country would do its duty, and unless social kindness would take the place of dissension and the united people proceed hand in hand together; lately hundreds of square acres of minerals have been discovered; five years ago he (Col. Prince) had ascertained the existence of this important source of wealth, but then we had no united Parliament, the little Parliament of Upper Canada could not aid in its development; he hoped, however, that now such an extent of advantage would not be neglected, in the neighbourhood to which he referred copper sufficient to supply the whole of England could be found; a part of it was brought out under his (Colonel Prince's) superintendence, and at his expence; facilities should be immediately afforded for bringing it into full play; no narrow policy should be adopted,—Ministers should not start back,—they should look well to it, they should attend to the granting of licences to all who would apply to them; let them look to the extent of enterprise in England, look to the railroad progress—there great men are obliged to allow railroads to go through their very parks, because the public voice demanded it; he (Col. P.) lately saw that seven hundred applications for railroads had been entertained.—Whatever project private enterprise chose to embark in, there should be no refusal; if injury occurred, it would be not to the country but to individuals; there should then be no hindrance to operations to draw forth the re-

venues of the country, no matter whether it was railroads or mining schemes. The hon. member concluded by again alluding to the necessity of action on the part of the Government and union amongst the people in order to promote the public good, and moved the following Resolutions.

That an humble Address be presented to His Excellency the Administrator of the Government, to thank His Excellency for his gracious Speech from the Throne at the opening of the present Session, and to assure His Excellency,

That this House respectfully offers to His Excellency its congratulations on his assumption of the Government of this Province as Administrator, and on the determination of Her Majesty to nominate His Excellency as Her future Representative in this Province.

That this House concurs with His Excellency in expressing sincere regret at the painful cause which removed His Excellency's distinguished Predecessor from a station, the duties whereof he discharged with a zeal and ability that on every occasion won for him the highest approbation of His Sovereign, and the respect and gratitude of the people over whom he presided as Her Representative.

That this House will thankfully receive Her Majesty's most gracious replies to the several Addresses which were adopted during the last Session of the Legislature.

That the early attention of this House will be directed to the state of the Militia Law, the re-organization of which is, as His Excellency informs us, rendered more immediately necessary by the unsettled state of the negotiations which have for some time been carried on between the Imperial Government and that of the United States of America.

That this House begs leave to assure His Excellency that Her Majesty may rely, with the most unbounded confidence, that the loyalty and patriotism of every class of Her Majesty's Subjects in Canada, will be as conspicuous as they have heretofore been, should occasion call for their services, to aid in the protection of their country; and that this House is sensible of the necessity of a well digested and uniform system to give a fitting direction to their most zealous efforts.

That this House accepts with gratitude His Excellency's assurance, that while Our Most Gracious Sovereign will ever rely on the free and loyal attachment of the Canadian people for the defence of this Province, and the continuance of British connexion, Her Majesty will be prepared, as Her Predecessors have always been, to provide with promptitude and energy corresponding with the power and resources of the Empire, for the security of Her North American Dominions.

That the subject of the Civil List, which was brought under the consideration of this House by His Excellency's Predecessor, will engage its attention, with the view of making such a provision as will enable Her Majesty to give effect to its wishes by recommending to the Imperial Parliament the requisite changes in the Act of Re-union.

That this House will immediately take into consideration the Financial Accounts of the past, as well as the Estimates for the current year.

That the necessity of providing for the prosecution and completion of the Public Improvements undertaken with the sanction of Parliament, will occupy the deliberation of this House.

That it affords this House pleasure to know that the revenue of the past year has not fallen short of the expectations which were entertained of its amount; and that this House assures His Excellency of its willingness to make

such provision for the public service, as the interests of the people may require.

That this House deeply deplores the unexampled calamity to which the ancient City of Quebec has been subjected, and assures His Excellency of its readiness to concur in such indispensable measures as His Excellency's Predecessor adopted on the exigency.

That this House gratefully acknowledges the sympathy and benevolence of the different portions of the British Empire, called forth by the infliction with which it pleased Divine Providence to visit the citizens of Quebec; and most fully appreciates the noble generosity which has been exhibited, and which has truly proved that the inhabitants of this Province are regarded by the people of Great Britain as their brethren and fellow subjects; and that it will be happy to consider any other measure which it may be proper to adopt for the restoration of that which has been destroyed.

That this House is sensible of the importance of the intelligence which has been received respecting the intended change in the commercial policy of Great Britain, and rejoices to hear that His Excellency has already pressed on Her Majesty's Government a consideration of the effect which the contemplated change might have on the interests of Canada, and sincerely hopes that when the projected scheme shall be fully developed, it will be found that the claims of this country, to a just measure of protection have not been overlooked.

That this House thankfully receives the offer of His Excellency's co-operation in all measures for securing the prosperity of this Province, and earnestly trusts that under the direction of an All-wise Providence, a course will be pursued calculated to promote the best interests, and to foster the rising growth of this rapidly advancing Colony.

Mr. DEBLEURY, fully agreed with the sentiments of the Hon. mover of the resolution, and rose with pleasure to second his motion. It was not his intention to enter at present into the merits of the various subjects which had been so ably treated by his Hon. friend, but he felt assured that before closing this debate an opportunity would be afforded him of doing so, and he should reserve himself until then.

On the motion being read by the Speaker, Mr. JOHNSTON begged to ask the Hon and gallant mover whether he would consent to strike out that part of the first paragraph, expressing satisfaction at the appointment of Earl Cathcart. He (Mr. Johnston) had no idea of being governed by military men. If we were going to Oregon or Texas he might be satisfied with a military man, but what does Earl Cathcart know of our agricultural interests? Let his Hon. friend consent to strike out these obnoxious words, otherwise he would move an amendment. The Hon. Member having asked several friends, and appealed to the opposition, in vain for a seconder, was obliged to resume his seat.

Mr. BALDWIN regretted being under the necessity of proposing an amendment. As a general rule, he would prefer making such remarks on the speech as he felt that the interests of the country required, without dividing the House on an amendment. Especially he would have wished to take this course on the occasion of the arrival of a new Governor. But he felt that one of the paragraphs of the Speech contained sentiments to which he and his friends who had joined with him in voting for an amendment to the address of last Session could not, with a regard to consistency, allow to be recorded without a division. He would now proceed to offer a few remarks on the Speech generally. With regard to the Governor, appointed, as he is, by a power over

which we have no controul, having no responsibility whatever to us, he (Mr. B.) desired on all occasions to treat him with the utmost respect. It made no difference to him who was the object of the royal favour, he would join most cheerfully in paying those courtesies which were due from one branch of the Legislature to another. In this sentiment he was sure all his friends concurred, (Hear.) But the circumstances connected with the late Governor were such and the amendments proposed last session were of such a character that he could not consistently concur in the address, he could not admit the truth of the paragraph—and therefore to protect himself and friends from inconsistency he must propose an amendment which he would now read—all could concur in deploring the calamity under which the distinguished individual alluded to is suffering, and he had therefore preserved that portion of the paragraph referring to it—he proposed then to strike out the third paragraph and to add to the second “and concur with His Excellency in expressing similar regret at the painful cause which has removed His Excellency's predecessor from that high station.” With reference to the second paragraph he (Mr. B.) will not imagine that the distinguished individual at the head of the government will, because he has acted in a military capacity, govern on any principles but those alone on which the province can be governed. He (Mr. B.) believes that the old objection to military governors, had arisen from their exercising their prerogatives without controul. He looked forward to better things and he hoped that principles would in future be adhered to—the time for experiments was gone by. If the Governor was unacquainted with constitutional principles of government he would, he Mr. B. felt assured, make himself acquainted with them, and here he (Mr. B.) would say that he did not believe it would be possible for any governor, military or naval, to have a worse political education than the late governor had had in India—and the allusion therefore to his Indian career was in his (Mr. B.'s) opinion most unfortunate. He (Mr. B.) had no apprehensions for the future because he felt that the people would insist on constitutional government in spite of the personal predilections of the governor. He however would give the present governor credit for the best intentions and found no difficulty whatever in assenting to that part of the address.—With regard to the Militia, although he might doubt the propriety of the manner in which the subject had been introduced, he might doubt whether it was delicate, after the caution displayed by members of the Imperial Government, to refer to the United States as had been done, still, he was free to admit that our position was something different; he Mr. B. concurred in thinking that the militia force should be made effective—it was a duty to ourselves and to our own fire sides. He (Mr. B.) was convinced that the people of this Province would discharge their duty if called on; they have never been backward in defending their country from a foreign foe; they want no foreign bayonets to redress their grievances; no, they are proud of their institutions—proud of their connection with the mother country, and they desire no aid from foreigners. He (Mr. B.) said that as a Canadian, Canada was his idol, and it was because he believed that the best interests of Canada would be promoted by that connection that he spoke as he did. With regard to the Civil List, he could only say that he was ready to enter on the consideration of that subject, and he hoped it would be brought to a satisfactory settlement. All feel the unconstitutional position in which that question stands, and the sooner it is placed in

a more constitutional one, the better. He was glad to hear of the prosperous state of the revenue, although he feared it would all be wanting; indeed, he doubted whether the hon. member for Huron would be able to meet the numerous demands on him. (Hear, hear.)—with regard to public improvements, he would suggest the alteration of the word "necessity" which appeared to him to pledge the House to a certain course without its having information before it. With regard to the fires at Quebec, in or out of the House he would render any assistance in his power; he rejoiced at the sympathy shown in England and felt grateful as a Canadian, to the government and people. As to the commercial changes, little at present could be said. He must wait until ministers could explain their plans. Changes were about to take place, but we should rise superior to all difficulties. The protection system was necessarily one only of a day. Its abolition must always have been anticipated although it came on us perhaps on a sudden. We had a splendid agricultural country and to despair would be neither consistent with our characters as men or as citizens. He (Mr B.) was ready to thank his Excellency for his promised cooperation which he had no doubt of. He [Mr B.] must now refer to the remarkable omissions in the speech. The ministers had last session disposed of but a small part of their bill of fare. They had delayed the meeting of Parliament until the last moment. It had been long admitted that defects existed in the municipal laws of Upper Canada. Amendments in the judicial system there were imperatively required as the Hon. Attorney Gen'l well knew. He [Mr B.] was ready to lend his assistance to the amendment of that system, and he deeply regretted not to find it alluded to in the Speech. There then was the University Bill, a measure thought of such great importance when the hon. member for Megantic had been sole minister. All must recollect the boasts made that it would be satisfactorily settled. (Hear, hear, hear.)—It is true that when we last met, Ministers came down with a measure, but how was it disposed of? The Hon. Attorney General was promoted from the Legislative Council to this House and coaxed his supporters to vote for its second reading, but what was its fate? He need not remind the House of it. Many hon. members on the other side were, he believed, honestly desirous to settle this question. What must they think now? It had dropped a peg at least this session—possibly dropped altogether. At all events, much of its importance was taken from it by its not being recommended in the speech from the throne.—We on this side have a right to complain on general principles. Hon. members on the other side have a still greater right to complain. He had fulfilled his duty in pointing out a few of the serious omissions in the Speech, and would now, to prove himself and friends free from inconsistency, move his amendment.—Mr. Baldwin, seconded by Mr. Aylwin, moved the insertion of the words which have already been cited.

Yeas.—Armstrong, Aylwin, Baldwin, Berthelot, Boutillier, Cameron, Cauchon, Chabot, Chaveau, Desautier, DeWitt, Drummond, Franchere, Guillet, LaFontaine, Lantier, Laurin, Leslie, Macdonald, of Glengary, Macdonald, of Stormont, Methot, Morin, Nelson, Price, Roblin, Rousseau, Taché—27.

Nays.—Boulton, Brooks, Cayley, Chalmers, Christie, Colville, Cummings, Daly, DeBlieux, Draper, Duggan, Ermatinger, Foster, Gowan, Hale, Hall, Jessup, Johnston, Macdonald, of Cornwall, Macdonald, of Kingston, Macdonald, of Dundas, McConnel, Meyers, Moffatt, Papi-

neau, Petrie, Prince, Riddell, Robinson, Scott, Seymour, Sherwood, of Brockville, Sherwood, of Toronto, Smith, of Frontenac, Smith, of Missisquoi, Stewart, of Bytown, Stewart, of Prescott, Taschereau, Viger, Watts, Webster, Williams, Woods—43.

Absent Liberals.—Bertrand, Jobin, (sick,) Lacoste, Latierrier, Lemoine, Powell, Smith of Wentworth, Thompson—8.

Absent Tories.—Dickson, Monro, Murney, 3.

Doubtful.—Merritt, LeBoutillier—2.

Speaker—1.

Mr AYLWIN had imagined that the Hon'ble Member who represented not the county of Richelieu or that of Montreal but the borough of Three Rivers, would have explained the circumstances under which he held office so long without a seat in either one branch of the legislature or the other. Such an explanation was due to the country and to his own character; he thought he would have stood up; he was however deceived. The hon. member holds a high office, but he (Mr A.) would ask the nature of the political support which he brings to the government; he would ask his colleagues whether that hon. member brings them any support. Is he the man in case of hostilities, to induce his countrymen to come forward cheerfully to support the government? The people of this country, particularly the French Canadians, were loyal and attached to monarchical institutions, and would do their duty, but was it right that their feelings should be trifled with? Who in this House support the hon. gentleman, of his own origin? His neighbour, (Mr Papineau,) the hon. member said to represent the city of Montreal, who has it is true a French name, and the hon'ble member for Dorchester. But the hon. member represents the town of Three Rivers. Some 6 or 7 years ago the hon. member was as he said himself, in Her Majesty's College, that is the Montreal gaol—who was the keeper of that gaol? The member for Three Rivers. There must surely have been a great change either in him or the people of Three Rivers. He (Mr. Aylwin) had a public duty to perform—the feelings of Her Majesty's subjects had been exasperated they had been again and again insulted, and was this last indignity to be inflicted on them—was the hon. member to keep the chair of Executive Council when there was a possibility that there might be an appeal to arms? Some step should be adopted to do justice to so large a portion of the people. With regard to the address the hon. member had spoken of the adoration paid to the late Governor and of his success in the East. He (Mr. Aylwin) was not disposed to pay adoration to any man nor did he much admire the system under which Eastern Nations were governed. He had no desire to revive old discussions. A war had been waged against his friends and successful and why now revive these old disputes? With regard to the Militia, he (Mr. A.) would ask whether the country was satisfied with the appointments lately made? were even the gentlemen opposite satisfied with them? had they advised them? they were of course responsible for them, and especially for the dismissal of a gentleman not only from an office in the Militia but from the Militia itself. Hon. gentleman talk of Responsible Government being carried out, but look at the case of the hon. member for Huron. The qualifications of that hon. gentleman he had no desire to dispute but he would ask where was his political influence? He had never taken any part in public affairs, was not even generally known. Was no hon. member opposite fit to take that office? If not we were in a fearful state, and it was time to inform the Imperial

authorities that we were mere infants. The hon. member proceeded to denounce the system that had been cunningly devised to put down the Ministry. There was no true representation of the people. In the United States although he (Mr. A.) did not like to look there for precedents there was a representation of the people but here we had members elected by constituencies of 50 or 60 individuals overbearing the public opinion of the country. There must be new blood infused into this house. He would again and in conclusion ask why there had been any allusion to the past why rake it up again unless to irritate us to induce us to say harsh things. The hon. member in conclusion referred to the resignation of the Attorney General of his place in the Legislative Council a course calculated to degrade that body—he (Mr. A.) wished to see it elevated. The hon. member for Simcoe, too was here to support the administration after his course last session on the University bill and his consequent resignation. Is this Responsible Government? He would appeal to Englishmen to men accustomed to the working of Responsible Government whether it was. He (Mr. A.) regretted that he had detained the House so long—it was not his intention to address the House during the present session unless when strong necessity required it.

Mr. VIGER made a long speech in French extolling the benevolence of Lord Metcalfe and lauding the policy that nobleman.

Mr. CAUCHON also addressed the House in French.

MR. CAMERON said—The latter part of the first paragraph of the speech was not founded in fact. One need not be surprised at such a statement being made by members of an Administration that had been sustained by the personal influence of Lord Metcalfe, but that others should pretend to support it, and contend that the gratitude of the people was due to that nobleman was astonishing. How could this be said consistently with the state of the Parliament which he obtained, with its majority of one or two, and the counties of Oxford, and Middlesex, and West Hants, not properly represented, the elections for these places still being contested, and the fact of enquiries into other elections having been stifled. He (Mr. Cameron) would say further, that the great majority of the people represented in this House conceived that they owed anything to Lord Metcalfe but a debt of gratitude. He (Mr. Cameron) could however express regret, for the state of health which obliged Lord Metcalfe to leave this country; but he should protest against the paragraph of the address to which he had referred; he knew that that paragraph was a part and parcel of a system pursued by Lord Metcalfe and his supporters in this country and in England; the people of Upper Canada had been misled by such a system, they were made to appear as a people who could not be depended upon; but the people of Lower Canada in condemning the upper section would remember that the former people were deceived by appeals to their loyalty, in the late struggle the head of the Government stigmatised his late ministers with having attempted to sever the connection with the Mother Country—the people were afraid to act upon their opinion, they could not altogether disbelieve his Excellency, they expected and believed he would make certain disclosures to confirm his charges—the Hon. member for Essex said that every loyal man would vote for the address, he (Mr. Cameron) would say that every sycophant would vote for it; he (Mr. C.) understood this allusion to loyalty, it was the old game but he would pronounce this impugning of the

loyalty of the opponents of Lord Metcalfe as a falsehood. The hon. member took a review of the condition in which Lord Metcalfe found the country and contrasted it with the state to which his Administration brought it.—In 1842 there was a peaceable government, elections were conducted peaceably, opposition had greatly subsided, the Lion and the Lamb had lain down together, even now Mr. Hincks so much abused had been a favorite, he was declared to be the only Insp. General the country ever had, Tories even fawned at his feet. Sir Charles Bagot the then Head of Government did not seek to govern the country against, but according to the wishes of the people; he did not himself seek out men unknown to the country to form a Ministry—he did not search from Three Rivers to Lake Huron for Barnards and Smiths—he did not attempt to force a Ministry upon the country; that lamented nobleman was called from the scene of his labors and was succeeded by a man whose appearance was even more worshipped than a rising sun, and whose success in another country was looked to as proof of his power as a statesman; he (Mr. C.) did not deny his success in another country—but he was not one day in this country when it was known that he was not disposed to govern this constitutionally, soon was intimation given from all parts that he was not willing to govern with and for the majority. This was soon shewn and proved, when the first difficulty arose; it was well known then that the whole question was, were Ministers to be consulted or not; in that difficulty Lord Metcalfe maintained that he was not bound to observe, and that he never would observe, the principle of the constitution, as laid down by the Ex-Ministers. In his famous address to Gore, he defined his views of consultation to be on “adequate occasions,” which, in a subsequent address to Russell, he retracted, and which he found necessary to retract; and yet would he not do justice to the men whom his opposite conduct obliged to resign. Then came the election struggles, in which a most unfair game was played. Loud protestations about the mode of distributing patronage, were made, office would be given only to merit and fitness, and the basest charges made against the late Ministers for an abuse of patronage. This course was pursued, and professions made, when Barnards and Smiths were every where picked up and pitched together to make a Ministry. And what were the subsequent acts in regard to patronage, and what is now doing in that regard? In my district magistrates are appointed notoriously unfit, one person had been in goal for the previous year, [hear,] others were bankrupts and could be appointed only because they had supported my opponent in an election contest in which he was in a miserable minority. These were among the measures of the Ministry brought into life by Lord Metcalfe. (Cries of hear, hear, hear.) At the time of the difference with the late Ministers there were several important Bills under consideration: The Municipal Bill, the Bill for amending the Jury laws, the Assessment Bill, the Common School Bill—by the School Bill provision was made for Normal Schools which schools should now be in operation to the great benefit of the rising population of the country—but this scheme is abandoned, and nothing instead has been given; the present ministers have been and are engaged in struggling to keep themselves in office without regard to the wishes of the country; they have not even, if the statements of the Conservative press are to be believed, they have not confidence and respect for each other; it has been stated that overtures have been made to certain gentlemen of the

late Ministry to take the places of some of the present, the hon. member read a statement from a paper to the above effect and then appealed to the members of the Government to say if it were true—the Speaker observed that such a question could not be put without previous notice. The hon. member again rose and made some further observations on the question remarking that, if the question could be answered in the negative he thought it would be.

COL. PRINCE in answer to Mr. Cameron said that the Magistrates of the Western District were upright and competent men who attended regularly at the Courts, and did the business well, and that they were all appointed from the Reform ranks, an out-cry was made against them because they were French, but it was only by a small clique of Tories. Objections had been made against some of these Magistrates on the ground of their position in Society and perhaps the honourable member for Lanark objected to them because their descent was not as high as his own. The learned member further explained that in saying that every loyal man owed a debt of gratitude to Lord Metcalfe, he only meant such to be his opinion, men of undoubted loyalty might think otherwise, but such was his [Col. Prince's] opinion.

MR. GOWAN, said he was astonished at hearing the language of the hon. member for Quebec, towards the venerable President of the Council, he did not expect such an attack from such a quarter, the hon. member for Quebec should remember his former direct hostility to the people of Lower Canada at a time when the venerable President of the Council fought their battles; he (Mr. Gowan) would not dwell upon that subject, but would say that if danger and difficulty came, the people would not think of following individuals—but would look to the maintenance of English Institutions; the hon. member for Quebec alluded to bad specimens of Englishmen living in this country, but he should have remembered that the hon. member for the 1st Riding of York who was seated on his right was an Englishman,—was he a bad specimen? He (Mr. Gowan) believed in the declaration of sympathy with the sufferers of Lord Metcalfe, made by the hon. member for Quebec, he would not accuse him of hypocrisy, but would congratulate him on his conversion from his violence of last session. The hon. member blamed the member for Simcoe for supporting the present Administration which he had left, and appealed against such a course to the Colonial Secretary Mr. Gladstone; he [Mr. Gowan] was willing that the hon. member having appealed to Cæsar, should be judged by Cæsar; Mr. Gladstone left Sir Robert Peel's ministry on the Maynooth question but is now again supporting it. The hon. member for Lanark told us that the present ministry had lived by the breath of Lord Metcalfe, he [Mr. Gowan] would say that the same breath had blown out another ministry.—Lord Metcalfe appealed to the country and here was the result. The Oxford, W. Halton, and Middlesex seats were referred to as unsettled, and it was said, that in other cases enquiry had been stirred; that perhaps, might be the case, still the voice of Upper Canada was in favour of the ministry. On the first day of this session three ministers took their seats, on the first day of last session we succeeded in putting our gallant Speaker in the chair, and to night on a test question there is a majority of six-teen; in Upper Canada, half a dozen journals oppose the ministry, while nearly two dozen support them; the late Municipal Elections were also in favor of the present Governor in Upper Canada; the country was prosperous, the absence

of party spirit proved it—there were now no Orange processions, Orange and Green were united. [Here the hon. member alluded to Montreal as an exception, and made allusions to the state of society there. He next referred to the charges against the speech amongst which were sins of omission; he admitted the latter charge; hon. members should however allow that a speech from the Throne was not a President's message, he would also recommend patience for a day or two, when perhaps measures would be heard of. The hon. member next defended the Administrator from a remark of the member for Carlton, about his being a Military man; he Mr. Gowan thought military men as successful as others, and referred to the fact of the position of the Duke of Wellington in England, and Marshal Soult in France; he Mr. Gowan was not going to worship the rising sun, he would not doff his cap, nor change the political garb he had worn under Lord Metcalfe, he would, however, so far respond to the speech of the hon. member for Quebec as to say he held the Ministry responsible for bringing in the College Bill, but he did not desire it to be a test question, it was unjust to members to put them to the alternative either to swallow such a measure as the Ministers chose to bring in, or to put them, (the Ministers) out—such was not the system in England, formerly when rotten boroughs voted it was so, but now a Ministry was only put out by a vote of want of confidence.

MR. ROBINSON, after the allusion made to him by the hon. member for Quebec, felt that an explanation on his part was necessary.—It is possible that the Honourable member for Quebec and I differ in opinion as to the proper course for a member to pursue. I came here determined to support such measures as shall be for the good of the county of Simcoe, and not to give expression to personal feelings. There are many measures which must come before the House which I deem extremely necessary, I think that the amendments of the School Bill and Municipal Council Bill are among them. I will support such measures—as propounded by the ministry if I think them good, if they are not I will vote against them. I do not expect the ministry to bring forward every measure that will be for the good of the Country. No, I do not expect it. I will therefore bring forward such measures as may present themselves to my mind and I shall expect that the ministry will give me their vote—as I will give them mine.

MR. CHAUVEAU addressed the House in French against the address.

MR. McDONALD, of Dundas—Perhaps the honourable gentleman who has just sat down would not, in cooler moments, have made such an unjust assertion, as that the people of Upper Canada were not represented. This can be easily set at rest by the votes which were given after the disruption of the late ministry. The great Reform society was set at work and the Honble members from the ridings of York were active members of it. During the agitation they were not idle, but were sending papers throughout the country and held township meetings. Will the hon. member say that the people did not understand the question. I will tell the Honble gentleman, that the people of the country had their eyes upon them. There are persons in that Honble gentleman's county and mine who are well able to and do understand the question at issue, the grand question at issue. The county which elected me were up to the time of the rupture, friends and supporters of the Honourable gentlemen opposite until they wished to be governors over the governor, it was then I say that they sent me to this

House. I perfectly agree with the resolutions presented by the hon. member from Essex. The only part in which there seems to be any disagreement is on the subject of the late Lord Metcalfe, in reference to his having won the gratitude of the people of Canada. It is complained that the speech is not full enough, perhaps they would wish it to be like the President's message. The University Bill it is said is not mentioned, but the parties who complain made a great opposition to the Bill which was presented last session. I am glad to hear that they are now ready to receive a Bill from the ministry. The Assessment Bill is another measure which ruined the ministry in my part of the country. Its defects are admitted even by themselves. If I read the address of late Inspector Gen. right, he stated that he believed it was not a perfect bill and that he thought it should be altered.—The School Bill I hope will not be touched until it has had a fair trial. The Municipal Bill has been the cause of much confusion between the Council and the Treasurers, especially in my district, and it requires amendment.

DR. NELSON—I did not intend to address the House, but I cannot sit silent after having heard the aged member from Three Rivers, state that he had never committed any act which could be called in question, that he was as white as the driven snow. He knew how far to go, it is true, and when it was time to draw back, but I assert that the culpability of the events, 1837—if culpability there is—must fall on the back of the hon. member. If conscience would speak out, it would tell tales. When I was sleeping on my pallet of straw in durance vile, hourly expecting my exit from this world, I could sleep sound. When we saw that the constitution could not protect us, we felt ourselves called upon to protect ourselves. I feel no culpability, I know not what the culpability of the hon. member opposite may be, but I know that I was but an humble follower of his, and that it was acting by his advice that the country was brought into such a lamentable position. He (Dr. Nelson) had not been pardoned any more than the venerable gentleman; no, Lord Durham had been obliged to get an act of indemnity for having illegally exiled him. Not that he blamed Lord Durham—far from it. Had that lamented nobleman lived, he would have done much for Canada. But it was right that he (Dr. Nelson) should state that he had nothing to reproach himself for his former conduct.

MR. BOULTON. I did not intend to say anything on the subject to night, but honourable gentlemen seem to have forgotten the address. The debate has consisted principally in recriminations in relation to the late rebellion. They come with a bad grace from the hon. gentleman opposite. He ought to recollect that the blood of the murdered Weir calls for vengeance. It is unfortunate that the subject has been introduced as it is likely to create a great deal of ill feeling.

DR. NELSON. The hon. member has alluded to a subject of which he probably knows nothing. If acquainted with the facts his allusion was most unjustifiable, if not he should have abstained from saying anything about it. I had as little to do with the unfortunate affair alluded to as you Mr. Speaker, or the hon. member, and I regretted it as deeply as any one could do.

MR. BOULTON explained that he did not charge the hon. member with being implicated in that affair.

MR. J. S. MACDONALD (of Glengarry) said that before voting on the amendment under consideration he was desirous of making a few

brief observations, for having voted, during the last Session for the congratulatory Address to Lord Metcalfe, on his elevation to the Peerage, it might appear inconsistent in him, without an explanation, to be found voting in favor of the amendment now before the House. It will be in the recollection of the House that in the debate upon that address, he made a special reservation, to this effect, that as he could not regard the course followed by Lord Metcalfe since he assumed the reins of Government in Canada, as entitled to Royal favour, so he (Mr. M'D.) must be considered, as voting on that address upon the sole consideration that, he, Lord Metcalfe, had secured his Peerage for eminent services rendered—in the East and West Indies—and that, the learned Sol. General, Westworth declared in his place that there was nothing political in that Address. He had no objection to the present Resolution except that part relating to Lord Metcalfe. The hon. and gallant Member for Dundas had spoken of the Reform Association, and its influence, but he took good care not to allude to the extraordinary efforts made by the Government (of which he was an efficient supporter,) to mislead the people by inflammatory addresses—nor to the powerful engine called *Patronage*—by which many were made to *Rat*—nor to the appointment of partizan Returning Officers, nor to the bribes offered to and in many instances, accepted by renegades who are to be found in all parties, and it was notorious that the last elections in Upper Canada, were influenced by the causes to which he had last adverted.

A great deal had been said, as to the state of public feeling in Upper Canada, and we are told, that there is a strong reaction in favour of the present Ministry in that section of the Province. He (Mr. McD.) protested against such assertions, and he would challenge proof in support of them—excepting what has been stated by the hon. member for Leeds with reference to Municipal Councillors in two Townships, which had supported the hon. member for Lanark, no evidence is offered—where, he would ask is the constituency in Upper Canada, having now a liberal representative in this House, which would elect the hon. the Inspector General—it took that hon. gentleman several months before he could strike a bargain even in the Tory Counties—and if report be true, a feeler for him was put forth in Kent, but the people would not have him—at last he found shelter in that very populous county called Huron. Now he (Mr. McD.) would undertake to show that notwithstanding the great efforts made by Lord Metcalfe, twelve counties returned as many Liberals on the principles avowed by the ex-Ministry, viz: Messrs. Prince, Powell, Dr. Smith, Merritt, Price, Baldwin, Small, Harrison, Cameron, Thompson, Roblin, and J. S. McDonald—add to that number, Messrs. Thorburn, Crane, Morris, Cook, and Killaly, who, entertaining the same principles, and having voted on Mr. Price's famous Resolution, could no doubt, have secured their seats had they presented themselves for re-election. He would ask where is the man who doubts that that honest and consistent Reformer the Hon. James Morris, would not now be representing Leeds had he chosen to come forward, (here Mr. Gowan interrupted Mr. McDonald, and stated that Mr. Morris not only voted against him (Mr. Gowan) but recommended Mr. Buell to the Electors.) [Hear, hear.]

Again Mr. M'D. would ask, if Mr. Crane could not have been returned—and so in his belief could the others had they thought proper to present themselves, he would not even except Mr. Killaly whose return for the Town of London, would no doubt be certain, notwith-

standing its celebrity, then Mr. Speaker, added [Mr. M'D.] it will appear that twelve Counties have nobly sustained the ex-Ministry, and that seven others would have also come out in like manner—leaving but seventeen Counties in favor of Lord Metcalfe, add to these the nine members for the City of Toronto, and the towns almost invariably in favor of the Tories, and where is the great victory even during the late contest, when the liberals were charged with treasonable plots against the Queen, had all odds against them, when the funds of the Province were pledged, for the improvement of several localities which promised to adhere to Lord Metcalfe—in fact out of the forty-two Representatives for Upper Canada, only about half of the Counties supported the new Ministry. How he would enquire, did the gallant Colonel who now represented Essex obtain his seat? was it not solely on the ground of his having advocated the principles of the ex-Ministry, with whom he voted on the memorable occasion at Kingston, and his speech was then such as convinced all who heard him that he was in earnest for the maintenance if necessary with force, of the very principles of constitutional government for which the then Ministry had contended. [Hear, hear, hear.] The hon. member was returned by a large majority in opposition to Lord Metcalfe's views. Here Col. Prince rose and said he had gained his election by consistency and propriety of conduct. (Cheers and laughter from both sides.) Mr. McDonald repeated some observation regarding the gallant Colonel's mode of gaining his election, when Col. Prince said it is false. The Speaker called the hon. member to order. Col. Prince, I will not retract. The Speaker again called on the House to support the chair. Mr. Draper rose and put it to the hon. member whether he would persist after the decision of the Speaker in refusing to retract. Col. Prince at last withdrew the expression and remarked that he now apologized to the House for the language he had used, but he begged to be understood as apologizing to the House alone.

MR. MCDONALD resumed. He was indeed glad to notice that the Hon. Member, at the solicitude of the Attorney General, had so far condescended as to apologise for the offensive term made use of by him. And as respected the application of that term to the assertion by him (Mr. M'D.) he would not fail to take early occasion elsewhere to refer to it. He (Mr. M'D.) contended, that as regarded the reaction, as evidenced in the late Municipal Election, of which the Hon. Member for Leeds had spoken, his [Mr. McDonald's] district showed a reaction on the other side—that so long as the Executive patronage remained with the present Ministry there was little hope at present for a strong manifestation for the Liberal party; but the time was not far off when the people would oust them from their places, and transfer the management of the affairs of this Province into other hands. He [Mr. M'D.] would declare here, that he, in common with every christian in the Province, felt sincere sympathy for the severe affliction under which Lord Metcalfe was suffering, and which caused him to leave Canada; and had the resolution moved by the Hon. Member for Essex confined itself to an expression on that account, he [Mr. M'D.] would have cheerfully supported it; but to say that that nobleman's administration of public affairs had on all occasions earned for him the esteem of those over whom he governed, is going farther than he [Mr. M'D.] was prepared to go.

MR. PRICE had heard it remarked in his own country before he left it, that that if you would see corruption in the greatest excess

you must go to a colony, (hear, hear,) and he felt the truth of the remark when he looked on some of the gentlemen in the front of the opposite benches. Before entering on the subject more immediately before the Chair, he (Mr. P.) wished to correct the Hon. Member for Leeds, who had misrepresented his Hon. friend for Lanark. His Hon. friend had not accused all of the gentlemen opposite of being sycophants, but only those of them who had supported all the four former Governors. Attention had been made to his Hon. friend's discharge of his duties as Commissioner of Customs. He well recollected that many on the other side of the house, the late member for Huron particularly, had eulogized his Hon. friend for his able discharge of those duties. The member for Leeds must know that the Municipal Bill was not introduced by the Ministry, of which his Hon. friend, Mr. Baldwin, was a member. (Here Mr. Gowan explained, and endeavoured to establish that Mr. Baldwin had been a member of the Ministry when the bill was prepared. Mr. Baldwin denied having had any hand whatever in preparing it.) Mr. Price—the hon. member must be aware that my hon. friend voted against the bill, as well as myself, and others of my friends on this side. I approved of the principles of the bill, but was dissatisfied with the details. The late Ministry came down with an amendment, but owing to the disruption their measure was lost. He (Mr. Price) did not wish to make any observation that would wound the feelings of the hon. and learned member for Essex; but really he could not understand how that hon. gentleman, after voting for his resolution of confidence in the Ex-ministers, could now support the address before the House. The hon. member for Leeds had expressed a hope that we would have no more ministerial measures involving the fate of the Administration; but he (Mr. P.) was sure the hon. member could find no precedent in English practice of individual members of an administration supporting such measures only as they thought expedient. He (Mr. P.) did not mean to say that a ministry should resign every time it was left in a minority; but it ought to be prepared with great measures on which its views were in harmony with the majority of the House, and of the country. The University question was one of this description. It was agitating the whole country, and he (Mr. P.) blamed the Ministry for not coming down and meeting the question manfully. The Municipal Act, if amended, would give general satisfaction to the country; but there were many important alterations imperatively required, and with regard to the School Act, was it not true that a gentleman notorious for his political turpitude, had been hired to go to Europe to concoct a scheme of education? Where was this individual's report? What do the Ministry propose to do regarding the University question? Will they bring down a measure, and stand or fall by it? They must know that no sectarian measure will give satisfaction; and yet from what he (Mr. P.) knew of the opinions of gentlemen opposite, he feared they would not approve of any liberal proposition. The endowment however must not be divided. With regard to patronage, of which much had been said by gentlemen opposite, he (Mr. P.) was not aware of any appointments which were not made from the Tory ranks. It has been said that the gentlemen opposite have a great majority. It is true they have a numerical majority in this House, but how was it in the country? Taking the late census as a guide, he (Mr. P.) could shew that the liberal party had a majority

of 206,524 of the population; and even in Upper Canada, should the contested counties be decided in favour of the petitioners, they would, after all their boasting, have only a majority of about 27000, and in this calculation he (Mr. P.) had handed over to the administration the consistent member for Essex with his copper mines, silk gown and all, although it was well known that the hon. member had been returned to support the late ministers. But how was this majority attained? By misrepresentation,—by persuading the people that the Ex-ministers and their friends were under Lower Canada influence, and preferred to sacrifice Upper Canada. Such charges had been generally made both against himself and his friends. The removal of the Seat of Government had been adduced as a proof; then there was the celebrated hand-bill of the Hon. member for Durham, with his "Tinkers, Barkers, Slavers," &c. &c. And there was also great misrepresentation regarding the Assessment Bill:—a measure not then well understood but which was now very popular throughout the country. Since the election a reaction had taken place, and he (Mr. Price) believed that if there was a dissolution the supporters of the Ex-Ministry would succeed in every place but the rotten boroughs. He (Mr. P.) should of course oppose the resolutions. How can hon. gentlemen expect him to support their address when it was notorious that the present Government had been a complete failure; and that all the measures it had proposed last session had been abortious?

The resolutions were then carried when the House adjourned.

LEGISLATIVE COUNCIL.

TUESDAY, 24th March, 1846.

The House met at one when they proceeded to the Government House to present the address in answer to the speech from the Throne to which His Excellency was graciously pleased to return the following answer.

Hon. Gentlemen of the Legislative Council. I request you to accept of my sincere thanks for this address, and I rely with confidence upon your zealous efforts to aid me in administering the Government for the benefit of the people.

I highly appreciate your congratulations upon the distinguished mark of Her Majesty's favour, which the Queen has been graciously pleased to confer upon me.

The House having returned.

After some routine business, the Hon. Mr. Deboucherville presented 3 resolutions.

1st. Resolved,—To secure the independence of this House, it is expedient to make a standing order that no bill shall be brought up from the Lower House after the 60th day of the session except such Bill have received the sanction of the Executive Council.

2nd. That no standing order of this House shall be dispensed with except notice of the motion has been given at least one day before.

3rd. That in all cases in which a Government Bill is concerned, no standing order shall be set aside unless by the unanimous consent of the members present.

Hon. Mr. DEBOUCHERVILLE, said in support of the motion, that the three estates must have the confidence of the people, but this has not been the case; the demon of discord had been abroad; war to the knife has existed. The opinion has gone abroad that the Upper House is subservient to the Lower House, and this would appear to be founded in fact from the number of bills which have been brought up on the last days of the session. To prove this he went into statistical details, at some length

since the year 1835, shewing the number of Bills brought up upon the 2 last days and the number passed. He continued, our position may be made a most high and noble one between the Executive and the Lower House. We are above the desire of public applause. But the passing of such a multitude of Bills on the last day is not calculated to exalt us. To be or not to be is now the question whether we are to sink below the Lower House in the esteem of the people or to rise and hold our proper station.

Hon. Mr. MCGILL. We are I am sure, much obliged to the hon. member for bringing this subject before the House. We all of us were present I believe at the last session, and must have seen the disreputable manner in which bills were passed. We were then told that if we made any amendments they could not be passed, as the Lower House would not consider them. The city of Montreal is now suffering for this haste in reference to its Corporation.

Hon. Mr. NELSON. If we alter our rules in this way we will be encroaching on the privileges of the other House, we must be on our guard. I laid past bills of last session, the contents of which I was not acquainted with; not attempting to make any amendments because those, which were much needed, could not have been passed. We ought to look to the practice of the House of Lords, on this subject, and follow it.

Hon. Mr. GORDON said in remedying an evil we must not encroach on the privileges of the Lower House.

Hon. W. MORRIS. I think that the manner of passing bills last session was extremely disreputable, it is a subject on which I have long thought. But the remedy is in our own hands, I would adopt no resolutions, but let it be understood that we will not pass any measures as they were done last session. The fault will then lie with the individual members of the lower House, and they will be compelled to bring up their measures early in the session.

The resolutions were referred to a committee of 7, to consider and report.

Mr. MORRIS handed to the Speaker, messages from His Excellency with several despatches, (see Assembly Report*).

HOUSE OF ASSEMBLY.

TUESDAY, March 24.

At 3 o'clock, the House waited, on His Excellency with an address in answer to the speech, to which His Excellency gave the following reply:

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY.—I cordially thank you for this Address and for the evidence it affords of your earnest desire to co-operate with me in every measure that may be calculated to promote the best interests of Canada.

I highly appreciate your congratulations upon the distinguished mark of Her Majesty's favor, which the Queen has been graciously pleased to confer on me.

The absent members of Election Committees, viz., Mr. Desaulnier, Mr. Chabot, and Mr. Fache, severally gave their excuses for their non-attendance, which were received by the House as satisfactory.

The Chairman of the Oxford Election Committee reported the absence of Mr. Lacoste, Mr. Dickson, and Mr. Berrand.

The Chairman of the West Halton Election Committee reported the absence of Mr. Lacoste; and

The Chairman of the Middlesex Election Committee reported the absence of Mr. Dickson and Mr. Lacoste.

It was ordered that Messrs. Dickson and Lacoste be summoned to appear before the House at its next sitting.

Mr. Smith, of Frontenac, moved that the Select Committee appointed to try the merits of the Petition of Francis Hincks, Esq., complaining of the undue election of Robert Riddell, Esquire, the sitting member for the County of Oxford, having been unavoidably reduced to less than nine members, and having so continued for the space of three sitting days—be dissolved.

Oxford Election Committee.

Mr. SMITH, of Frontenac, rose to propose a resolution similar, he said, to one introduced by him during the session of 1842. On that occasion, a committee appointed to try the election of the 2nd Riding of the County of York had been reduced to a number below nine, and the commission having met three successive times with its number reduced, he (Mr. S.) moved for its dissolution agreeably to the 22nd section of the Grenville Act. The hon. member went on to speak of the great inconvenience and labour of attending committees, and of the necessity of protecting members from all unnecessary trouble of that kind; he also quoted from the English Grenville Act to shew that it bore out his view of the meaning of the clause of the Colonial Act to which he had referred; he then moved, seconded by Mr. McDonnell of Dundas, that the committee appointed to investigate the Oxford Election be dissolved, on the ground that said committee had been unavoidably reduced to a number below nine.

Mr. AYLWIN wished to know if it were a fact that members were unavoidably absent, and if so how the fact became known; he would put that question to the Speaker, and if that officer answered in the affirmative, then he (Mr. A.) would vote for the resolution.

Mr. BALDWIN regarded the question put by the hon. friend as most correct; if it were not positively known that the members absent were "unavoidably" so, why discharge them? the act plainly contemplates that the committee should be dissolved when reduced to below 9 by members having been relieved by an order of the House; the language of the act "death or otherwise" shewed the class of causes of absence upon which the House could act when the causes were clearly pointed out. It was clear that the House could not discharge members without any cause whatever being established; and certainly members could not cease to be of the committee until relieved by an express order of the House; he Mr. Baldwin maintained that it was evident from the words "death or otherwise" that it could not have been intended that temporary causes would disqualify members; if mere absence were to be sufficient it would, he thought, be so expressed the learned Attorney General for Upper Canada and other legal gentleman on that side of the House would understand the rule by which other words in a sentence of an act took their meaning from the leading and intelligible word he Mr. Baldwin could sympathise with the learned member for Frontenac and others in their unnecessary attendance but he also had sympathy for those who had gone to a large expense in prosecuting the enquiry, for the petitioner in the case and for the constituency who were to be effected by the decision. Here the hon. member referred to the precedent adduced by Mr. Smith, and showed how utterly inapplicable it was; in that case the Committee was reduced below the legal number by 3 members having been expressly relieved by the House,—one was excused and the others had vacated their seats by taking office and were, therefore, legally dead. He (Mr. B.) would warn the House of the effect of such a precedent as the adoption of the resolution in question; hereafter parties might absent themselves from mere wilfulness in order to destroy the

proceedings of any election Committee, (certainly from Mr. Sherwood) well then, resumed Mr. Baldwin, if that be the case you are putting a construction upon the act which was never intended, you are denying justice to parties in the position of the petitioner, and it would be more manly of you to use your majority at once to turn us all out by your mere vote; the petitioner and others interested in the present case have been collecting evidence at great expense, and to get rid of the matter in this way was, he would again say, a palpable denial of justice.

Mr. Solicitor General SHERWOOD had not intended to say a word on this question but alter the feeling manifested by the hon. and learned member for the 4th. Riding who had accused those on his side of the House of unfairness he felt it impossible to keep silence. Such remarks would have come better from the hon. member for Quebec who had cried out "let us retire." Let the hon. member retire—who would he find to follow him. He Mr. Sherwood desired nothing but justice. What injury would it do either the petitioner or the sitting member to have a new Committee struck before which the same evidence would be brought. It had been said that the act only contemplated absence by death or disqualification but how could this be reconciled with the words in the clause "when those who are able to attend are reduced below nine." (Hear, hear.) The object of the Legislature was to require all to be present, and to guard against obstruction. Were Committees to sit day after day waiting on absent members? Certainly not. The precedent quoted by his hon. friend from Frontenac was certainly not one similar to the present case, but he (Mr. S.) felt convinced that the same course must be taken. Although he had referred to the feeling manifested by the hon. and learned member for North York, still he (Mr. S.) had no doubt that the hon. member had given his conscientious opinion. Still he could not agree with it. He hoped a Committee would be struck and its report given in before the return of the absent members.

Mr. ROBLIN said it might appear presumptuous in him to give an opinion on the present question, which appeared to be one of mere law, and which ought therefore, perhaps, to be left to legal gentlemen; but, when he saw lawyers depart from their proper course, and instead of confining themselves to the law of the question saying "if this committee be dissolved you will get another as good. &c.," he thought that perhaps it would be tolerated in him to go a little out of his way and say a few words on law; he thought, then, that the law did not disqualify members of an election committee until it was proven that they were "unavoidably" absent; how is it known that the committee is unavoidably reduced to 9?—as well might it be said that because several members of this House are absent, the House does not consist of the number of 84; as long as members were able to attend they were members, and where was the proof that Messrs. Dickson, Bertrand, and Lacoste were not able to attend, were as the law expresses it, "unavoidably" absent,—he [Mr. Roblin] did not pretend to a knowledge of law, but thought he possessed some common sense, and by exercising it persons learned and unlearned could perceive, that a Committee should exist so long as its members were members, that is, so long as they are not disqualified by law. In this case there was no disqualification by law, the absent members have not been discharged, they may be, even now, in the District, and may be in attendance to-morrow.

Mr. AYLWIN said he hoped that the members on the other side who were lawyers, would be edified by the reasoning of the hon. member for Prince Edward, who was not a lawyer. He (Mr. Aylwin) would, in addition to what had been so well said by that gentleman, ask what reason had the party opposite to complain in this case, what had they suffered by waiting the arrival of members. The member petitioned against kept his seat, the Government had his vote; he Mr. Aylwin should like to see the opinion given upon this question by the learned Solicitor General, West, published in all the papers of the Province, he [Mr. A.] would hold him to that opinion, and would like to see it submitted to Her Majesty's law officers in England, that they might judge from it how Her Majesty was served in this country. As to the law in this case he would not condescend to argue it. The hon. member for Frontenac had read from an English book in support of his view of the law, but did he think it was before ignorant Commissioners of a country Court he was speaking, or did he know that he was arguing before the people of Canada, in their Legislative Assembly. When such proceedings were countenanced, he [Mr. A.] thought of how our neighbors across the lines would regard us, they would blush for us, and if they blushed, what would be the feeling in England. The hon. member concluded by again strongly protesting against the legal opinions that had been enunciated on the other side.

COL. PRINCE urged in support of the resolution the inconvenience to which members were put by the non attendance of the members of the committee. He was sorry that the hon. member for Quebec had attacked Upper Canada lawyers. [Mr. Aylwin explained that his remarks were confined to Messrs. Sherwood and Smith.] He (Col. Prince) took the same view of the law as the Hon. Solicitor General, and would have thought it more creditable in the learned member for Quebec to have opposed him with argument than with mere declamation.

Mr. CHAUVEAU spoke in French against the resolution, and dwelt on the word "unavoidable" as conveying clearly the meaning that without some evidence members could not be relieved from their duty.

Mr. WILLIAMS said he could not make up his mind to vote for the resolution—the words of the law were "unavoidably absent," and he believed they applied to physical inability; the Committee should meet until unavoidable absence was proven; he (Mr. Williams) would not vote for the resolution—he thought the course proposed by it would open the door to fraud.

Mr. DRAPER next spoke, and having first admitted that Mr. Baldwin argued the point in question like a lawyer, and that the rule which he (Mr. B.) had laid down in reference to the interpretation of certain words in an act of Parliament, was correct, proceeded to argue from the words of the Act "and shall so continue to meet for three successive days," that it must have been intended that the clause should apply to other causes than that of death; why should the Committee continue to meet in case of death? that was a cause which would extend not only to three days, but to all days—it was then, he thought, clear that other causes were contemplated.

Mr. LAFORTAINE said that the word "unavoidable" applied to the fact causing the absence. Where was the proof of the fact of unavoidable absence in this instance; there was no proof, and if the absent members were discharged it might be unjust; they (the members) might come before the House to-morrow

and be themselves the witnesses that they had not been unavoidably absent.

Mr. CHRISTIE said he would not vote for the resolution; he "could not consent to discharge the Committee until he was conscientiously satisfied that the members referred to were unavoidably absent."

Mr. HALL said he could not make up his mind to vote for the resolution at present, and if he were obliged to vote then it would be against the resolution; he would move that the question be postponed till Thursday next. Mr. Duggan seconded the motion and it passed without opposition.

Mr. ROBINSON asked the Government whether it was their intention to do anything during the present session in reference to the effect upon this country of the late commercial changes in England.

Mr. DRAFER said that the subject had not escaped the attention of the Government, as might be judged from the opening speech; in two or three days, say about Thursday next, a Despatch just received on the subject would be laid before the House.

The Select Committee on West Hulton contested Election, obtained permission to adjourn till Monday next.

Mr. Secretary Daly laid before the House the following Message and Documents.

Message

From His Excellency the Administrator of the Government, with Copies of several Despatches, dated Montreal, 24th March, 1846.

[Received 24th March 1846.]

CATHCART.—The Administrator of the Government transmits, for the information of the Legislative Assembly, Copies of the Despatches from the Secretary of State, enumerated in the annexed Schedule, conveying the gracious Answers which the Queen has been pleased to direct to be returned to the several Addresses to Her Majesty, adopted during the last Session.

Government House 24th March, 1846.

[In reply to Address of Assembly respecting duties on Colonial built Shipping.]

(Copy.)

No. 265.

DOWNING STREET,

3rd April 1845.

My LORD.—I have laid before the Queen the Address to Her Majesty from the Legislative Assembly of Canada, enclosed in your despatch of the 3rd February last, No. 213, and deprecating the imposition of duties, by any Parliamentary enactment, upon shipping built within Her Majesty's Colonial Dominions.

I have received Her Majesty's command to instruct your Lordship to assure the House of Assembly that no such measures as those referred to in the Address have ever been contemplated by Her Majesty's Government.

I have, &c.

(Signed,)

STANLEY

The Right Hon. Lord Metcalfe, G. C. B.,

&c. &c. &c.

[In reply to Address of Assembly on behalf of Alexander M'Leod.]

(Copy.)

293.

DOWNING STREET,

20th June, 1845.

My LORD.—I have to acknowledge the receipt of Your Lordship's despatch of the 7th of April, in which you enclose an Address to the Queen from the Legislative Assembly of Canada, and a Report from a Committee of that House, bringing under the consideration of Her Majesty the losses sustained by Alexander M'Leod, in consequence of his imprisonment in the United States on the charge of having assisted in the destruction of the Caroline.

I have laid this address before the Queen, and have received Her Majesty's commands to in-

struct your Lordship to acquaint the House of Assembly that Her Majesty cannot acknowledge that Alexander M'Leod has a valid title to be indemnified, at the expense of Her Majesty's treasury for the losses which he may have incurred by the proceeding instituted against him by the authorities of the United States of America in the year 1840. Her Majesty omitted no practicable effort to obtain for Alexander M'Leod redress from the Government, and from the legal tribunals of the United States, and must decline to admit any further responsibility on his account.

I have, &c.

(Signed,)

STANLEY.

To the Right Hon. Lord Metcalfe, G. C. B.
&c. &c. &c.

[In reply to joint Addresses on behalf of Mr. Crooks.]

(Copy.)

No. 316.

DOWNING STREET,

26th June, 1845.

My LORD.—I have received and laid before the Queen the joint Address to Her Majesty from the Legislative Council and Legislative Assembly of Canada, which accompanied your Despatch, No. 247, of the 8th April, praying that Her Majesty would cause measures to be adopted for procuring indemnification from the Government of the United States for Mr. Crooks, whose vessel, the *Lord Nelson*, was captured by an American Citizen previously to the Declaration of war in 1812; and further praying that, if indemnification be withheld, Her Majesty would cause other proceedings to be adopted as would have the effect of obtaining redress for Mr. Crooks.

Her Majesty has commanded me to instruct Your Lordship to acquaint the Houses of Legislature that the conclusive opinions which have, at different times, been pronounced by the Legal Advisers of the Crown upon Mr. Crooks' application for redress, preclude Her Majesty's Government from remonstrating with the Government of the United States upon the subject with any prospect of success, and that her Majesty, not having any means at her disposal of affording Mr. Crooks indemnification for his loss, is unable to comply with the application preferred on his behalf by the two Houses of the Legislature in Canada for relief in some other shape.

I have, &c.

(Signed,)

STANLEY.

The Right Hon. Lord Metcalfe, G. C. B.,
&c. &c. &c.

[In reply to Address of Assembly, praying for a reduction of Duty on Canadian Tobacco.]

(Copy.)

No. 404.

DOWNING STREET,

30th July, 1845.

My LORD.—I have received and laid before the Queen, Your Lordship's Despatch, No. 249, of the 10th of April, enclosing a Petition from the Legislative Assembly of Canada, praying for a reduction in the Duty upon Tobacco, grown in that Province, when imported into Great Britain.

I have to inform Your Lordship, in answer, that Her Majesty has been pleased to receive this Petition very graciously. But as the principle of equalizing the Duties on Foreign and Colonial Tobacco has been so recently decided upon in Parliament, I have not felt myself at Liberty to bring that subject again under the consideration of the Legislature.

I have, &c.

(Signed,)

STANLEY.

The Right Hon. The Lord Metcalfe, G. C. B.,
&c. &c. &c.

[In reply to joint Address on the subject of the regulation of Colonial Trade and Navigation, and the extension of the privileges of Naturalization when conferred by Provincial enactment.]

(Copy.)

3rd February, 1846.

My LORD.—On the 18th September last, my Predecessor in this Office, in his confidential Des-

patch of that date, No. , promised that the views of Her Majesty's Government on the subjects embraced in the joint Address of the two Houses of the Canadian Legislature, of the of , should be signified to Lord Metcalfe, as soon as might be possible after the meeting of the Cabinet in November last.

Circumstances, to which it is needless to refer to more particularly, having prevented the fulfilment of that intention by Lord Stanley himself, it now devolves on me to carry it into execution.

I have laid before the Queen the joint Address of the two Houses, and have had the honour to submit to Her Majesty the views of Her Majesty's confidential Advisers as to the proper course to be taken in reference to each of the topics embraced in that Address.

The Queen, having been pleased to approve and sanction the advice thus tendered to Her Majesty, has commanded me to explain those views to Your Lordship, for the information of the Legislative Council and Assembly, to whom Your Lordship will therefore communicate a Copy of this Despatch, as explanatory of the conclusions which Her Majesty has been pleased to adopt and sanction.

I have also to instruct Your Lordship to acquaint the two Houses of Provincial Legislature, that their Petitions, to either House of Parliament, were presented during the last Session: to the House of Lords by Lord Stanley, and to the House of Commons by Mr. Hope.

An important question was brought in the above Address, under the notice of my Predecessor, with respect to the imposition of differential Duties upon Goods brought into Canada, otherwise than by sea. The purpose of such Duties would avowedly be, to offer a premium upon traffic by way of the Saint Lawrence, as compared with traffic by way of New York, and other parts of the United States.

In respect to any proposal having this object, Her Majesty's Government have to consider, in the first place, whether they shall adopt such a policy, make it their own, and introduce measures into the Imperial Parliament for the purpose of giving effect to it; in the second, whether, if they are not inclined to such a course, they shall still leave it open to the Provincial Legislature to deal with the question as one of internal, rather than of Imperial concern.

Upon the first of these points I have to acquaint you that Her Majesty's Government do not intend to propose to Parliament any measure for the imposition of new differential Duties upon Goods brought into Canada by land carriage and Inland Navigation. The opinion is that both the St. Lawrence and the route of the United States have their own commercial advantages. The Imperial Statutes already throw an additional weight, which I hold to be not inconsiderable, into the scale of the former route, and I do not think it would either be advisable in the particular case, or befit the commercial policy of the British Legislature, that it should undertake further to affect the competition between them.

As a consequence of what I have already stated, you will readily infer, that I cannot authorize Your Lordship to recommend the introduction of any measure of the kind with the authority which you possess as the Representative of Her Majesty.

But on the other hand I must give a different reply to the question whether you are to intimate disapproval of such a measure if you should find it to be unequivocally demanded by the general sentiments of the community, and should be presented to you for Legislative sanction.

You are aware that it is a rule of Imperial policy generally to reserve to Parliament the consideration of any question of differential or protective Duty which may arise in the colonies. Not refusing to make due allowance for subsisting irregularities of practice in this respect, I am desirous, in prospective Legislation, to adhere to this maxim. But I grant that it is more strictly applicable to maritime commerce than to the case of a Colony having direct and extended relations, along a frontier of many hundred miles, with a

foreign country. Your Lordship is therefore authorized to view the question as one to be determined according to the convictions of the people of Canada, whatever they may be when constitutionally brought before you in the form of a Legislative measure.

With regard, however, to the form of any such enactment, supposing it to be introduced into discussion, I would suggest what appears to Her Majesty's Government a decided improvement upon that which is employed in the Act of the last Session "for granting Provincial Duties of Customs." The lower rate of duty, when a distinction is made, should be extended to "Goods imported otherwise than by Sea from a British possession," as well as to "Goods imported "by Sea." The practical or commercial effect of the change might be trivial; but it would obviate an objection of general principle to an arrangement under which importation from a British possession is, under given circumstances, made subject to a heavier burden than direct maritime importation from a foreign country.

But I have also to notice another portion of the Address of the Legislative Council and Assembly, transmitted by Lord Metcalfe with his Despatch of the 1845, which prays that the provisions of the English Navigation Law may be extended to the Inland Waters of North America.

Her Majesty's Government are of opinion that the time has not yet arrived when they would be enabled to examine this question in a manner befitting its importance.

In the preceding part of this Despatch, I have had occasion to state the principles upon which Her Majesty's Government are prepared to act with respect to the imposition in Canada of Inland revenue of avowedly differential Duties.

Your Lordship is aware that the general maxims on which such Duties are founded, do not command the assent of Her Majesty's Government. They must be justified, if justified at all, upon the ground of special circumstances: Among the special circumstances bearing upon their merits, in the case of Canada, the deliberate and well ascertained inclinations of the people must hold a prominent place. I conceive that the points suggested by my reviews of the Customs out of last year, and the consideration of the call for countervailing Duties to meet the effect of the American Drawback Act, will put me much more fully in possession than I am at present, of the state of the public sentiment in Canada. Her Majesty's Government would indeed pay great regard, under any circumstances, to an Address from both Houses of the Provincial Legislature. But it is manifest, I apprehend, that I cannot fully appreciate the views and intentions with which the Address now under discussion was framed until I shall have before me the proceedings of the approaching Provincial Session, and shall perceive from them, in what form, and to what degree, the Legislative Council and Assembly may be disposed to act in matters placed within their control upon the principles which the Address recommends to Parliament.

Another reason which has had its influence in producing this conclusion, has been, that there appears to be a probability of change in the Navigation Law of the United States, and that it would be well to know, what as yet can only be surmised, of the views and intentions entertained in that country with regard to it, especially as proceedings there might have a material effect upon general opinion in Canada.

And I must request Your Lordship carefully to avoid anticipating the advice which Her Majesty's Government might hereafter tender to the Crown upon the subject to which this Despatch refers, as it is their intention to reserve an unfettered discretion in regard to it.

Such being the views of Her Majesty's confidential Advisers on the subject of the exten-

sion to the Inland Waters of Canada, of the Navigation Acts, we have not been able to advise the Queen to return any specific answer at present to so much of the joint Address as relates to that subject. Your Lordship will therefore inform the Legislative Council and Assembly, that for these reasons, that part of their Address is reserved for Her Majesty's further consideration.

I am commanded by the Queen to instruct Your Lordship to signify to the Legislative Council and Assembly, that having considered that part of their joint Address, which refers to an extension of the privileges of naturalization, when conferred by Provincial enactment, Her Majesty has directed that the necessary steps be taken for giving effect to their wishes. Her Majesty's Government therefore propose to recommend to Parliament the enactment of a Law for this purpose.

I have &c, W. E. GLADSTONE
Lieutenant General, Earl Cathcart,

[In reply to joint Address respecting the use of the French language in Legislative Records.]

DOWNING STREET, 3rd February, 1846,

MY LORD:—I have laid before the Queen the joint Addresses of the Legislative Council and Assembly of Canada, on the subject of the alteration of the Act for the reunion of Canada, so far as respects the use of the French Language.

I have also laid before the Queen your Despatch of the 8th of March 1845, No. 287, which transmits the above Address.

From regard to the wishes thus expressed by Her loyal subjects, Her Majesty is inclined to entertain the prayer of that Address, and authorizes you to make a communication accordingly to the Legislative bodies at the opening of the Session.

Inasmuch however, as it would not be practicable to obtain from Parliament with convenience, the change which is required in the Act of Reunion so early as to take effect upon the proceedings of the coming Session in Canada, and as it is obviously far from desirable that reiterated applications should be made for the alteration of a Constitutional Statute of so much importance, Her Majesty's Government did not propose to take any step of that nature until I shall have become acquainted with the proceedings of the Provincial Legislature, and shall have learned whether they may give occasion for inserting in one and the same amending Bill, together with a Provision relating to the exclusive use of the French Language, another modification of the provisions of the Act of Reunion which might possibly become necessary under the powers conveyed to Your Lordship in my Despatch of this date relating to the Civil List.

I have, &c.
(Signed,) W. E. GLADSTONE,
Lieutenant General, Earl Cathcart, K. C. B.,

Five hundred copies of the above message and documents were ordered to be printed.

Mr. Stewart, of Bytown, brought in a Bill to define the limits of the Town of Bytown, and establish a Town Council therein—which was read first time, and ordered for a second reading on 13th April next.

Mr. Chauveau moved, an Address to His Excellency for returns from Trustees of Quebec Turnpike Road.

Mr. Draper moved the House in Committee on the subject of amending the schedule to the Act establishing District Courts.

Committee asked leave to sit again on Monday next.

House then adjourned till Thursday next.

LEGISLATIVE COUNCIL.

26th March, 1846.

The following papers were laid on the table: Petition of G. S. Short for the situation of law clerk, also from W. M. B. Hartley and D. Rochon.

Petition from the St. Lawrence Rail Road Company for amendment in act of Incorporation. Petition of Sir John Simpson, James Ferrier, et al, for an act of Incorporation to construct a Railroad from Montreal to Lachine.

Petition of Montreal General Hospital for aid. Statement of the receipts and disbursements of the Agricultural Societies for Terrebonne, and Three Rivers.

Petition of L. Holton, J. E. Mills, et al, for an act of Incorporation to construct a Railroad from St. Johns to the Province line.

Petition of James Dean, et al, of Quebec, for an act of Incorporation for the Quebec Forwarding Association.

Petition of the inhabitants of the Isle de la Magdeleine, praying that they may not be annexed to Prince Edward Island, and complaining of other grievances, referred to a committee of 5 members.

The various petitions for the office of Law Clerk was referred to committee of 7.

Hon. Mr. MCGILL suggested that the duties of the late Law Clerk ought to be divided, that there should be two officers, a Law Clerk who also shall fill the duties of English Translator, and a Clerk of Committees.

Hon. JAS. MORRIS said that he thought the duties ought not to be divided, the expenses of the house are increasing and we ought not to increase them.

Hon. MR. MCGILL said in explanation that he would divide the salary.

Here the Hon. SPEAKER said, that he had long thought of the matter and he had come to the conclusion that they ought to be divided but he thought that it would be better to appoint a person to fill the whole of the offices from the commencement of the Session, and if we saw we had made a good choice, and we saw that with all his energies he was unable to fulfil the duties we could appoint one of our young clerks who are in the house.

Hon. MR. MCGILL rose again and said that there was one duty which the law clerk had not performed, that was preparing a brief account of the bills, for the Speaker to have in his hands at the second reading of the bill. This is the practice of the house of Lords.

Hon. W. MORRIS said, in 1841 we had passed certain economical resolutions, but at the next session we had forgotten them, & the officers had received compensation for extra services altho, the session was only of five weeks duration, & some of the officers who had not entered the house for the greater part of the year were allowed extra allowance. Mr McG. knows that if we divide the salary we shall have applications for an increase before the end of the Session. The duty of Translator is discharged only during the recess; look at the organization, we have a clerk, and two assistant clerks, the assistant clerks are here, and willing to perform their duties. In the Upper Canada house we had a clerk and an assistant clerk, the clerk was in the house during the sitting and he performed his duties, the assistant clerk performed the duties of the office.

Hon. MR. BRUNEAU said that the salary of the law clerk was too small, £350 was too little, and we cannot expect to get a really talented man to perform the duty. In the Upper Canada Parliament, there was only the English language used, now there are the English and French. Living in Montreal too is dearer than at Kingston.

Hon. Mr. M'GILL—I do not mean to urge the subject, I only meant to throw out the suggestion for the benefit of the committee.

Hon. Mr. MOORE—If the sum of £350 is divided, we cannot get talented men to perform the duty. If the duty became heavy towards the end of the Session, there are other clerks in this House who could assist him.

The Committee was named by the Speaker, and consisted of Messrs. McGill, Bruneau, Jos. Dionne, A. Dionne, Nelson, Jas. Morris, Masson.

Hon. Mr. MORRIS thought that, owing to the composition of the Committee there might be a prejudice in favour of a Law Clerk of the French origin.

Hon. Mr. DEBOUCHERVILLE said, that he much wondered that there should be distinctions of origin in this House—he knew that there was such a distinction out of doors, but he thought that there was no such distinction indoors. We were Canadians, and we were proud, I am sure, to be such.

Hon. Mr. MORRIS said, that he disclaimed any feeling of prejudice. But the Upper Canadians had had a Parliament, and they felt dissatisfied at its removal, and if you appointed a Frenchman to the office of Law Clerk, you would hear a great deal of dissatisfaction.

Hon. Mr. M'GILL—We ought not to look to look to origin but to the talent of the man.

Hon. Mr. BRUNEAU said—We want a man of capacity, we want a man who is well versed in the laws of England, of the French laws, and of Parliamentary practice. If there is a person who is better calculated for the office than another, and he is an Englishman, I will vote for him.

Hon. Mr. DEBOUCHERVILLE agreed with the last speaker, we must discard all thoughts as to origin. It is just fomenting discord. We are all Canadians.

Hon. Mr. FERRIE thought that some of the hon. gentlemen who had spoken must have given a forced construction to what had fallen from the hon. Receiver General, for he could not believe that that hon. gentleman would allow his mind to be biassed by national feelings or prejudices. He (Mr. F.) had always been opposed to the manifestation of feelings of nationality. We should sink such feelings and unite as Canadians. He (Mr. F.) grieved to see any symptom of different feelings on the present occasion, but he felt assured that if it came to a vote in this House the only question would be as to who was best fitted to fill the situation with credit to himself and benefit to the country and to this Council. [Hear.]—He (Mr. F.) at any rate would act on this principle. He concurred with the Speaker, in thinking it better not to divide the office. We could not expect to obtain a competent officer for less than £350 or £400 per annum, a man of talent regularly bred to the profession of the law. The late Clerk had given entire satisfaction to all parties, and had never complained of having too much to do.

Hon. Mr. BRUNEAU presented the report of the Committee of Newspapers, recommending to subscribe for one copy of all the papers in the Province for a year; and two copies for the Session of those published in Montreal.

MR. BRUNEAU moved for the adoption of the report.

Hon. W. MORRIS asked the reason for such a course of procedure. What is the use having papers when we are all away?

Hon. J. BRUNEAU said that he was in the city often and came to the Reading Room to see the papers, but they were gone somewhere or other. He said the amount was £30, £17 for Lower Canada, and £13 for Upper Canada.

Hon. Mr. M'KAY—It was very desirable to see the papers, to ascertain where the roads and bridges are wanted. It is the country papers that we want. We can see the Montreal papers at any place.

Hon. A. FERRIE said that Mr. Bruneau had gone over his sentiments and opinions, and it was useless for him to say anything more.

Hon. P. M'GILL said, that the taking the papers away must have happened before the Librarian had care of the papers.

The report was adopted.

A despatch was laid on the table from the Colonial Secretary in relation to the Corn Laws.—See *Assembly's report*.

HOUSE OF ASSEMBLY.

THURSDAY, March 26, 1846.

George Monroe, Esquire, Member for the 3rd Riding of York, took the oaths and his seat.

The Report of the St. Lawrence and Champlain Railroad Company was laid on the table.

Mr. Speaker Reported that he had received the Report from the Commissioners appointed to take the evidence in the Oxford contested Election, which he handed to the Chairman of the Committee.

25 Petitions were laid on the table.

Petitions read:—

Of G. W. Foote, Esq., and others, of Western District, praying for the construction of a Road from Chatham to Dover.

Of Isaac Law et al, praying that the Associate Presbyterians may have certain privileges.

Of Rev. Mr. Gunning, and others, of the Diocese of Toronto, praying that the Church Society may have their share of the proceeds from Clergy Reserves, given to them for the benefit of the said church.

Of R. Howey, and others, of Cobourg and vicinity, praying the same.

Of the Church Society, of the Diocese of Toronto, praying the same.

Of Rev. Francis W. Sandys, and others, of Howard and other Townships, praying the same.

Of Rev. T. B. Reid et al, of Parish of Port Burwell, praying the same.

Of Van George O'Kill Stuart, LL.D, et al, of Kingston, praying for the same.

Of Rev. Jonathan Short et al, of Port Hope, praying the same.

Of the Municipal Council, of the District of Simcoe, relating to the Common School Act.

Of the same of the Niagara District, praying for alteration in the Municipal Act, relating to assessment on property.

Of the same of the District of Simcoe, praying for power to levy a tax on wild lands.

Of John Urquhart et al, of Gore District, praying to be incorporated for the construction of a road.

Of the President, Directors, &c., of Great Western Railroad, relating to Magnetic Telegraph.

Of the same, praying for certain amendments to the charter.

Of E. Guy, Esq., praying that the whole line of Lachine Road may be macadamized.

Of the Religious the Sisters of Charity, of the Hotel Dieu of St. Hyacinthe, praying to be incorporated.

Of Donald Cameron, of Home District, complaining that certain lands have been withheld from him and his followers, by the Executive Government, and praying relief.

Of Rev. G. L. Lemoine et al, of Quebec, praying for a Bridge over the River Char es.

Of Dominique Lefrançois et al, of St. Ambroise de la Jeune Lorette, praying the Repeal of the Ordinances relating to winter vehicles.

Of the Municipal Council, of Wellington District, praying for the establishment of Township Councils.

Of the Municipal Council, of the Eastern District, for a grant of £653 to improve a road.

Of Henry Rutan, and others, of Newcastle District, praying to be incorporated for the construction of a road.]

Of Jean Marie Robitaille et al, of Lorette, praying for repeal of Ordinances relating to winter roads.

Of Pierre Garrett et al, of Yamaska, praying the same.

Of Pierre Bussiere et al, of Dorchester, praying

for the privileges of a mill in the Parish of Isadore, for a limited time.

Of Francois Laroche, of St. Augustin, praying for certain indemnification.

Of Wm. Hall, Esq., et al, of County Megantic, praying for a grant to open a road.

Of the Board of Police, of Cornwall, praying for certain alterations in the Act of Incorporation.

Of John Felton, Esq., of Sherbrooke, praying for compensation for certain losses as Agent for the sale of Crown Lands.

Of James Pearson, et al., of the District of Prince Edward, praying for certain survey.

Of C. Jackson, et al., of Charleston Academy, praying aid for same.

Of Troussaint Melouche, et al., of Gen evieve, in the Island of Montreal, and St. Raphael, in l'Isle Bizard, praying that a certain road may be placed under the controul of Turnpike Commissioners.

Of Moyses Lemoine, et al., of District of Three Rivers, praying for amendments to common School Act.

Of Capt. Bedard, et al., of Quebec, praying that Dorchester Bridge, be purchased at public expense.

Of Rev. P. Roy, et al., of Quebec, praying that the Route Ste. Claire to La Jeune Lorette, may be improved at the public expense, and placed under the controul of the Quebec Turnpike Trust.

Of J. B. Trudelle, Esq., et al., of Quebec, praying that the Ordinances respecting winter roads, may be repealed.

Of Jacques Legare, Esq., Mayor, and others of the Municipality of St. Foye, District of Quebec, praying the same.

Of Jean B. Page, et al., of Lorette, praying amendment to the Act of last Session, relative to the Quebec Turnpike Roads.

Of Municipal Council of Victoria District, praying for aid to construct a Macadamized Road.

Of the same praying for a certain amendment to the Municipal Council Act.

Of the same, praying for a Charter by name of the Wolfe Island, Kingston and Toronto Railroad Company.

Of George Roe, et al., of County of Russell, praying that the share of the Clergy Reserves falling to the Episcopal Church should not be made over to them.

Of Municipal Council of Home District, praying for certain amendments to Municipal Act.

Of John Grub, et al., of Home District, praying to be incorporated to construct a Plank Road.

Of Rev. W. Adam, et al., Unitarians, of Toronto, praying for certain privileges.

Of A. Lauvageau, et al., of Huntingdon, praying for a Turnpike Road.

Of Wm. Workman, et al., of Montreal, praying to be incorporated to construct a Railroad from Montreal to Boston.

Of J. L. Reid, Esq., et al., Members of Church of England, of Diocese of Toronto, praying that the share of Clergy Reserves due to that Church may be given to the Church Society.

Of Wishe Tegarehontic, et al., Chief and Warriors of St. Regis and other places, praying for an address to Her Majesty to continue their annual allowances.

Of J. B. Decheve, of St. Henry, praying to be indemnified for the loss of his schooner, while in the service of the Government.

Of J. Druiers, Esq., et al., of Lotbiniere, praying for removal of Registry Office.

Of the Rev. J. B. Potvin, of Lotbiniere, praying for aid to repair two Bridges.

Of Rev. Louis Proulx, et al., of County Lotbiniere, praying for the removal of the Registry Office.

Of Rev. P. Patry, et al., of County Lotbiniere, praying for the removal of the Registry to St. Antoine de Lilly.

Of Mayor and commonality of City of Toronto, praying that the duplicates of works in the Library of the Legislature, may be placed in the said city.

Of Municipal Council of Johnstown District, praying that the Division Court Law may be amended.

Of Hon. A. G. Couillard, et al., of County of L'Islet, praying for protection to Wild Fowl.

Of G. Marchand et al., of District of Montreal, praying for damages sustained by Chambly canal.

Of M. F. Valois et al., of Lachine, praying for the extension of the Lachine Turnpike Road.

O. L. M. Cresé, Esq., et al., of St. Jean Baptiste de Nicolet, praying for Courts of Justice.

Of Thos. Steel et al., of Counties of Sherbrooke and Drummond, praying for aid to the Quebec and Melborne Railroad Company.

Of John Moore, Esq., et al., of Westbury and other Townships, praying aid for a road.

Of Municipal Council of Ascot, praying for amendments to Municipal and School Acts.

Of P. N. H. Bond et al., of Eaton, in county of Sherbrooke, praying the same.

Of L. Col. J. Héroux et al., of Warwick, praying for aid for a road.

Of Rev. Clovis Gagnou et al., of Stanfold, praying the same.

Of Charles Robertson, Esq., et al., of Point Levy, District of Quebec, praying the repeal of winter Road ordinance.

Of inhabitants of county of Dorchester, praying the repeal of the act establishing Councils, that enregistration be less expensive, that petty jury men be paid, and for aid to improve the River Chaudiere, and for the support of the poor in the Parish of St. Bernard.

Of the Directresses and Managers of the Charitable Association of the Roman Catholic Ladies of Quebec, praying for aid to re-build a House occupied by Orphans which was destroyed by the late fire.

Of Augustin Gauthier, jr., of Quebec Institute of Anatomy, praying for a salary in addition to his fees.

Of the Society of Education of Quebec, praying for aid to re-construct the Schools destroyed by the late fire.

Of Licensed Cullers of Quebec, praying for a grant out of the fees arising from culling and measurement of Lumber, in aid of relief found for their mutual support.

Of R. McMillan et al., Inspectors and cullers of timber, praying to be incorporated as "the Quebec Cullers Benevolent Society."

Of Messrs Burrows & Hout, Prothonotaries of Quebec, praying for a grant to procure copies of Registries of Baptisms, Marriages and Burials, of the District of Quebec, from the year 1681 to the present time.

Of J. Ferrier, Esq., et others of Canada, praying to be incorporated for the construction of a Rail Road from Montreal to Lachine.

Of Henry Gildersleeve et al., of Kingston, praying to be incorporated for the construction of a Railroad from Wolfe Island to Toronto.

Of Thos. A. Young, Esq., of Quebec, praying for amount due him as Auditor General.

Of the Quebec Board of Trade, praying for aid to erect a new Custom House in the said city.

And of Rev. Richard Lonsdale et al., of Diocese of Quebec, praying that the share of the proceeds from Clergy Reserves falling to the Church of England, may be given to the Church Society.

Petitions referred to Special Committees—

Of E. Guy et al.

Of the Sisters of Charity.

Of the Church Society of the Diocese of Toronto, and other petitions of the same prayer, referred to Mr. Solicitor Gen. Sherwood, Mr. Boulton, Mr. Gowin, Mr. Moffitt, and Mr. Aylwin.

Of J. M. Robitaille et al., of the District of Niagara.

Of the Mayor and Corporation of Toronto.

Of François Laroche, and

Of Pierre Bussiere et al.

Mr. Dickson, Mr. Lacoste, Mr. Smith of Frontinae, and Mr. Bertrand, were reported as absent from the Oxford Committee, and Mr. Lacoste and Mr. Dickson from the Middlesex Committee, and were ordered to appear in their places at the next sitting of the House.

The following despatch from the Secretary of the Colonies was read—

DOWNING STREET,
3d March, 1846.

MY LORD, I have to acknowledge the receipt of your Despatch of the 28th of January, No. 7, relating to the expected changes in the British Corn Law, deprecating such changes generally in the interest of Canada, and at the same time, urging that if there be a determination on the part of Parliament to adopt them, it is much to be desired that they should not take immediate effect.

The interests of Canada have occupied the place to which they are justly entitled, in the deliberations of Her Majesty's Government upon this important subject, and upon others which are akin to it. At the same time, I need hardly point out to your Lordship, that there are matters, in which considerations immediately connected with the supply of food for the people of this country, and with the employment of its population must be paramount.

Both in respect to corn and in respect to timber, Her Majesty's Government have determined to propose, and to use whatever influence they may possess for the purpose of carrying through Parliament, the proposal that the alterations about to be made should be gradual; and among the motives which have led them to this determination has been the belief that this delay would be acceptable, and would also be advantageous to the people of Canada.

In order to supply you with some further evidence of their desire to consult Colonial wishes and interests in discharging their public duties, I have to direct your attention to a schedule, hereto annexed, which exhibits the duties now chargeable upon articles of agricultural produce, when imported from the British dominions abroad, and the changes which it is intended to make in favour of the Colonial Trade, by the immediate abolition or reduction of these duties.

I trust that Canada may largely avail herself of the advantages which are thus (for I venture to anticipate the favourable judgment of Parliament upon those propositions about to be submitted to it on the part of the Crown) about to be placed within her reach.

The desire of Her Majesty's Government is, that the trade of Canada may, in all respects, approach as nearly to perfect freedom as the dispositions of its inhabitants, and the exigencies of the public revenue there may permit; and in evidence of that desire, I may advert to my Despatch No. 19, of the 3d of February, relating to the Provincial duty on the importation of wheat, and may again apprise you that it is not the intention of Her Majesty's Government to check any disposition which Canada may manifest should such be the case, for the repeal of that duty by the interposition of the prerogative.

Further, with regard to Corn, I have much satisfaction in reflecting, that if Canada will have to enter into competition with the Western States of America, and to engage in this rivalry, when no longer covered by any protective duty, at least, she will not be called to make the effort without some advantages on her side.

Among them, I reckon her light taxation, the assistance she has received from British credit and funds, in the construction and improvement of her internal communication; her more regular and steady course of trade with this country, her low tariff, so favourable to importation, and on that account, powerfully tending to encourage her reciprocal commerce outwards, some advantage in the point of proximity as compared with the most westerly States of the Union, which are also her most formidable rivals in cheapness of production, and lastly the means of carriage without transshipments by the St. Lawrence, which cannot be had by the way of the Erie Canal. She will likewise have this in her favour, that her corn trade will have become a settled one of some standing, with all its arrangements made, and in full operation, while any regular commerce in that article from the United States must be a new creation, and must go through the processes attending its self-adjustment to circumstances as yet untried.

And if it be true that New York offers some advantages as compared with Montreal, particularly in regard to the rate of insurance; on the other hand, I consider that the shipping of British North America, has many advantages over that of the United States, in the competition for freight, as it is constructed at far less expense, and is, I must assume, navigated with equal vigour and equal economy.

It is beyond doubt that Canada has felt a very invigorating influence from the augmented facility of access to the British market, which she has enjoyed since the act of 1812, and that it has perceptibly stimulated the extension of her agriculture. But the average prices of wheat, during the years 1843, 1844, and 18-

45, have been only 50s 10d, 51s 3d and 50s 1d, respectively. Not presuming to anticipate within any very close limits what are likely to be the ruling prices of this grain after a perfect freedom of trade shall have been established, I yet venture to think that the most competent persons are not generally of opinion that they will exhibit any reduction which shall place them greatly below the rates I have just cited; and as I trust we may look forward to some diminution in the cost of conveyance between the place of growth or grinding and Montreal, I cannot participate in the apprehensions of those who conceive that the measure now under consideration, will involve ruin, or any thing approaching to it, to the trade in Canadian corn and flour.

I trust, therefore, that the agricultural population of Canada will look forward without fear, to a change of which it is probable the effects will be far less violent either for good, or for the partial evils which may accompany such good, than many, prompted either by their hopes or their fears, have been forward to anticipate.

I now pass to the question of timber, which is of great moment with reference to the trade of Canada, although it has not the same interest as the subject of corn for the mass of the population.

I have much satisfaction in drawing Your Lordship's attention to the fact, that the Colonial Timber Trade prospers under the operation of those changes in the law which were enacted in 1812, and which had taken full effect before the end of 1843. I submit a statement of the number of loads of timber brought to England from the Colonies in each of the last ten years, and of the number of loads of deals brought hither in each of the last three years, during which period alone that mode of computation has been pursued, so far as relates to this branch of the wood trade.

The increased facilities of internal transit in this country, independently of the very great temporary demand connected with the construction of the railways that are to effect this great improvement, promise a considerable and permanent extension of the market for foreign wood, an extension likely to be accelerated, unless it be as to Scotland, by the progressive diminution of the home growth of timber through the United Kingdom.

The description of wood supplied by the British North American Colonies, the Yellow Pine is not chiefly to be regarded as competing with the wood of the Baltic; but rather as available for different though concurrent uses. For example, the increase of Baltic timber tending to encourage the construction of new buildings by supplying the best materials for particular portions of them, has an effect, not in limiting, but in extending the demand for Canadian Timber, as furnishing the cheapest and most convenient material for other portions, namely, the inward fittings of the very same fabrics.

Her Majesty's Government are not indeed prepared to assert that the question of the relation between the duty on Foreign Timber and the Colonial Wood Trade ought to be adjusted with reference to this consideration alone, and you will perceive that they propose to retain a duty of 15s. per load upon Foreign Timber, which I apprehend may be considered as, upon the average, nearly covering the difference between Freights from the Baltic, and those from British North America to the United Kingdom.

Not only are they free from the apprehension that the proposed remission of 10s per load on Foreign Timber, and 12s on Foreign Deals will cause a contraction of the Trade from British North America, but they are sanguine in the anticipation that that Trade will continue, notwithstanding the proposed change to extend itself.

The reduction of the duty on Colonial Timber and Deals to a nominal amount, which took place in 1842, involved the sacrifice of a considerable Revenue, and that sacrifice may, I trust, have tended, and may still serve to convince the inhabitants of Canada, that it has been the earnest desire of Her Majesty, in affording relief to her people at home, by the changes effected in the Commercial Laws of the Empire, to obviate as far as possible the inconveniences, and to extend the benefits which those changes might tend to produce for other portions of her subjects.

This country has taken upon itself the serious task of reforming its own commercial system in

opposition to what appears to be the prevailing disposition among other nations, and to bear testimony to the world, and to put in action the powerful influence of example, in favor of sound principles of Trade.

Her Majesty's Government trust that the efforts of the British Legislature, in this respect, may be seconded,—their range extended, and the example rendered yet more impressive: not only by the acquiescence, but by the approval and the active co-operation of the Legislatures, and the inhabitants of the Colonies.

I have, &c.,
(Signed) W. E. GLADSTONE.

SCHEDULE of Certain Articles of Agricultural Produce of the British Dominions abroad, with the Present and Proposed Duties thereon on Importation into the United Kingdom:—

ARTICLES.	PRESENT DUTY.	PROPOSED DUTY.
Pearl'd Barley, per cwt.	£0 2 6	£0 0 6
Butter, per cwt.	0 5 0	0 2 6
Buckwheat, per quarter	0 2 6	0 1 0
Cheese, per cwt.	0 2 6	0 1 6
Hams, per cwt.	0 3 6	0 2 0
Hops, per cwt.	4 10 0	2 5 0
Maize or Indian Corn.	0 2 6	0 1 0
Do. (Meal) per cwt.	prohibited.	0 0 4½
Potato Flour, per cwt.		0 1 0
Skins, manufactured.	10s. ea. ad val.	5 p. ct. ad val.
Starch } per cwt. ---	0 5 0	2s. 6d., and after 1st Feb. 1849, 1s.
Tallow, per cwt. ---	0 3 3	0 0 1
Tongues, per cwt. ---	0 2 6	0 2 0
Seeds, Canary, p bushel	0 2 0	2s. 6d. p cwt.
Carraway } per cwt	0 5 0	0 2 6
Carrot } per cwt	0 5 0	0 2 6
Clover } per cwt	0 5 0	0 2 6
Leek } per cwt	0 5 0	0 2 6
Onion } per cwt	0 5 0	0 2 6
Mustard, per bushel	0 0 6	7s. 2d. p cwt.
Other Seeds ---	5½ p. ct. ad val.	2½ p. ct. ad val.
Animals, living ---	Various rates.	Free.
Bacon, per cwt. ---	0 3 6	do
Beef, per cwt. ---	0 2 0	do
Cranberries, per gallon	0 0 1	do
Hay, per load ---	0 8 0	do
Salted Meat, not otherwise described, p cwt.	0 2 0	do
Fork, Salted not Hams	0 2 0	do
Pointons, per cwt. ---	0 0 1	do
Other Vegetables ---	2½ p. ct. ad val.	do
Barley, per quarter ---	2s. 6d to 6d.	0 1 0
Rye } per quarter ---	3s. to 6d.	0 1 0
Peas } per quarter ---	3s. to 6d.	0 1 0
Beans } per quarter ---	3s. to 6d.	0 1 0
Barley Meal } Not admitted under		½d. per cwt.
Rye Meal } the present		½d. per cwt.
Pea Meal } law.		½d. per cwt.
Bean Meal } law.		½d. per cwt.
Oats, per quarter ---	2s. to 6d.	0 1 0
Oatmeal, per 18½ lbs. ---	3s. to 6d.	½d. per cwt.

NUMBER OF LOADS OF TIMBER Imported from the British Colonies in North America in each of the last Ten Years:—

Years.	Oak Plank 2 inches thick, or upwards.	Teak.	Timber, Fir, Oak, &c. 8 inches square, or upwards.	Wainscot, Logs.
1836	2	—	525,645	—
1837	2	—	645,361	—
1838	1	—	660,631	—
1839	3	—	662,399	—
1840	3	—	646,953	85
1841	2	—	633,040	—
1842	1	—	375,292	—
1843	1	—	578,172	—
1844	—	—	545,820	—
1845	—	—	796,515	—

NUMBER OF LOADS OF DEALS Imported in each of the last Three Years:—

Years.	Loads.	Of which were for British Colonies.
1843	609,693	340,659
1844	727,456	396,866
1845	864,453	493,828

Mr. Gowan moved that 1000 copies be printed. Carried.

On motion of Mr. Cayley, an address was ordered to Her Majesty praying that she will be pleased to recommend to Parliament that Wheat and Wheat Flour, Peas and all grain and Meal from all descriptions of grain and pulse when imported into the United Kingdom from this Province, may be admitted on the smallest possible specific duty not exceeding a penny the quarter.

The said address was reported and adopted and an address was passed requesting His Excellency to transmit the same to Her Majesty.

The House was informed that His Excellency would receive the House with the above addresses to-morrow.

On motion of Mr. Christie, an address was passed to His Excellency for copies of despatches relative to bills reserved and particularly a bill affording a recourse to persons having legal claims upon the Executive Government.

Mr. Daly laid before the House, the Report of the Commissioners in the Post Office Department in British North America.

Also Despatches on the following subjects:—Registration of Merchant Seamen.

Acknowledging copies of Addresses of Congratulation to Lord Metcalfe on his elevation to the Peerage.

Respecting duties on articles imported for the use of the Troops.

Communicating Mr. Burnett's preparation for preserving timber; also Mr. Payne's do.

Desertion of Merchant Seamen.

Remarks on Act Incorporating St. Lawrence and Ottawa Rail Road Company.

Stating that Capt. Harris' Divorce Bill will not be sanctioned by Her Majesty.

Respecting the Act to secure the right of property in British Plantations Vessels.

General Instructions relative to Colonial Rail Way Acts, (circular.)

Respecting the Customs Act of last Session.

500 copies of the above Despatches ordered to be printed.

On motion of Mr. Draper, a Committee was appointed to report Standing Committees, on the following subjects, viz.

Privileges and Elections.

Expiring Laws.

Private Bills.

Standing Orders.

Printing, &c.

Contingencies.

On motion of Mr. Morin, a Library Committee was appointed to assist Mr. Speaker, composed of Mr. Morin, Mr. Solicitor General Sherwood, Mr. Boutillier, Mr. Hale, Mr. Tache, and Mr. Macdonald, of Kingston.

A Bill to remove doubts as to the validity of certain deeds, &c., executed before Notaries in Lower Canada, and to secure the right of all persons concerned therein, was presented by Mr. Taschereau. Ordered for second reading on Tuesday next.

Mr. Chalmers brought in a bill to incorporate certain persons as the "Trafalgar, Esquising and Erie Road Company." Second reading on Monday next.

Mr. Draper brought in a bill for simpler modes of insurance, in lieu of fines and recoveries. To be read second time 3rd April.

Mr. Draper brought in a bill to facilitate the conveyance of real property in Upper Canada. To be read second time on Tuesday next.

Mr. PETRIE read a petition in favor of a reform in the University, and (especially praying that the Endowment be not divided, and that no sectarian influence be allowed in the University.

During the reading of Petitions the Speaker refused to receive one because of the signatures being all in the same writing.

Col. PRINCE remarked that it was a serious matter to reject Petitions, and that he would humbly recommend the Speaker to enquire into the causes of informalities and especially such a one as that just decided upon; he (Col. P.) knew of cases at Church doors of large numbers of names being affixed to Petitions through the agency of one person.

Mr. GOWAN said that he had presented a Petition with the signatures all in the same hand, but it was a copy made by himself, he having retained the original signatures in his desk. (Hear, hear.)

The SPEAKER remarked that had he been aware of the fact he would not have permitted such a Petition to be received.

Besides the above case the Speaker rejected a large number of Petitions, some from no dates being attached to them and some because of no signatures being upon the same sheet with the prayer.

Upper Canada Church Society.

Mr. Solicitor General SHERWOOD, moved that the petition of Church Society read this day be referred to a special Committee composed of Messrs. Moffat, Aylwin, and Boulton.

Mr. ROULIN hoped that as this was a subject that interested all Upper Canada, the mover would allow the house to name the Committee.

Mr. SHERWOOD said he took the same course as last year, and he did not think that, whatever might be the Report of the Committee it would alter the opinion of the hon. gentleman.

Col. PRINCE introduced a Bill to enable Mr. Dempsey to practice as an Attorney in the Court of Queen's Bench in Upper Canada. Mr. Dempsey had studied five years under Mr. Small clerk of Crown & Pleas, but as he Mr. Small is not a practising Attorney, the Court rejected Mr. Dempsey's application for admission, he, (Col. Prince) thought that no better recommendation in favor of Mr. Dempsey could be offered to the house than the fact that all the respectable Attornies of Toronto had signed a certificate in his favour (Hear, hear.)

The Bill was ordered to be read a second time on Monday next.

Mr. Gowan moved that 500 copies of the Despatches lately received on the subject of the new duties be published for the use of members, half in French, and half in English.

Mr. HALL hoped that more than 500 copies would be printed, it was likely that something would have to be said in reference to the Despatches, and it was therefore necessary that they should be extensively read; he thought that 2000 copies would not be too much—(Oh! Oh! from some of the members.) hon. members grumbled at a little additional expense for the house, but no objection was made to paying £300, for that bauble (pointing to a splendid new mace lying on the table.)

It was then agreed that 1000 copies be printed.

Free Admission of Canadian Products into England.

Mr. Inspector General CAYLEY said that he hoped the House would consent to relax their rules so far as to allow him to move a resolution with regard to the important despatch that has just been laid on the table. The members must be gratified with the terms in which it is couched, with the interest that is felt by the Home Government in the affairs of this Province. The mail for Great Britain leaves for that country to-morrow, and therefore it was necessary to act immediately. The hon. member spoke so low as to be almost inaudible in the reporters' gallery.

Mr. AYLWIN thought that the House ought not to act so precipitately in such an important subject; he believed that he himself and an hon. friend were the only members who had yet had an opportunity of seeing the schedule.

Mr. BALDWIN said that it was with great pleasure he had seconded the resolution of the Hon. Inspector General, and he hoped that his hon. and learned friend from Quebec would not persist in his desire to postpone the question; the object of the address was to obtain from the Imperial Parliament additional facilities for our farmers, and it did not appear to him to require any elaborate consideration; he (Mr. B.) thought we ought not to lose any time in the matter; the mail was to leave to-morrow, and should we not act now we might be too late for the present session of the Imperial Parliament. He (Mr. B.) would add that he regarded the late despatch as a proof that the Imperial Government desired to deal with this country in a spirit of fairness.

Mr. MOFFATT entirely concurred in the remarks of the last speaker. It was necessary to take action on this subject immediately, as the question was now before the House of Commons, and it was advisable to send the address home in time to influence the House of Lords. The duty at present was one shilling per quarter for wheat and sevenpence halfpenny a barrel for flour. The object of the motion was to have our flour and wheat admitted into Britain at the small duty of one per cent ad valorem. A small duty was required for statistical information, but he preferred a specific duty to an ad valorem one; the former is less troublesome to all parties than the latter, and he thought that would be preferred at home.

Mr. AYLWIN under the circumstances would withdraw his opposition. Why had this important dispatch not been laid on the table before? And he saw a despatch No. 19, referred to in the one already before the House. In consenting to the motion he must not however be understood as concurring in all the details of the schedule of the despatch.

Mr. CAYLEY, what details do you refer to?

Mr. AYLWIN, having had an opportunity of reading it only for a moment, he could not particularize the various details, to which he objected. In giving his consent to this motion, he could not pledge himself as a colonist to these new commercial arrangements.

Mr. BALDWIN said, he did not pledge himself to the details, he referred only to the general spirit of the despatch.

Mr. DRAPER recommended that the motion be amended by inserting the words, or a specific duty not exceeding one per cent ad valorem.

Mr. MOFFATT stated that one per cent is equivalent to half the present duty.

Mr. DRAPER moved that the words "the smallest possible specific duty, not exceeding one penny per quarter. The motion as thus amended unanimously passed.

Mr. CAYLEY moved that a Special Committee to be composed of Messrs. Baldwin, Moffatt and Cayley, be appointed to draft an address on the above motion.

Rebellion Losses.

Mr. SCOTT asked whether the Government intended to grant anything during this session to parties in Lower Canada who had suffered losses during the late Rebellion.

Mr. Attorney General SMITH said that Commissioners were enquiring into the losses referred to, and nothing could be done till these reports was read.

Mr. TASCHEREAU, introduced a bill to relieve all doubts as to the validity of certain documents executed before Notaries in Lower Canada. Mr. Taschereau said that he introduced this bill in consequence of difficulties that had arisen from the Union of the Provinces in regard to Notaries in Lower Canada. Since the Union, Notaries have styled themselves in some documents "Notaries of the Province of Canada," this expression has been held illegal by the Courts of justice and documents containing it have been rejected; it was to give validity to deeds &c. so rejected, and to come to the aid of parties who have so suffered, that the bill was intended. (Hear, hear.)

Mr. CHALMERS introduced a bill to incorporate certain persons as the Trafalgar, Esquesing and Erin Rail Road Company.

Hon. R. BALDWIN said, that the petition was referred to a Committee and then they reported, and the bill was there introduced: it was thought that the Committee ought not to report by a bill, but that the petition should be referred to committee on private bills.

Mr. Attorney General SMITH said, hon. gentleman was perfectly correct as to the course of procedure adopted last session and it must be manifest that it is a very convenient mode of procedure if only to see that the rules of the house were accorded with.

Mr. Attorney General introduced a bill for the purpose of substituting more simple form of insurance in lieu of fines and recoveries.

Mr. Attorney General DRAPER introduced a Bill to facilitate the conveyance of real property in Upper Canada.

On motion of Mr. Sherwood, of Brockville, the journals relative to petitions of Reid and Sheppard, and report of Select Committee on the same, were read.

Moved that the house resolve itself into Committee of the whole house on Tuesday next, he remarked that the members of the Committee last Session had taken a great deal of trouble with this Petition, and at the suggestion of the Attorney General East no further action was taken on the matter, and he felt it his duty to make the present motion.

Attorney General SMITH, said that this was an affair in which the Board of Works was concerned or those persons who had fallen into the control of it after it had been under the superintendence of Commissioners. He wanted it placed over to a late day because as the passages were very voluminous, and he had not had time to investigate the questions, but in allowing the matter to be referred to a Committee of the whole house, he wished it to be understood that the Government did not feel itself pledged to recommend the claim.

Mr. BALDWIN was not sure whether this was one of those cases in which last session he had objected to a reference to a select committee as calculated to relieve the administration of its responsibility, and to cause great embarrassment both to it and to this House. He had objected to several references of this kind. He hoped the hon. gentleman opposite would request the postponement of the present motion. What would be the consequence? first, you get a report from a select committee. Then you proceed another step and get an expression of opinion from the House. When once you proceed irregularly, you get into difficulties from which you cannot extricate yourselves.

Mr. Attorney General SMITH.—The subject has undergone much discussion, but no rule has yet been adopted. If (the Atty. Gen.) thought that the practice in England admitted these references to select committees regarding old transactions which had occurred under former Governments; it was impossible for the Government to dive into archives to get evidence as to these transactions fifteen or twenty years old.—The Government was not bound by the report of a select committee, but after such report it was its duty to be prepared to state what it would do. No specific rule had been determined last session, and it was time that some understanding should be come to.

Mr. BALDWIN was aware that last session, as now, the hon. and learned Atty. Gen. for L. C. had attempted to draw the distinction which he had described, but he (Mr. B.) could not see its force. All claims are upon the Government of the country, and no matter what gentlemen may compose the administration, they must be prepared to admit the claim if just. There may be reasons for delay in case of an old claim; the administration may say that it has had no opportunity of examining into facts, but that is no reason for the House taking it up. If such a course is pursued, it will lead to inevitable embarrassment. If you refer to a select committee, get a report and then have it adopted by the House, where, he would ask, is the responsibility of Ministers? They were divested of their functions and the matter thrown into a popular assembly, which leads to constant jobbing. The investigation should be made by the Government, who are alone able to come to a just conclusion. If any one has a just claim, it is for the Government to consider it. A case may be made out for delay, which he (Mr. B.) would be always ready to give, but every one knew that by referring to special committees you only get an *ex parte* report.

Mr. GOWAN—I think I can put the hon. and learned gentleman in possession of certain facts which will induce him; I am sure, not to resist the motion. The matter originated in the House of Assembly of Upper Canada, where, I will acknowledge there was great jobbing going on

I had the honor to have a seat in that Parliament. The works were commenced and carried on by the Parliament, without the sanction of the Executive Government. The Commissioners were appointed by the Parliament. If a debt still exists it ought to be examined. It was contracted before the principles of Responsible Government were conceded. The measure originated in Parliament, was carried by Parliament, and the Commissioners were appointed by the Parliament.

Hon. R. BALDWIN had no opinion to offer on the claims of the persons interested; he merely wished to preserve order in the proceedings of the House.

Mr. SHERWOOD, of Brockville, rose again, and said, if he thought it would embarrass the Government he would not introduce the matter today. He did not, however, think that they could be any further pledged by allowing it to be referred to a committee of the whole House than they are already.

Mr. COLVILLE said, the course recommended by the leader of Her Majesty's opposition would be very convenient for the gentlemen on the Treasury Bench, and for those who expected to be there; but he regarded it as utter denial of justice to the people of the Province. A strong Government, such as Mr. Baldwin was once at the head of, might reject the claims of parties, and they would then have no redress.

Mr. MOFFATT would like to know from the hon. Mr. Viger what means of ascertaining the justice of claims; a committee could have superior to those in the reach of the Government (hear, hear.) he. Mr. Moffatt thought that the Government were bound to investigate all claims before they came down to the house, did they not admit a claim there was no denial of justice for the parties might still apply to the house.

Mr. PRICE would ask are not the Government prepared with their estimates, do they know what is required—if so, how can they allow any claim that may be made to go before the house; by that course a great deal more might be granted than there would be means to meet.

Mr. AYLWIN, there is a great distinction between the rule in force here and that at home; in Great Britain it is a rule of the House of Commons, and therefore can be repealed by that house, but here it forms part of our Constitution, and we cannot repeal it, the law has said that no money can be granted by this House, except on the recommendation of Her Majesty, the reason of this enactment was to put down, what was called in the neighboring Republic *log rolling*, and which formerly existed to a great degree in this colony, as is fully shown in Lord Durham's Report. Hon. gentlemen ought to endeavour to carry out the law, the member for Beauharbois, should be the last man to make the observation that he did, for the object is to carry out the practice that is in force in England.

Mr. SHERWOOD then withdrew his motion. Mr. LAPOSTOLLE appeared in his place and verified upon oath the cause of his absence from Election Committees, and was excused by the House.

OXFORD ELECTION.

The house proceeded to the consideration of the motion of Mr. Smith of Frontenac of Tuesday last, relative to the dissolution of the Committee on the Oxford contested election.

Mr. Smith of Frontenac moved, seconded by Mr. McDonell of Dundas, that the select committee on the Oxford contested election committee be discharged as the number has unavoidably been reduced below nine.

Hon. ROBERT BALDWIN rose and said, The remarks which he had made on this subject on the former occasion, would be in the recollection of the House. The more he had thought of it the more he had been convinced that he was right, viz: that the joint action of the House in declaring a member of a committee disqualified, and the death or resignation of a member death were causes of unavoidable absence. He (Mr. B.) did not, however, agree with the construction which the Hon. Attorney General West put on the following sentence "and shall recontinue

for the space of three days," I think that death, having ceased to be a member of the House, and leave of the House, are the only unavoidable causes of absence. If it were the intention of the Legislature that if three members absented themselves for three successive days, the committee was dissolved, why did they not say so! But they have not said so. I look upon this proceeding matter with very great alarm, as was said on the last occasion when party spirit ran high three members might absent themselves from the committee and defeat the ends of justice. I have looked into the English books and there cannot be found any precedent for such a course; they are so careful of election committees that on one occasion when the committee was reduced to nine they enacted a special act to prevent its dissolution if the third member died. If difficulties like these are thrown in the way of contested elections, no person will be found bold and courageous enough to contest the election. Suppose as in England the evidence was taken *viva voce*, and the committee was reduced below nine, by the indisposition of the absent members, then the committee would be dissolved the witnesses would have to be brought back and re-examined, the expense would be enormous. The twenty second clause he (Mr. Baldwin) thought was conclusive, for it says:—That if the committee be unavoidably reduced below nine, they shall adjourn from day to day till there shall be nine present. This conclusively shews the intention of the Legislature. The House has no power to dissolve this committee, they may declare the committee dissolved, but if any action were taken for costs no court of justice would hold them answerable for the costs, the opinion of this House to the contrary notwithstanding.

Mr. AYLWIN had already given his opinion on the subject, and was not again desirous of occupying the time of the House. He would, however, wish to state one fact, which was, that on the journals of the House was an order directing the Speaker to enquire into the cause of the absence of Members of Committees on contested elections. Now, the enquiry so ordered had not taken place yet. The motion of the hon. member for Frontenac was founded upon the supposition that the absence of members in the present instance was "unavoidable." How could such an opinion have been formed? This very day one of the members, in this case, absent yesterday, has appeared before the House, and has offered an excuse, in which he does not say that he was unavoidably absent; and this excuse has been accepted by the House. He (Mr. Aylwin) would caution the House against putting dangerous precedents on their journals—opinions would be formed on them in the end which would not tend to the honor or advantage of present parties.

Mr. SMITH, of Frontenac, said that several of his friends wished him to object to the order of the House, which had directed him to attend in his place to-morrow, to explain the reason of his absence from the Oxford Election Committee today, as they considered the Committee *ipso facto* dissolved; but he thought it improper to do so, as the debate on the question was to come on this evening. The excuse given to Mr. Lacoste did not affect the question. I consider it immaterial, and in this I am supported by the two Law Officers of the Crown. The hon. member for the Fourth Riding of York based his arguments upon the members of the committee wilfully absented themselves; but he could not believe it possible that members would wilfully absent themselves. The examination of witnesses before election committees is taken *viva voce* in England. If the interpretation put upon the statute by the hon. gentleman opposite was correct, the committee might exist during all the Sessions of Parliament. The law contemplated such a case as the present; and to prove this he read the 22nd and 23rd sections of the statute, the latter section of which evidently limited the effect of the former. The hon. member for the Fourth Riding of York had cited a case in which the committee had been reduced to less than nine members, and an act was passed to prevent

the committee from being thereby dissolved. He thought that this case was in his favour, as what necessity was there to pass such a law unless the committee would have been dissolved without it? He made the motion now before the House from a sense of his duty to the sitting member whom he represented; and at his request, in reply to the hon. member for Quebec, he frankly admitted that he could find no case which he could cite as a precedent; but he thought that none could be cited against him. And the hon. gentleman had stated that to be law which the Law Officers of the Crown solemnly stated not to be law. He was sorry that the hon. gentleman for the Fourth Riding of York, who had held a high station in the government of the country, could not be shaken in the opinion that he had formerly expressed.

Mr. JOHNSON said—What may be the fate of one man to-day may be his to-morrow, and therefore he wished to act justly. From the high minded manner in which Mr. Dickson fulfilled his duty last session, and from his having taken an oath, we must suppose that he is unavoidably detained

Mr. LAFONTAINE. The member of the committee who arrived to-day did not offer as an excuse that he had been unavoidably absent. He (Mr. Lafontaine) had observed that the hon. Attorney General for Upper Canada admitted, in the last debate in this question, that in case of the death of a member of a committee, or of the vacating of his seat by accepting office, it was the duty of the committee to report the fact to the House, but in the latter part of his speech he, (the Attorney General) abandoned his first position and stated that it was not in the power or province of the committee to report the cause or reason of absence. In answering the hon. Attorney General on the first day of debate he (Mr. Lafontaine) stated that it was in the power, and was ever the duty of the committee to report the cause of absence if it came to their knowledge, and he was happy now to be able to quote authority to that effect, by which it would also be seen that even after receiving the report the House could not proceed, evidence should still be given under oath at the bar. Here the hon. member read the following extract from Hands:—

"When a member of the committee, by reason of indisposition, cannot attend, he usually sends a certificate of his physician to the chair man, or writes him a letter, stating the circumstance; upon which the committee adjourn, and their chairman then specially reports the matter to the House, who are, at the same time, informed that a person, sent by the absent member, is attending at the door, and that he would give the House information respecting the state of the member's health: upon this, the person in attendance is called in, and examined on oath in relation thereto, and after he is withdrawn, the House make such order as the case may require."

Mr. SHAWOOD (of Brockville), said that he knew that imputations would be thrown out against parties voting in favour of the Resolution, but, he would, nevertheless, give a fearless vote. He regarded the matter as a dry legal question and should admit that he felt great delicacy in voting against certain members on the opposite side; but he had the consolation of being backed by the opinion of the law officers of the Government; he thought the absence of the three members referred to for three successive days legally dissolved the committee, and he would therefore vote for the Resolution.

Mr. WILLIAMS said—It is asserted to be a rule that the mere non-attendance of members of the Committee dissolved the Committee. He did not think that this was the case; the 22d section of the Statute, states that the Committee is to meet from time to time until a contingency occurs, viz. that nine members attend. The 23d section provides for another contingency, when the Committee is unavoidably reduced to less than nine members it is dissolved; this latter section limits the effect of the former. The word *unavoidable* cannot be meant to include mere non-attendance; for in this case should the members have order-

ed to appear before the House to state the reason of his non-attendance, say that he was negligent, would the House affirm that he was unavoidably absent and excuse him? We cannot by a mere motion assume that the members of the Committee were unavoidably absent.

Mr. GOWAN said, he had not looked into books on the question, but had been desirous of forming his opinion from arguments adduced by both sides of the House; he (Mr. Gowan) appreciated the question as a mere matter of justice. What was the object of the law?—that all parties might have justice; he looked upon the Speaker and the House, in that instance, as a court of justice and the Committee as a Jury. If, then, a party is sued in a court of justice and a juror is unable to attend, and sends a certificate of illness, does that deprive the parties before the Court of their rights? Not at all. If one or more jurors were absent, others might be called upon to take their places; and thus did he (Mr. Gowan) view the matter before the House; he regarded the Committee as a Jury, and maintained that if one or more members were absent the rights of parties should not, therefore be denied, or deferred. The hon. member opposite (Mr. Baldwin) had supposed the case of individuals in attendance to give *viva voce* evidence; he (Mr. Gowan) would meet the hon. gentleman on that ground and ask should 50 witnesses, for instance, so in attendance be kept there merely because members of the Committee chose to absent themselves; he (Mr. G.) had heard of injustice to the petitioner but he could not see what injustice could arise; if the present Committee were dissolved, another could be immediately formed, and the evidence already taken would go before them; he would vote for the Resolution, and if a similar question arise in reference to other Committees, he would give the same vote.

Attorney General SMITH. He considered it necessary to explain to the House the vote which he should give to night. If we take the 22nd clause can't be for a moment supposed that one or more members are to dance attendance at this House (because one or more members are absent) during every session for four years. If unavoidable absence was to be proved, it would be a source of incessant confusion, as this House would be constantly investigating causes of absence instead of proceeding to the proper business of this House. Suppose for a moment that three members, say that they will not serve on the election committee, if they refused and did not ask to be excused, you could punish them, but while in the custody of the Sergeant at arms, the committee will not be dissolved, according to the construction of the statute, you cannot force the three members to serve, you cannot force them to go into the committee room, they can prevent a report from being presented during the time that the Parliament exists. The hon. gentlemen opposite seem to think that no justice will be received but from the present committee. They cannot know what committee will be appointed.

Mr. McDONALD of Cornwall.—There is a third rule of Law besides that mentioned by the gentlemen who have already spoken, which he thought would clear up the point in dispute; the rule is, that every public officer is supposed to do his duty, and to be prepared to do his duty, and evidence must therefore be brought forward to prove the contrary. The members of the Committee are public officers, they have taken an oath, that they will faithfully perform the duty intrusted to them, and if they are not present on every occasion, it is to be presumed that they are unavoidably absent. This rule he thought ought to settle the question, irrespective of party feeling. (Hear, hear, from the opposition.) Yes, hon. gentlemen opposite may cry hear, hear, but when did ever they give an independent vote, they always stick together. (Hear, hear, hear.) They had not in their ranks such a man as the member for Durham who was going to oppose those with whom he generally voted, on the present occasion. He felt proud of that hon. member.

Mr. DRAPER said that his remarks on the former occasion were called forth by the interpretation given to the 23d Sec. of the Act by the hon. and learned member for the 4th Riding of York; since that, he (Mr. D.) had read the 23d Sec. of the Act, and although he was at first much shaken by it, so much so, indeed, that several of his friends thought he had entirely changed his opinion, yet on further consideration he was strengthened in his first view. He (Mr. Draper) thought the opinion expressed on the opposite side, and upon which much stress had been laid, viz. that the question was, were members, unavoidably absent was not correct; to him it appeared that the Committee was dissolved by being unavoidably reduced to less than 9 for three successive meetings, whatever might be the cause of absence. He (Mr. Draper) also thought the House could not dissolve the Committee, it was the law that did so. The hon. member further stated that he had not said anything to Mr. Smith, of Frontenac, to induce that gentleman to absent himself from the Committee; it might be supposed from the hon. Member's remarks that he had had a private conference with him (Mr. Draper) but such was not the case.

Mr. ROBLIN. He did not wish to interfere in the debate, being a member of the Committee, but there was one point omitted by all the preceding speakers, which he thought to be worthy of notice. What had been the action of this house to day with respect to this Committee? Did they not require the hon. member for Chambly to give his reasons on oath for his absence from a Committee, which according to the arguments of certain hon. gentlemen, was dissolved three days ago? And other members of the Committee had this day, been ordered to appear in their places to-morrow, to give their reasons, why they had absented themselves from the meeting of the Committee, held this day. The House had by these proceedings recognised the existence of the Committee.

Mr. SHERWOOD, of Toronto, said, that he felt more strongly than before that the construction he had put upon the statute was a correct one; but he did not intend to argue the question any further. He only rose to answer the observations of the honorable member for Prince Edwards. The hon. member for Chambly had been ordered to appear in his place to answer for his non-attendance on those days in which it is admitted the committee was in existence. The member was not liable for his non-attendance after Tuesday.

Mr. CHALMERS said, that hearing such conflicting opinions from the eminent lawyers in this House, on the question now under debate, had considerably perplexed his mind, and he was not at present prepared to give a vote on the subject. He would therefore move, seconded by Mr. Ermatinger, that the further consideration of this motion be postponed until next Monday.

Yeas—Boulton, Brooks, Cayley, Chalmers, Coiville, Cummings, Daly, Draper, Duggan, Ermatinger, Foster, Gowen, Hall, Jessup, Johnston, Macdonald [Cornwall], Macdonald [Kingston], Macdonell [Dundas], Meyers, Moffatt, Monro, Papineau, Petrie, Prince, Robinson, Sherwood [Brockville], Sherwood [Toronto], Smith [Frontenac], Smith [Missisquoi], Stewart [Prescott], Viger, Webster, Williams, Woods—34.

Nays—Armstrong, Aylwin, Baldwin, Barthelot, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Christie, Desautour, DeWitt, Drummond, Franchère, Guillet, Lacoste, LaFontaine, Lantier, Latrière, Laurin, LeMoine, Leslie, Macdonald [Glengary], Macdonell [Stormont], McConnell, Methot, Morin, Nelson, Price, Roblin, Rousseau, Smith [Wentworth], Stewart [Bytown], Tache.—34.

Carried by casting vote of the Speaker.

The SPEAKER, in rising to give a casting vote, said, he did not think it a question that required much consideration; but when there was a single member who required more time, to reflect upon the subject he was willing to accord it to him. He voted with the yeas.

LEGISLATIVE COUNCIL.

FRIDAY, March 27.

The House opened at three, and a number of petitions were presented, among which were the following:—

Wm. Pencoek, et. al., praying that the Clergy Reserves may not be vested in the Church Societies, but that they may be sold, according to the Imperial statutes.

Hon. Mr. M'GILL moved, according to notice, "That the sixty-ninth Rule of this House be rescinded.

He believed all are satisfied that there is a more convenient hour than one, and if we should need to meet earlier we can do so by a special vote.

Mr. GORDON, said that he had an objection to the motion and it was this, that if we were to meet earlier by a special vote, we may as well allow the sixty-ninth rule to stand as it is, and to make a special motion to adjourn to a later hour, Passed.

Mr. M'GILL moved, That the hour of 3, be the standing hour of this House, Passed.

The call of the House was then commenced. When the Hon. Mr. Jamieson, DeBlaquiere, R. B. Sullivan, G. Pemberton, J. Crooks, A. Ferguson, John McCaulay, J. Macdonald, R. Dixon, Irvine, C. Widmer, J. B. Tache, Wm. Walker, Gordon, and Sherwood were found absent.

The Hon. Messrs. Jamieson, DeBlaquiere, Crooks, Ferguson, Macaulay, Dixon, Irvine, Tache and Walker were excused, having sent excuses. After which the Council adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, 27th March.

At 1 o'clock the House waited on His Excellency with an Address to the Queen relative to the admission of Canadian produce into the United Kingdom, free of duty, and requesting His Excellency to transmit the same, being returned Mr. Speaker reported the following as His Excellency's reply:—

Gentlemen,

I shall have great pleasure in transmitting your Address to Her Majesty's Secretary of State to be laid at the foot of the Throne for Her Majesty's gracious consideration.

Ten Petitions laid on the table.

Petitions referred to Select Committees.

Of Indian Chiefs and Warriors.

Of George Roe Et. Al.

Of R. McGillis, Et. Al. of Quebec.

Of J. B. Page Et. Al. of L'Anceienne, Lorette.

And of the Rev. P. Roy, Et. Al.

Of D. LeFrancquois, Et. Al. of I. Legare, Et. Al.

And of J. B. Urudelle, Et. Al.—to the same

committee on petitions of L. M. Robitaille, Et.

Al.

Of certain Inhabitants of the Magdalene Islands.

And the Petitions from Lotbinière for renewal of Registry Office.

The Chairman of the Middlesex Election Committee reported the absence of Mr. Dickson, and the Chairman of the Oxford Election Committee reported the absence of Messrs. Dickson and Bertrand.

The above members were summoned to appear at the next sitting of the House in their respective places.

A conversation arose to-day upon the subject of money petitions in the course of which Mr. Attorney General Smith announced that in future the Government would expect notice to be given before any petition for a money grant was referred. The Committee would then be prepared to declare what course it would take on the subject. This course being in accordance with the views entertained by the members of the opposition, may now be considered, as established.

Mr. CAMERON rose pursuant to notice to make a motion for an Address to the head of the Government for any Correspondence having relation to a recent attempt to reconstruct the Ministry.—He (Mr. Cameron) was surprised at the manner in which his allusion on a former occasion to the substance of the present motion was met; he

was told in that instance that notice should have been given on a previous day, he (Mr. Cameron) thought that no notice should be required for a question of the present kind; rumours had gone abroad, had gone the rounds of the Press, had been believed by the great majority of those who heard them. The slightest denial on the part of a member of the Ministry would have satisfied him (Mr. Cameron) that there was no foundation for these rumors, but no denial having been offered, he was bound to believe that there was foundation for the reports abroad, and he and every other member of the house had in such a case a right to demand satisfactory explanations. It had been reported that a correspondence had taken place between the Attorney General West and a leading member of the opposition to the effect that a re-construction of the present Ministry was contemplated, that some members of the administration were unworthy to be there or were prepared to go out. The name of the hon. member for Terrebonne had been connected with these reports; but he (Mr. C.) had too high an opinion of that gentleman to believe that he would be connected with intrigues so unlike Responsible Government. Confidential communications were spoken of; but he (Mr. C.) was freed from any responsibility of that kind; his information was derived from communications about town; he found the leading conservatives crediting the rumours to which he referred. It had been said that these communications were confidential; he (Mr. Cameron) denied the right of a Minister of the Crown to hold confidential communications on such subjects with leaders of the opposition. He would now make his motion, and leave the hon. Attorney General West to answer.

Mr. DRAPER said that he must oppose the motion. The hon. member for Lanark, appeals to British practice, but he must say that there is no precedent in the House of Commons of such an address to the Crown having been made. He was therefore obliged to resist the motion on principle. It is well known that if an official communication is made, it must be made with some one, and can only be communicated with the permission of the head of the Government. We have seen, on several occasions, members of the British House of Commons remaining silent until this permission was given. The hon. member for Lanark refers to rumours in the papers on this subject. With respect to rumours, he (Mr. Draper) could engage to get up a rumour, quite as extravagant as that referred to, in twenty-four hours. Such a report as that the hon. member for Lanark himself had been called to the Ministry; but who would believe it?

If however, the hon. member for Lanark has any authority, from any person, to put the question that he has done, let him state the name of the person, and do it distinctly, and not heat about the busk. He (Mr. Draper) was frequently in the habit of speaking with those who are opposed to him in politics—he did it to elicit such information as would guide him in the important duties that were entrusted to him; and he for one denied that his situat on prevented him from holding private and confidential communications with personal friends, even though they should differ from him in politics—and any one who would make public these communications would be guilty of an act of treachery and breach of confidence.

Mr. LA FONTAINE said that the last words of the Attorney General were to this effect, that he might take advice from any one he pleased with reference to a change of system, that he might make use of that information as he pleased; and he (Mr. L.) would ask was the gentleman from whom he obtained his information to say nothing to be placed in a situation to be exposed to all the suspicions of his party. He (Mr. L.) would ask whether a gentleman in the position of the Attorney General would be justified in making overtures to the opposition apparently in sincerity; [and he (Mr. L.) would not doubt that any such overtures made by the Attorney General would be made in sincerity.] (Hear!) in thus ascertaining the views and plans of the

party opposed to him and having ascertained their views as to the principle on which the government should be conducted, abstain from giving any answer, or state whether their views was satisfactory or not; if such a course should be taken, he (Mr. L.) would ask whether the individual addressed, the individual though whom the views of his party had been ascertained is not entitled to speak in his defence.

Mr. DRAPER rose and said, in explanation that when he spoke of making use of what he had ascertained from a personal and private friend in confidence relative to a certain measure which he was desirous to introduce, he should do so in candour, making known to him, his intention in asking his opinion. And having received the information, he said he should consider himself justified in shaping his course of conduct by the information he then received. He wished it to be distinctly understood, that he considered it the right of any minister to consult in confidence with a personal friend even although he belonged to the ranks of the opposition, in reference to any ministerial act, and to judge for himself.

Mr. LAFONTAINE.—The Hon. Attorney General has not answered my question or rather he does not appear to have comprehended it. Let us suppose that there has been no conversation but a correspondence in writing provoked by the leader of an administration with all the appearance of sincerity (and he Mr. L. would repeat that if the Hon. At. G. was the one to provoke that correspondence he had doubtless done so in sincerity.) Let us suppose that in consequence of that correspondence the leader of that administration under the pretext of replacing some of his colleagues, of effecting what is called a change of system, should have succeeded in ascertaining the ideas, the views, and the plans of the opposition, and after having thus ascertained them, he should have stopped there without even making an answer to the person whom he had employed as his organ of communication to attain that end. He (Mr. L.) would ask of the hon. Attorney General if such conduct would be correct and constitutional, if on the contrary the person employed as such organ of communication ought not to be considered as having been duped, and consequently as having been made to dupe his friends; and he (Mr. L.) would ask whether, under such circumstances, the member of the opposition, from whom by means of the agent thus duped, the leader of the Government should have succeeded in ascertaining the views of the opposition, would not have a right to speak out when put upon his defence?

Mr. DRAPER thought that the question of the hon. member for Terrebonne was to this effect, viz.:—That suppose the hon. gentleman opposite and myself, although belonging to different political parties, were personal friends, that having the greatest confidence in each other, and that after dinner, over a bottle of claret, he (Mr. D.) should say to the member opposite that he wished to converse with him respecting the state of political parties in this country, but that the different political opinions of the hon. member and himself prevented them doing so except in the most perfect confidence, that this conversation did take place, and that the conversation was such that it was continued by letter, that this leaked out by some means or other, would not the hon. member be justified in explaining this, should he fall under the suspicion of the political parties whose confidence he was desirous of maintaining. I say no, till he had received my consent—still I consider that I should be perfectly justified in pursuing such a course in reference to holding such a conversation with such an individual as I have supposed the hon. member (Mr. Lafontaine) to be.

Mr. SHERWOOD (of Toronto) said, that most of the former speakers had spoken in French, and he wished to say a few words on the subject. He (Mr. Sherwood) was inclined to think, that the motion was made, rather with a view to elicit discussion, and to damage the Administration, than with any idea of passing the Resolution. We are asked by this motion, to vote for an Address to His Excellency requesting him to

send down any correspondence that may have taken place with respect to the formation of a new Cabinet, or of the remodelling of the present one. If ever such a motion was made in England, the mover ought to have shown it.—Under the present form of Government, if any member of the administration finds that this House, or His Excellency, have ceased to have confidence in him, he ought to retire. If the Attorney General has written to any gentleman about his views with respect to public affairs, and has told him that he (Mr. Draper) was prepared and anxious to act with this gentleman, it is to the Attorney General and this individual, and not to the Governor, that the hon. member for Lunenburg must look for information. It is for this House to say who will be in the Government, and it is not the duty of any member of the administration to undermine his colleagues, and if they find that he is doing so, it is for his colleagues to deal with him. The House must assume that there is a perfect confidence between His Excellency and the members of the administration. We have a government enjoying the confidence of the House and of the Head of the Government;—and when that ministry cannot sustain themselves in the House, they must make way for another. I cannot but think that some correspondence has taken place. It may have been that the object was, to endeavour to satisfy the great mass of the community. I do not blame the Attorney General, if he thought that such a change would add strength to the ministry—while the present supporters still continued to sustain the administration,—and thus form a strong government. He thought that the House had no right to ask for such a correspondence; that it was an impertinent request. He therefore trusted the House would negative the motion.

Mr. BALDWIN said, if he had understood the hon. member who had just sat down (Mr. Papineau) he complained that under the form of a general question particulars were sought to be elicited, which it was improper to enter upon; he (Mr. B.) held an opinion directly opposite to that entertained by the hon. gent.; he contended that the House had a right to enquire into all the particulars of such a case as the present. It had been said that there was no precedent for parliamentary enquiry regarding mere rumours; but there was an authority and no less a one than that of Mr. Fox, who said that it was not only the right but the duty of the House to enquire into rumours affecting the public interests. The present rumours were important as well in themselves as in the interests to which they pointed, important to this House, to our constituencies, and to the country at large; therefore was it that full explanation into such a matter should be demanded. Then with regard to the technical point, the mode of putting the question; he (Mr. Baldwin) would ask what his hon. friend was to do?—the question as put in the first form had not been answered, no explanation was given, time passed away and no answer was yet obtained; what then was to be done? It was said there was no precedent for such a course. A precedent would be found on the Journals of the House of 1842. Upon that occasion a motion was made by a gentleman on the opposite side of the House,—one who rarely indeed acted with him; he referred to one of the present members for Montreal—Mr. Moffatt. That hon. member moved in 1842 for enquiries into changes in the Government of that day; and in 1843 a precisely similar motion was made by a high authority in that House then and now, by the present Speaker of the House.

Mr. HALE.—The changes had then taken place.

Mr. BALDWIN.—That made no difference whatever. The question was, had this House the right to address the Governor for information regarding Ministerial changes. If so, it had the same right to ask information regarding propositions out of which changes might arise. What! if a proposition were made, the intention of which was to satisfy a large portion of the inhabitants of the Province, are we not bound to enquire into its particulars, and when an adminis-

tion is made by such a member as the hon. Solicitor General West such as had been heard, namely, that enough had transpired in the present debate to warrant the inference that some correspondence on the subject of a change of Ministry had taken place, when so much was admitted by a member of the Government were we to be told that particulars were a matter of indifference? was it not right that it should be known whether the proposition arose from a doubt as to the stability of the Government, or from a desire to strengthen it by the substitution of other gentlemen for some of its present members. No one acquainted with the watchful care which the English House of Commons exercises over the Imperial Government, no one acquainted with Parliamentary usage could entertain a single doubt as to the right of the house to the fullest information. He (Mr. Baldwin) should repeat his surprise at the manner in which the present question had been met; it may be that a majority will reject the motion, and that the members of the Ministry may continue to wrap themselves up in a dignified silence but to say that any member of the house would be satisfied by such a course would be to declare that the common rights of the house were not known or understood. The hon. member seemed to think that the responsibility of such a movement as that now in question is confined to the minister with whom it originates, not so, however, every public man is clothed with a certain responsibility, and the gentleman by whom communications from Government are received, is decidedly responsible to his party and to the country for his conduct in reference to such communications and should he think proper to decline entering into arrangements proposed he is bound to give his reasons for such a course to those who confide in his judgment to guide matters aright; he (Mr. Baldwin) had no doubt but if the hon. and learned member for Terrebonne were to consult his own convenience he would in the present as well as in a former instance prefer to avoid the cares and responsibilities of power, but he has no such choice, he was not then to consult his own ease in a matter of this kind; no, he is, if he (Mr. Baldwin) might so speak, the index of his party, or in other words, he is the chosen leader of a great constitutional movement, and is bound to serve in that cause so long as his skill and ability is required; he (Mr. Baldwin) was not a little astonished that the hon. Attorney General West should speak of discussing such a subject as a re-construction of the ministry, over a bottle of wine.

Mr. Draper.—I did not admit that such had occurred.

Mr. Baldwin: The learned gent. made a laughing allusion to it as a possible case; had such a course been suggested by the hon. member for Carlton, or by the predecessor of the hon. Insp'r Gen'l. in Huron, it would not be surprising for they had admitted having originated an address to the late Lord Metcalfe in precisely that way, but that the hon. and learned member for London should even suppose a case in which he should follow such an example was really a little too much; he (Mr. B.) knew that the Hon. Attorney General West was fond of a bottle of wine, and perhaps he (Mr. B.) himself would have no objection now and then to crack one, but he certainly would not think of making such the occasion of debating the grave question of a change in the government of a country. The hon. member concluded by reiterating that it was clearly the duty of the house to search into the grounds of the proposition spoken of, it was necessary to know upon whom the responsibility of making it rested, and who, if any, was to be blamed for rejecting it; nothing could be more unsatisfactory than the conduct of members in refusing explanation on the present occasion nor could any course be more calculated to shake the confidence of their own supporters and of the country.

Mr. HALE could not attach such importance to this motion, as the hon. member for the Fourth Riding of York does. He ought to have a fellow feeling with the members of the Ministry, when

he remembers that when his own resignation as a member of the Council was tendered and not accepted, no member of the House asked any question regarding it. He believed he was borne out in stating that no question was put to him about the numerous rumours that were afloat then; no question was put until his resignation was accepted; the present rumour was based upon a mere newspaper report, which for aught he (Mr. Hale) knew, might have been inserted by the hon. member himself. Is he to take that as the basis for making such an enquiry as this, especially when we see the ministers come down to this House so unanimous amongst themselves, and enjoying the unanimous support of his side of the House. Was this enquiry put for the sake of embarrassing the ministers or for the public good; suppose that any member of this House should discover the ministry entering into negotiations with any of the members of the opposition, would he be bound to make any enquiries regarding it in the House might he not keep it to himself, if he thought it was done in sincerity; it was no use to go into further enquiries; suppose that the correspondence had taken place and they had really entered into a negotiation, I say that we should wait till once it was announced by the Ministry; the hon. members on this side do not want a party government they want the members on the other side to come over to them and form an able ministry for the good government of the Province.

Mr. ARMSTRONG—I do not Mr. Speaker, rise very often in this House, but I have a few words to say on this subject. If any member on this side of the House has received overtures from the Administration or any influential member thereof which might lead to the introduction into the Ministry of men whose principles would represent the feelings of the inhabitants of Lower Canada, it ought to be known, because we at present are not represented in the Councils of the Province and, therefore we should have an opportunity of deciding whether those overtures were of such a nature as should have been entertained. The votes taken on every division shew that we are distrustful of every measure brought up by men who misrepresent us, and therefore the hon. member for Cornwall might well say that we cling together because united we stand and divided we fall. Yes, Mr. Speaker, I say it and the House knows it that we have no confidence in those gentlemen opposite who are said to represent Lower Canada in the Executive Government. I can well understand that feeling, that generous philanthropy found generally in man, should at last prompt some one member from Upper Canada to attempt to do some justice to us Lower Canadians and therefore it is, that I want to know upon what principles he proposed doing so. Why stifle an enquiry into the matter? I have heard a great deal about the Loyalty of Lower Canada, a great hue and cry has been raised about our Loyalty, but sir, if the truth must be told and in this House I dare to tell it, that the men placed as leaders, as the captains of Lower Canada, under the advice I must suppose, of those men who represent the affairs of L. C., would be the very first to be shot. Loyalty, true Loyalty is not blind, and first of all there must be confidence in leaders and that should commence in this House, otherwise things will go on worse and worse.

Mr. CAMERON said, that he desired to say some thing in defence of his reason for introducing this motion. On the occasion on which he first propounded the question he did not receive an answer, therefore he found himself called upon to oppose the address to His Excellency. He had searched, and found several precedents which are in point, and in which demands of the kind were met by a gracious answer. The Hon. Atty. Gen. West did not deny the rumor on which he (Mr. C.) had based his motion; but, on a supposition of his own, he opposed it. He said he believed that an unfounded rumour might be got into the Montreal papers by the Ministry here; but could it be believed that a rumour like the following could be got into the *London Times*, unless it had been founded on fact, viz.: That Sir Robert Peel had written to Mr. Macaulay to this effect, that he wished him to communicate with Lord

John Russell in reference to their taking a seat in the Council, as Sir James Graham and Lord Stanley were getting too old and unfit for the business of the country. (Cheers and laughter.) Would the Hon. Attorney General venture to say that such a rumour could be got into the London papers, unless it was founded on fact, or there was some real reason for the rumour? In the present case the rumours had appeared in a Conservative Journal, those rumours had not been denied. The Solicitor General (Mr. Sherwood) had admitted that he believed that some correspondence had taken place although he knew nothing of it. This House had a right to know the particulars and hon. members would not discharge their duty to the country unless they insisted on having the correspondence.

COL. PRINCE said, he had a notice conveyed to him that he would be required in his place, on account of a motion his Hon. friend from Lanark had introduced. A more impertinent and bold motion he had never seen presented to any House. Are we to call upon the Government to explain conversations which have taken place out of the House? It is quite an unconstitutional mode of procedure. The motion of the hon. member for Lanark shows the most consummate ignorance of constitutional law. The Lower Canada members are thoroughly and fully represented in the Government. It is perfectly absurd to say that they are not. He (Col. P.) maintained that the motion is quite unconstitutional. As well might an address to the Queen be proposed in the House of Commons relative to the appointment of ladies of the bed chamber. The whole foundation of the motion was rumour and was this House on mere report to pass an address demanding a correspondence which probably does not exist. He (Col. Prince) recollected when Mr. Girouard was invited by the deified Sir Charles Bagot to take a place in the Cabinet. That gentleman he believed was a very able man and had also great good sense for he declined the offer. It was quite possible that the hon. and learned member for Terrebonne had also refused. The present motion was brought forward to embarrass the Government; the hon. member had discovered a mare's nest and had occupied the House with a long discussion on constitutional law.

MR. AYLWIS.—The hon. member from Essex has shewn himself as ignorant as he has characterised the hon. member for Lanark. If he had referred to the 56th page of the journals of the 2nd Parliament of Canada he would have found a letter from His Excellency, the late lamented Sir Charles Bagot. These were laid before the House, on a motion from the hon. member for Montreal. He (Mr. A.) had thus shewn that there is precedent on our own journals for the motion of the hon. member for Lanark. He did not feel himself justified in voting on this question from the peculiar situation in which he found himself placed with his friends on this side of the House. He hoped, therefore, that the House would excuse him from voting.

MR. MORIN said that he differed from the hon. gentleman who had just spoken; he (Mr. Morin) was not afraid to give his vote on the question; from the treatment they had received, it would seem to be thought that the members of the administration in the House were the only persons who had feelings. Those of his (Mr. Morin's) side of the House had been treated as if they had no country. The members of the late ministry had had all sorts of calumnies heaped upon them by the administration; falsehoods had been placed in the mouth of the Governor; and had been circulated by the Press, but he (Mr. Morin) was not afraid of any thing that came from the other side. It had been admitted by the Solicitor General West, that there was a correspondence with respect to a change of ministry.

MR. SHERWOOD said he did not admit what he knew nothing about.

MR. MORIN.—The hon. gentleman had admitted that he believed that a correspondence had taken place. If such were the case, the house and the people of Canada were interested in the subject, and were entitled to be made acquainted

with it. Had such a motion as this been made in England, and met as it had been, it would have been the supporters of the Government, and not the opposition, who would have insisted on the information being given, and no ministry that would refuse it would be tolerated for a moment.

MR. DRUMMOND did not at first intend to take part in the debate, but from what had been said conviction had gradually forced itself upon his mind that a question of real importance was involved;—that something had actually occurred in the way of negotiating a change in the present Ministry—and he could not, therefore, give a silent vote. According to his (Mr. Drummond's) view of Constitutional Government, no Minister had a right to make such proposals as those referred to wholly of himself,—he must either have the direct sanction of the head of the Government, or must be impressed with the conviction that such approval exists. Why then should Ministers claim the protection of secrecy? Common sense would show that if there was a supposition that a change in the present Ministry was contemplated the country had an interest in enquiring. The *quasi* admission made by the hon. Sol. General West, and the coyness of the hon. Attorney General West in answering, or rather the skill he evinced in evading the question, was to him (Mr. D.) sufficient proof that the view had been entertained of reconstructing the present Ministry. (Hear, hear.) But it had been said by hon. members opposite that there could be no objection putting the present question. He (Mr. Drummond) did not like to oppose the members for Upper Canada, for he was bound to assume that they represented the majority of that section of the Province, but he would ask them had they no interest in a strong Government—(hear, hear)—and was the present Government strong? Has it the confidence of Lower Canada. Let any one be bold enough to say that it had, look at this list (holding up a division list) by which it appears that in Lower Canada the Ministry get 5 votes whilst there is thirty against them! Such is the influence of that portion of the Ministry belonging to Lower Canada,—those gentlemen who required the unheard of time of 12 months, to secure their seats. Lower Canada not being, then, represented in the government, is it of no interest to enquire whether the day is coming when she will be represented? He (Mr. D.) thought the House was highly interested in ascertaining whether any negotiations had taken place; the fact must be revealed; secrecy is the safeguard of despotism and publicity is the soul of constitutional rule. If members of the Government shrink from disclosure, he (Mr. D.) hoped that the hon. and learned member of the opposition who was supposed to be a party to the proceedings in question, would not remain silent; that hon. gentleman owed it to his party, he owed it to the House, and he owed it to his own high and dignified character,—that character for which he was selected as the proper person to treat with,—to prove that his conduct in the affair was worthy of his position.—He (Mr. D.) would ask one more question. Were the members of the administration belonging to Lower Canada not interested in enquiring how far they were confided in by their colleagues? He would leave that to be answered by themselves.

MR. CAYLEY said, the hon. gentlemen opposite may rest satisfied that there is no division in the camp, that there is no undermining among the members of the ministry. They had full confidence in one another, and would be little affected by the insinuations to the contrary made by hon. gentlemen opposite.

MR. SMITH of Frontenac said that the hon. member for Berthier had stated that the people of Lower Canada were not represented in the ministry, he (Mr. Smith) thought that they could only blame themselves for this, for they had identified themselves with the minority of Upper Canada; the late ministry had, by the aid of their majority from Lower Canada passed the Assesment Bill through the house of Assembly, against the wishes of the majority of the Upper

Canada members, if the members from Lower Canada have made so bad a selection as to unite with the hon. member from the Fourth Riding of York, they must suffer the consequence.

Mr. ARMSTRONG in explanation said, that he did not refer to men, but only to principles, the member to whom any offer is made, to take part in the Government of the country, incurs a fearful responsibility, he (Mr. Armstrong) persisted in his assertion that Lower Canada was not properly represented in the ministry.

Mr. CAUCHON addressed the House in French, and demanded in strong terms the fullest information from any leader of the opposition who might have had any negotiation with the Government.

Mr. LAFONTAINE—As the leader of the administration, had neither admitted nor denied the existence of a correspondence of the nature alluded to, and as it was proposed to the House to proceed by an address to the Governor General, he (Mr. L.) if he were the member alluded to by the hon. member for Lanark, could not anticipate the answer to the Address, and following the example of the Attorney General, he had nothing to affirm or deny. He (Mr. LaFontaine) however would assure his friends that when put on his personal defence his conduct would be found in accordance with those principles of duty and honour by which it had hitherto been and always would be regulated, as well towards his political opponents as his friends.

Mr. CAMERON moved that an address be presented to His Excellency praying him to inform the House what negotiations or correspondence, if any, have taken place between the Executive Council or any member thereof, and any of the members of this House or of the other branch of the Legislature, on the subject of a reconstruction of the Cabinet, by the resignation of one or more, or the dismissal of one or more of the present members thereof, and the admission of other gentlemen to fill their place, with the date &c. of such correspondence, on which the yeas and nays were taken.

Yeas—Messrs. Armstrong, Baldwin, Berthelot, Bouché, Cameron, Cauchon, Chabot, Chauveau, Desaulniers, De Witt, Drummond, Franchère, Guillet, Hall, Lacoste, LaFontaine, Laurier, La Terrière, Laurin, Lamoignon, Leslie, Macdonald, [Glenagary], Methot, Morin, Nelson, Price, Roblin, Rousseau, Scott, Smith [Wentworth], Tache, Watts—32.

Nays—Messrs. Boulton, Brooks, Cayley, Chalmers, Christie, Colville, Cummings, Daly, Draper, Duggan, Ermatinger, Foster, Gowan, Hale, Jessup, Johnston, Macdonell [Cornwall], Macdonald, [Kingston], Macdonell [Dundas], McCounell, Meyers, Monro, Papineau, Patric, Prince, Robinson, Seymour, Sherwood [Brockville], Sherwood [Toronto], Smith [Frontenac], Smith [Missisquoi], Stewart [Bytown], Stewart [Prescott], Taschereau, Viger, Webster, Williams, Woods—38.

Mr. Solicitor General Sherwood brought in a bill to consolidate the Registry Laws.

Mr. Robinson moved an address to Her Majesty praying for the adoption of measures for insuring to Her subjects in the North American colonies a more frequent transmission of the mails during the winter months—which was carried and a committee appointed to draught the same.

Mr. Aylwin moved to refer the documents laid before the house by his Excellency, on the subject of the Post Office Department, to a Committee of nine members—Carried.

Mr. Stewart of Bytown moved an address to His Excellency for any information he may have, or correspondence that may have taken place, between the Colonial Secretary, the Master General of the Board of Ordnance, or the respective officers in the Province, relative to the Bill passed last Session, to explain an Act of 7. Vict. vesting certain estates and property in the principal officers of Her Majesty's Ordnance.

Which was ordered—

Mr. Viger introduced a Bill to regulate the formalities of authentic Acts before Notaries, ordered for 2nd reading on Tuesday next.

Mr. ROBINSON moved for an address to His Excellency the Administrator of the Government, praying for certain information regarding the expenditure of the £30,000 granted by 4 Vic. cap. 26, for making and improving the Great Northern or Cold Water Road. The money had been granted in 1841, and as yet little or nothing had been done. The road was a very important one. A great deal had been expended in surveys, but as yet extremely little work had been done upon it.

Mr. BALDWIN said, that he would heartily support the motion of the hon. member for Simcoe. He had himself, during the course of last summer, had occasion to call the attention of the Government and the Board of Works to the subject of the road last referred to by the hon. member, as well on behalf of parties desirous of having it run along one line as those desirous of the application of the money to another. He was aware that in matters of this kind it was not possible to meet fully the views of all parties whose local interests might seem to be affected, but it was on all accounts important that the decision when arrived at should be felt to have proceeded solely upon the merits of the question itself. He had not yet learned what steps had been taken upon the subject by the Government or the Board of Works, but he trusted they would be prepared to give a satisfactory account of the matter at an early day. He had received an intimation that petitions would be transmitted to him on the subject, and he would say that nothing could be more important to a very large and valuable section of the country than the road in question, and it was therefore most desirable that the most judicious line should be selected. With respect to Mr. Lyons, who had made the survey, he knew nothing; he did not know him even by sight. It had been his duty to call the attention the Board of Works to the objections made to that gentleman's report, as well as to the grounds upon which it was, by another portion of the inhabitants, deemed a proper one; and he was desirous of knowing how the subject had been dealt with, as much anxiety, he knew, existed respecting it.

Bill to consolidate and amend the Registry Laws in Upper Canada. First reading.

Mr. BALDWIN, asked if this bill was in the same state, as it was, when it passed the House last session?

Mr. Solicitor General SHERWOOD said, that it was, except that it provided for the re-registration of all deeds at full length, and not by memorial. He (Mr. Sherwood) had no objection to substitute memorials, as the manner of re-registration, instead of that provided by this bill. If it was the wish of the House, this question could be discussed when they came to consider the details.

Mr. BALDWIN said, he had strong objections to re-registering Deeds at full length. It is spreading out an individual's title, to the gaze of the whole world, and thus unprincipled speculators, who are very numerous in Upper Canada, had an opportunity of taking advantage, of unfortunate individuals.

Mr. DRAPER—There might easily be a difference of opinion on this question, but he (Mr. D.) was in favour of registering at full length. Society was more benefited by this mode, than by any other, as it makes a full disclosure of all encumbrances on real property.

Assessment Laws in Upper Canada.

Mr. DRAPER, moved that the House go into Committee on the Assessment Laws of Upper Canada. There was and had been for a long time a general complaint in Upper Canada, with respect to the manner in which property was

assessed in that part of the province. At present all real property was valued at the same price, land in the neighbourhood of rivers and lakes and in cities, was not taxed more than wild land, though it was worth a hundred or a thousand times as much. This system was becoming more and more obnoxious as the country was rapidly improving, and therefore a change was loudly called for. His views on this subject, for many years past, were not secret to many of the members around him, in fact, he (Mr. Draper) had published an address, a few years ago, recommending a change in the present system. The main object of the bill he intended to introduce, was to substitute for the arbitrary and nominal value, that was at present placed upon real property, the actual value. Such a system was now in force in Toronto, and had been found to work well. Efforts had often been made in the Legislature of Upper Canada, to introduce this principle as the mode of valuation of property, but they had failed. The next object of the bill was to provide, the mode of ascertaining the value. He (Mr. Draper) had an objection to the present Township officers, who were elected by the people, appointed officers were, in his opinion more efficient than elected ones. The appointment of assessors was placed in the hands of the District Councils who were to make assessment districts, which were to consist of not less than one Township, but several might be joined together. A collector was to be appointed for each of these districts. Another principle of the bill was to allow an appeal from the valuation made by the assessors. In England, an appeal was allowed from the valuation made for the poor tax. To secure to every tax payer, a knowledge of what he is assessed at, and to prevent him from being obliged to refer to the Assessment rolls for this information, every Assessor, when he went round to settle the value of the property of each inhabitant of the District, was obliged, by the bill, to leave with each individual the amount he was assessed at. This was but a general sketch of the measure that was about to be introduced. He (Mr. Draper) did not propose to subject any personal property to Assessment, which was not now, by some law or other, liable to taxation—every one acquainted with the subject must admit that a change in the mode of valuation, and in the manner of collecting the taxes was absolutely necessary.

Mr. SMITH of Frontenac did not rise for the purpose of opposing the present motion, for he admitted that there was a great necessity of amending the Assessment Laws. But he wished to know if the Ministry were going to redeem the pledge they had made of relieving the people of Upper Canada from the charge of maintaining the Administration of Justice.

Mr. DRAPER said in reply to the question from the hon. member from Frontenac, that if he would wait till the estimates were laid on the table by his hon. colleague the Inspector General, he would receive all necessary information on the subject.

The House went into Committee on Mr. Draper's resolution. Mr. Gowan in the chair.

Mr. BALDWIN said—He was happy to give his support to the general principles of the Attorney General's measure, which were exactly similar to those of the Assessment Bill of the late Ministry, a measure which had been made the subject of charges against them previous to the late elections, and which formed part of that system of misrepresentation by all parties, from the head of the Government to the lowest understrapper.

Mr. CAMERON was surprised that his hon. and learned friend from the Fourth Riding of York had not noticed the important difference

between the measure proposed by the Attorney General and that of the late Ministry. He (Mr. Cameron) thought it probable that the present measure would be more acceptable to hon. gentlemen opposite, but he was sure that the people generally would not like it as well. The present measure threw all the weight of taxation on real property—that is, on the farmers. Personal property—that is, the property of the lawyers, merchants, fund-holders, and other capitalists—was to be exempted from taxation. Against such a principle he, (Mr. Cameron), as the representative of a large agricultural population, would enter his protest; and he warned hon. gentlemen opposite not to commit such an act of injustice to the farmers.

Mr. BALDWIN explained that he had no reference to details when he expressed his approbation of the principle of this bill. He entirely concurred in what had fallen from his hon. friend from Laurier, and he only meant to approve of the general principle of taxation according to value.

Mr. BOULTON.—He was not surprised that hon. gentlemen opposite should speak with approbation of the Assessment Bill of the ex-Ministers, but it told sadly against them at the last elections. (Hear, hear.) That bill proposed to tax almost every description of property: the goods in a man's store, the very clothes on his back, his book debts, promissory notes, &c. Nothing of this will be found in the bill of the present ministers. Another cause of dissatisfaction was that the bill did not apply to Lower Canada. (Ironical cheers from the opposition.) He (Mr. B.) could see no good reason why Lower Canada should not have an Assessment Law as well as Upper Canada. It would be very unfair that Upper Canada merchants should be taxed and Lower Canada ones exempted. He (Mr. B.) would support the present measure, the principle of which he approved, and which was divested of the objectionable details of that introduced by the hon. gentlemen opposite.

Mr. WILLIAMS had always been an advocate of taxing property according to its value. The Bill of the late Ministry was an inquisitorial one, and taxed all sorts of personal property. It was one that ought never to have been introduced into a free country. If there was anything in the present bill about the payment of the administration of justice in Upper Canada he would oppose it in all its stages.

Mr. HALL will oppose the measure now and hereafter; he had entertained hopes that the Ministry would have introduced a bill to relieve the people of Upper Canada from all the present taxes instead of one to impose additional ones. There was quite sufficient revenue obtained at the ports from the Customs to pay all the expenses of Government, and if more money was obtained from the people it would be squandered as heretofore. He hoped that the members from Upper Canada would oppose the measure in all its stages.

Mr. McDONALD, of Glengary, was astonished to hear the sentiments just expressed by the hon. member for Peterboro'. Did he suppose that the people could manage their local affairs without taxation? The surest sign of the prosperity of a people was taxation when laid out under the supervision of the people themselves for their own benefit. These taxes were not intended to defray the general expenditure of the Province, but for strictly local purposes. The hon. member must be aware that in many of the States of the Union railroads and canals have been constructed by means of local taxes. It was idle to suppose that the general revenue could be applied to

the maintenance of our local roads and bridges and common schools. There must be taxes, and he (Mr. M'D.) should support any measure calculated to render the mode of assessment more equitable to the agricultural population.

Mr. HALL explained that he was not opposed to the equalization of the system of Assessment, had to taxation of any kind.

Mr. ROBINSON after what he had heard from many hon. members could have no doubt that there were too many lawyers in the house, they had joined together two subjects quite distinct, the Assessment laws and the administration of justice; he (Mr. R.) had just received a Petition praying for such a measure as that proposed, and which should have his hearty support.

COL. PRINCE.—The question in discussion was not whether this person or that was to be taxed, it was only whether taxes were to be raised or not; the practice in England was to tax property according to its value, it was an equitable principle, and should have his cordial support.

Mr. PRICE.—The manner in which the hon. and learned member for Toronto has spoken regarding the Assessment Bill of the late Ministers proves clearly that he does not understand it, and also affords evidence as to the mode in which it had been used for electioneering purposes. (Hear, hear.) By that bill it was not proposed that all personal property should be assessed; on the contrary, household furniture, farming implements, and mechanics' tools, to the extent of £250, were exempted from taxation. All the outcry about taxing the poor farmers was mere electioneering trickery (Hear, hear.) Not one farmer in ten would have been subjected to any personal property tax whatever under that bill, whereas, under the present system, and that which the Hon. Attorney General proposes to continue, he is taxed for his horses, cattle, carriages, &c. &c., although the rich capitalist pays nothing whatever. But the Assessment Bill imposed no new tax, as the hon. member knew perfectly well. It simply provided for the equalization of the present taxes. (Hear, hear.) It would have increased the taxes of those well able to pay, and diminished those of the poor and middling classes of the population. (Hear.) And hence the outcry made against it by interested parties, whose motives were now thoroughly appreciated by the country. (Hear, hear.) Hon. members had thought proper for electioneering purposes, to mix up with the Assessment Bill the question as to the mode of paying the expenses of the administration of justice in Upper Canada, although the two questions were totally distant. The expenses attending the maintenance of gaols, &c. were provided for by the law of the land—they had been paid out of local funds for many years before the introduction of the Assessment Bill of the Ex-ministers, and had been so paid ever since. This was not the time to discuss the question as to whether they should be so paid in future. The object of the present measure was to determine on the best mode of assessing property; and the introduction of the administration of justice expenses was a manoeuvre for the purpose of exciting prejudice against the Ex-ministers. The Hon. Attorney General had wisely adopted the same course that his predecessors had been so much abused for following, and had disconnected this subject altogether from the Assessment Bill. He (Mr. P.) would support the principle of the hon. and learned gentleman's measure, but would not consent that the whole taxation should be thrown upon the farmers, and that professional men and merchants should be exempted therefrom.

Mr. ROBLIN.—The present measure had nothing at all to do with taxes—the people must be taxed—they want to have roads, schools and other improvements which require an expenditure of money, and as long as they have the power of managing their own affairs, and raising just such an amount of taxes as they themselves required in their several localities, he (Mr. Roblin) was not afraid of over taxation. There was no question at present as to taxation, the question was as to the mode of assessing property for taxation, a subject altogether different. He (Mr. Roblin) was well aware of the prejudices which had been got up against the bill of the Ex-Ministers regarding which so much had been said—a feeling had been got up which induced the members to urge the Ministry which introduced that measure to abandon that part of it which provided for assessing personal property. He (Mr. Roblin) had gone before the people in his county, and had endeavoured to allay the excitement by assuring them that this part of the bill had been abandoned. But he was told by one and all—if you take out the clauses assessing personal property, you will spoil the bill, you must make no such amendments which will prove injurious to the agricultural interests. He (Mr. Roblin) was prepared to support any measure having for its object the equalization of the taxes.

Mr. DRAPER said, that his opinion in favour of adopting a uniform principle of assessing property according to its value, was well known at least ten years ago. His object was not to create a new system, unknown in Upper Canada, for the statute passed in 1819 enforces the principle of taxation. He (Mr. D.) did not desire to impose new burdens upon the people, but to make those already imposed more equal. The administration of justice in Upper Canada had been paid for, by the people, since 1798, and was an entirely distinct question from the one now before them. But with respect, to it, he would say that he was prepared to admit as a principle that Upper Canada should be relieved from the charge although it would be impossible consistently with the engagements of the Province and with justice to other portions of the population to relieve the people of Upper Canada immediately from this burden. When however the Inspector General laid before the House his financial statement, the views of the administration would be known.

Mr. DUGGAN would read from the bill itself the provisions relating to the assessment of personal property (the hon. member read a clause of the act.) It was these inquisitorial provisions which had rendered the bill so unpopular. He (Mr. Duggan) felt called on to deny the assertion of the hon. member for the 4th riding regarding the Ex-Ministers having been misrepresented. No, Mr. Chairman they lost public confidence by their measures, the Secret Societies Bill, the Assessment Bill and others of a character so objectionable that they excited general disgust.

Mr. WILLIAMS wished to say a word or two after what had fallen from the hon. member for Prince Edward. A strong objection to the bill was that all personal property, and incomes were taxed. At that time the Ministers who were in the receipt of enormous salaries had determined on the removal of the Seat of Government and were about to leave for Montreal where they would be exempted from taxation. (Hear, hear and laughter.)

Mr. MERRITT said, that the principle of the present bill met with his approbation, but he thought, that the Inspector General ought to have brought down his budget first, and then this measure could have been taken up more appropriately as they would then see, whether

Upper Canada could be relieved of the expense of supporting the administration of justice. He (Mr. Merritt) thought that Upper Canada was too much taxed. The District of Niagara with a population of only 30,000 pays £9000 of taxes. He (Mr. Merritt) was in favour of the principle of taxing capital whether land or other property, and he thought that the present measure would not go far enough.

Mr. SHERWOOD (of Toronto) said—This bill imposes no taxes, it only carries out the principle that has been found to work so well in Toronto, of assessing property according to its value. It avoids the numerous articles that were included in the late Ministry's bill, which was in his opinion, an inquisitorial bill, and was, as respects Upper Canada, most unpopular, and would have damaged any ministry that would have passed it.

The resolution was put and carried and the committee rose and reported it, when it was ordered that it be received on Monday next.

The next order of the day was for members absent from election committees to appear with their excuses.

Mr. LACOSTE made oath that he had been seriously indisposed at the opening of Parliament, but that he might have attended subsequent meetings of the committee had he been aware of the stringent provisions of the Upper Canada election law.

Mr. HENRY SMITH rose in his place and stated that he believed the Oxford Committee dissolved, and had consequently felt it his duty not to attend; he was ready to make oath to this if required.

On this a conversation ensued relative to the proper mode of proceeding in the case.

Mr. GOWAN at first proposed that the consideration of the excuse should be postponed until Monday, when the House was to decide whether the committee was actually dissolved or not.

Mr. AYLWIN objected that no statement of facts on oath as required by the statute had yet been made.

Mr. SMITH then made an affidavit before the Clerk that he believed the Committee dissolved.

Mr. AYLWIN and Mr. BALDWIN contended that this was no statement of fact as required by the law.

Mr. GOWAN moved that the excuse be accepted.

Mr. AYLWIN then moved that the consideration of the question be postponed until Monday, which, on a division, was rejected by the House. Mr. Aylwin contended that the motion was irregular; that the law imperatively required a statement of facts on oath.

Mr. SPEAKER considered the motion irregular, and read from the act to shew that there must be a statement of facts to justify the absence which had not yet been made; he would recommend the House to postpone the consideration of the excuse.

Mr. Solicitor General SHERWOOD regretted that the Hon. Speaker had not announced his opinion before the motion for postponement had been rejected.

Mr. Attorney General DRAPER read from the Journals several cases where excuses had been admitted without any record being kept of the facts.

Mr. BALDWIN thought that the law was imperative, and that after the decision of the Speaker there must be a statement of facts to warrant the House in excusing the hon. member. He (Mr. B.) wished it to be distinctly understood that he and his hon. friends had no desire to punish or annoy the hon. member for Frontenac but simply to take such a course as

was required by law and to prevent any irregularity appearing in the Journals.

Mr. McDONALD of Kingston, thought that the present difficulty had arisen from the affidavit not being correctly drawn. (Hear, hear.) His hon. friend from Frontenac should have stated on oath the fact that the Oxford Committee had sat three successive days without the requisite number, and that he therefore believed the Committee dissolved. He (Mr. McDonald) was of opinion that the Oxford Committee was not dissolved (hear, hear) but if he entertained the same opinion on that subject as his hon. friend from Frontenac he should have felt it his duty to abstain from attending the Committee. He would suggest to his hon. friend to amend his affidavit. (Hear, hear.)

Mr. SMITH, by consent of the House, put in a new affidavit, drawn as suggested by Mr. McDonald, on which his excuse was admitted.

Mr. DICKSON then put in an affidavit to the effect that he left home in time to attend to his parliamentary duties, but that he had been unable, owing to the badness of the roads in the United States, and the irregularity of the conveyances, to reach Montreal until yesterday.

The excuse of the hon. member was admitted.

Mr. Draper moved that a Committee be appointed to consider what general provisions ought to be introduced into such Railway bills as may come before the House during the present or future sessions, for the full advantage of the public, and the establishment of a sound railway system and likewise to consider what standing orders the House should adopt in relation to Railway bills, with power to consider of any arrangements advantageous to the public with regard to existing Railway Companies generally, to which, in the opinion of the Committee the Legislature might justly give its sanction, and that the following members do compose the committee, viz:—Messrs. Aylwin, Robinson, Solicitor General Sherwood, Lantier, Cameron, Prince, Brooks, Tache and Merritt.

Mr. Cameron moved that Mr. Moffatt and Mr. Morin be added to the Committee—which was carried and the original motion was agreed to.

On motion of Mr. Draper the House went into committee to consider the propriety of amending the Assessment Laws in Upper Canada, &c.

The Chairman reported a Resolution which was ordered to be received on Monday next.

Mr. Lacoste stated on oath the cause for his non-attendance on the Oxford Election Committee and was excused.

Mr. Smith of Frontenac stated on oath the cause of his absence from the same Committee, and was excused.

The House then adjourned.

LEGISLATIVE COUNCIL.

MONDAY, 29th March, 1846.

After a number of petitions were presented, among which were several in relation to the Clergy Reserves—and one from the Corporation of the city of Toronto, requesting the surplus books in the Library to be granted to them, for the use of a library in that town.

The petitioner was referred to the Library Committee.

Hon. Mr. MOORE moved that all the petitions in reference to the Clergy Reserved that have been received, be referred to a Committee of 7.

Hon. Mr. GORDON thought the motion ought to be delayed for a short time, as he understood that the matter would come before Lower House at an early day and it would be better to wait to see what was done there.

Hon. Mr. M'GILL considered it would be better to postpone it. A suggestion had been thrown out whether it would be better to take the property out of the hands of the crown and vest it in the Church Societies; he knew that they were conducted on a very extravagant scale. It was for the House to think over this.

The motion was withdrawn, and the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, 30th March, 1846.

50 Petitions were laid on the table.

Petitions read.

Of Rev. Wm. Ritchie, et al. of the diocese of Toronto, praying that the share of the Clergy Reserves falling to the Church of England may be vested in the Church Society.

Of Francis B. Baker, et al., of the Township of Leeds, praying the same.

Of Hugh Allingham, et al. of Yonge, praying the same.

Of Rev. John Anderson, et al. of Bertie, praying the same.

Of T. Spruen of Montreal, praying for compensation as School Teacher.

Of William Lough, et al. of Co. Russell, praying for alterations in Charter of University.

Of John Land, et al. of Warwick, praying that the Clergy Reserves may not be divided, but given for education.

Of D. B. O. Ford, et al. of Brockville, praying that a certain Lot of Land may be held by Trustees of District School.

Of Rev. Messire Ducharme, et al. of the College of St. Therese de Blainville, praying for aid to erect a new building for the College.

Of John Morris, Esq. et al. of St. Therese, praying the same.

Of Hammet Pinhey, Esq., Warden of the Dalhousie District, praying for an alteration in the "Ordinance Vesting Act."

Of Wm. Dixon, et al. of Warwick, praying that the Report of the Select Committee of last session in the petition of the Church Society, may be rejected.

Of John Lyon, et al. of Esquesing, praying that the Clergy Reserves may not be divided, but be under the control of the Legislature.

Of Wm. Peacock, et al. of Trafalgar, praying that the Clergy Reserves may not be divided, but be sold according to the Imperial Act.

Of John Prince, Esq., President of the Niagara and Detroit Rivers Rail Road Co. et al., praying that the time for completing the said Rail Road, may be extended for two years.

Of John E. Mills, Esq. Chairman of the Committee of management of the Champlain and St. Lawrence Rail Road Company, praying for certain amendments to the Act Incorporating the said Company.

Of the President and Governors of the Montreal Hospital, praying for a grant in aid of the said institution.

Of S. M. Crepe, Esq. Mayor, et al. the Councillors of the Municipality of the parish of St. Jean Baptiste de Nicolet, praying that the 8th Victoria, Chap. 40, be amended in certain particulars.

Of Pierre J. Trépanier, and others of the county of Champlain, praying for aid to open a road.

Of Jacques Legare, Esq. and others inhabitants of St. Foy and neighbourhood relating to certain roads, praying for an Act to enable them to macadamize the road called "Route de L'Église, between the Cape Rouge and St. Foy roads.

Of Jacques Legare, Esq. and others inhabitants of the parish of Ste. Foye and neighbourhood, praying that the Toll Gate be removed.

Of Robert Easton Burns, Esq. Judge of the District Court of the Home District, praying to be permitted to practice as a Barrister and Counsel in the Courts of Equity in Upper Canada.

Of Horatio N. Patten, Esq. et al. of Quebec and Point Levy, praying that the ferry between Quebec and Point Levy on the St. Lawrence be vested in the Corporations of the said city and parish.

Of James Dean, et al. merchants of Quebec, praying to be incorporated as the Quebec Forwarding Company.

Of William Rogerson, et al. manufacturers of Lumber, of Canada, praying that the salary of Supervisor of Cutlers may be increased.

Of Louis Celestin Lefrançois, Registrar of the county of Montmorency, praying that he may be allowed the same remuneration as other Registrars, for copies of certain documents.

Of Israel Lewis, A. M. of Montreal, praying that he may be granted a premium as inventor of a Fire Screen.

Of Audre Antoine Asselin of the Parish of St. Francois au Lac St. Pierre school-master, praying that an annual sum be granted to him from the 26th Nov., 1832 to the 31st Dec., 1842.

Of Alexander McLean et al., of Cornwall, praying to be relieved from the payment of District Rates and that certain Amendments be made to the act incorporating the town.

Of A. Bochet, et al., inhabitants of the county of Champlain praying that the Winter Road act be permanently suspended in so far as regards the Districts of Quebec and Gaspé and part of the District of Three Rivers.

Of Municipal Council of County of Kamouraska praying for funds to continue the Government Road in the said Parish.

Of the Hon. Antoine Gaspard Couillard, praying to be reimbursed certain sums expended by him in the purchase of Registers &c., and

Of James Hutchison and James F. McCarty on behalf of a public meeting of the inhabitants of the Districts of London, Brock and Talbot, praying for a grant to construct a Harbor at Port Burwell and to make a Road. Also that Bayham may be annexed to Brock District in lieu of a part of Nissourie.

Petitions referred to Select Committees.

Of J. Legare (2) et al., and of P. Gurette et al., to committee on Winter Roads.

Of R. E. Vidal, et al.

Of Hamnet Pinhey.

Of A. G. Couillard, et al.

Of Niagara District Council (relative to the Queenston Road.)

Of inhabitants of Bertie, (Clergy Reserves.)

Committee appointed to strike, standing Committee, reported the same.

The Chairman of the Oxford contested Election, Committee reported the absence of Mr. Bertrand.

Mr. Cummings reported from a select committee, a bill to repeal part of the act 3rd Vict. chap. 43, relative to the district debt of the Niagara District. Ordered for second reading on Thursday.

Mr. Boutillier reported on the petition of the Sisters of Charity of the Hotel Dieu, of St. Hyacinthe, a bill to incorporate the same. Ordered for second reading on Wednesday.

Mr. Price moved that the petition of the Home District Council be printed, which was ordered.

Mr. Robinson presented a bill to provide for the removal of the Registry Office of Simcoe to Barrie. Second reading on Thursday next.

Mr. Cameron brought in a bill to amend the Charter of the Great Western Rail Road Company. Second reading on Wednesday.

Also a bill to incorporate a Company to extend the Great Western Rail Road from Hamilton to Toronto. Second reading on Wednesday.

Mr. Armstrong moved an address for a return of the number of commutations which have taken place under the act 4th Vict. chap. 42, for facilitating the commutation of lands *en roture* in Lower Canada into that of *franc alleu roturier*.

Mr. Christie moved for a committee to enquire into, and report upon, the expenses usually incurred in effecting commutations of the tenure of land held *in fief* or *a titre de cens* of the Crown, in Lower Canada, into that of free and common socage, under the Imperial Act 3rd Geo. 4th cap. 119 and their legality, and whether such expense have contributed to prevent commutations, or have proved an obstacle thereto; and to report on the expediency of making provision for modifying those expenses; the committee to consist of Messrs. Christie, Moffatt, Aylwin, Hale, Leslie, Lantier, and Tache.

Mr. Cauchon moved a committee to enquire into the cause of fires by steam engines, on land and water, and the means most efficient for preventing them, to consist of Messrs. Cauchon, Morin, Christie, Taschereau, and Aylwin.

Mr. Draper brought in a bill to remove doubts as to the jurisdiction of the Court of Chancery in Upper Canada over lunatics, idiots, and persons of unsound mind, and their estates, and to extend the laws in force in Upper Canada relating to such persons. Second reading Friday.

Mr. Laurin moved an address—to acquaint the House with the reasons why the Trustees of the Quebec Turnpike Roads have not caused the road from the Cote de Champigny to the Red Bridge, to be macadamized in conformity with the Act of 8 Vic. cap. 55, and if it is their intention to macadamize the said road next summer.

5 Bills of Mr. Christie's were postponed till Monday next.

The House went into Committee on the Common School law of Upper Canada, and Resolution agreed to—to be reported to-morrow.

A Bill to prevent the undue accumulation and plurality of offices—second reading to-morrow week.

The Resolution agreed to on Friday last relative to the Assessment Law of Upper Canada was reported and adopted, and a Bill was presented by Mr. Attorney General Draper, to regulate Assessments and the appointment of Collectors and Assessors in Upper Canada—second reading to-morrow week.

The House went again into Committee on the expediency of amending the Schedule to the District Court Act of Upper Canada,—and a Resolution was adopted.—To be reported to-morrow.

The Bill for the relief of John W. Dempsey was read a second time.

MR. CHRISTIE asked whether it was the intention of the Government to introduce a measure respecting the Feudal Tenure in Lower Canada, and whether they had considered the question of an Impeachment Bill.

Mr. Atty. General SMITH replied that a Law having passed so late as last Session authorizing parties holding lands under the Feudal Tenure, to commute he thought that sufficient experience of the working of that measure had not yet been had to warrant any further change; with regard to the question of Impeachment, it was one of such importance that the Government had not yet been enabled to determine upon it, it was still under consideration.

MR. CHRISTIE having moved for a select committee of seven, (sic routine business) to enquire into the expenses attendant upon commutations.

Mr. Atty. General SMITH would remind the hon. member for Gaspé, that the charges referred to were authorized by an Imperial Act, and he thought that questioning their legality was therefore not consistent.

Mr. CHRISTIE wished not to call into question the legality of the charges incident to Commutation, but to learn what was their extent, in order that it might be seen whether they amounted to a Bar, to the carrying out of the Act.

Mr. Atty. General SMITH—If the hon. member had applied to the Government he might perhaps have obtained the information he required, he (the Atty. General) thought as the Act authorized the Crown to make the charges referred to, the present course was scarcely correct.

Hon. Mr. AYLWIN was by no means satisfied with the answer of the Atty. General, the question was not the legality of the charges, but the amount of them; one gentleman receiving the fees alluded to had, besides other sources of emolument; clerkships, &c. &c. There was another officer receiving or claiming fees, either the Attorney or the Solicitor General.

Hon. Mr. SMITH—The Atty. General.

Mr. AYLWIN—The question of fees arose when he (Mr. Aylwin) had the honor of acting in the Government under the hon. member for Terrebonne upon which occasion his honourable friend (then Attorney General) refused to take any, and he Mr. Aylwin acquiesced for two reasons, first, because the hon. gentleman was his (Mr. Aylwin's) superior, and secondly because he

(Mr. A.) thought it was right. Fees had however, accumulated and went, he believed, into the hands of the Provincial Secretary, what became of them further he, (Mr. A.) did not know, and he supposed they were reckoned amongst what are called the spoils, he (Mr. A.) was perfectly willing that the past should be decided as it best might, but for the future he thought it right and proper that there should be no such spoils, and that the object of the Imperial Parliament in passing the law, should not be defeated by exorbitant fees, he (Mr. A.) had made these observations because he had expected more from the opposite side than had been admitted, indeed so highly unsatisfactory was the answer of the Atty. General that he (Mr. A.) would advise the hon. member for Gaspé to defer this motion.

Mr. Atty. General SMITH rose to correct the last speaker upon a question of fact, it was not correct that he (the Attorney General's) predecessor in office refused to receive the fees in question; that hon. gentleman declined accepting a class of fees, but those now referred to had not only been taken by him, but by all who had preceded him.

Hon. Mr. LAFONTAINE said the hon. Atty. General had no doubt received the information he had just communicated from his clerk, who had been also his (Mr. LaFontaine's) clerk; but it was not correct. When he (Mr. L.) accepted office, he continued to employ the clerk of his predecessor, and having been confined to the house by illness at the time some fees were received. As soon, however, as he was made acquainted with it, he put a stop to the practice. He [Mr. L.] found that it had been the custom to make constant references to the Attorney General during the time that officer was paid by fees. He [Mr. L.] had put a stop to those references. With regard to the commutation fees, which were referred to by the Attorney General, he [Mr. L.] had no recollection of having signed one commutation deed while he was in office.

Mr. MOFFATT thought the question of time was of as much, if not more, importance in reference to Commutation as fees; at present there was great delay in getting the necessary papers through the various offices, similar business was managed very differently in the SEMINARY of this City; there the general time required was two or three hours, or at most two or three days.

Hon. Atty. General DRAFER introduced a Bill to remove certain doubts, as to the jurisdiction of the Court of Chancery in Upper Canada, respecting Lunatics, and Idiots; and in reference to their Estates, he (the Atty. General) remarked that in England the Lord Chancellor exercised his power in these matters by special delegation from the Crown; he [Mr. Atty. General] believed that when in office in 1841, he recommended a similar course here, but it is, as of the highest importance, that there should be no doubts upon such a question.

Hon. Mr. BALDWIN agreed to the substance of the measure proposed; he was not aware that while he was in office, any instance occurred calculated to bring the question under notice, but there could be no doubt of the expediency of setting at rest all doubts upon such a matter.

DOCTOR TACHE inquired whether it was the intention of the Ministry to do anything in reference to the many injudicious places in which Registry offices were placed in Lower Canada.

Hon. Mr. DALY replied that all the Reports on the subject expected by the Government, had not been received, when they were, the question put, would be answered.

According to the orders of the day the report of the Committee of the whole on the Assessment Law of Upper Canada, was presented and adopted.

Hon. Mr. Attorney General DRAPER, introduced a Bill pursuant to the report of the Committee of the whole on the Assessment Law of Upper Canada. It was ordered to be read a second time on Tuesday week.

Mr. BERTRAND, according to order was called upon to appear in his place. He has not arrived yet.

The second reading of Mr. CHRISTIE'S Bills for establishing a Municipal Council in the Magdalen Islands—relating to Informal Marriages in Gaspé—relating to Municipalities in Gaspé—for better Administration of Justice in Gaspé—for visitation of certain Institutions was postponed till Monday next.

C. C. District Court Act.

The House then went into Committee again to consider the propriety of amending the District Court Act of Upper Canada. The resolution presented by the hon. Attorney General West, at the sitting of the Committee, was then read.

Mr. HALL asked if the House would be pledged by this motion, to a particular course. The motion referred only to a particular alteration or amendment.

Mr. McDONALD (of Cornwall), thought the motion was too specific—it ought to be made more general.

Hon. Solicitor General STEERWOOD, said that the House would not be pledged to any particular course; any member could introduce such amendments as he saw fit, when the bill to be introduced was before the House.

Mr. McDONALD (of Glengarry) said, the bill when introduced will be referred to a select committee, and the members of the House would be able while the bill was in the hands of the committee, to prepare such amendments as he should see fit.

The committee then rose and reported. Report to be received to-morrow.

The next order of the day was the second reading of the bill for the relief of J. W. Dempsey.

Col. PRINCE said that in moving the second reading of this bill, he would state the circumstances on which it was founded. Mr. Dempsey had studied with Mr. Small, the clerk of the Court, but when he applied for admission to the Bar, the Court refused the application on the ground that Mr. Small was not a practising attorney. The petition on which this bill was founded was signed by nearly every attorney in Toronto. The petition had been referred to a select committee, and they had reported the bill.

Hon. Sol. Gen. STEERWOOD stated that it was the custom of last session, to refer all bills similar to this one, i. e. bills of a private nature, to the committee on private bills, not to examine the ground on which the bill was founded, but to ascertain if all the formalities required by the House had been complied with.

Col. PRINCE said in reply that many bills were proceeded with last session, as he proposed to do with the present one.

Hon. Mr. BALDWIN—He did not intend to throw any difficulties in the way of passing this bill—he would give it his most cordial support; but there was a difficulty presented it self, and he hoped it would be removed; it is this: Mr. Dempsey had entered into an engagement with Mr. Small, knowing well that he could not by studying with Mr. Small, be called to the bar; this was not set forth in the bill. This showed the necessity of a select committee making a report, not by bill, setting

forth the reasons why a bill should be introduced. The bill should be introduced founded on the report of the committee. He (Mr. B.) had every desire that Mr. Dempsey should be allowed to practise at the Upper Canada bar.

The bill was then read a second time.

The next order of the day was the second reading of the bill relating to the Trafalgar Road Company. It was postponed till Thursday next.

On a motion of Mr. STUART, of Bytown, that a petition be referred to a select committee, with power to report by bill or otherwise.

Hon. Mr. BALDWIN said, that he thought it an objectionable course to give committees, on subjects of this kind, leave to report by bill. There ought to be a report of facts first made to inform the House and upon which to ground the permission to introduce a bill.

Hon. Mr. DRAPER, without knowing, or wishing to know, the names of parties referred to by the motion, entirely agreed with the suggestion of the learned member for the Fourth Riding of York, and would recommend that the words "by bill" be struck out.

Mr. STUART agreed that the words "by bill" be expunged.

Mr. PRINCE moved that the petition of the Municipal Council of the Home District be printed for the use of members.

Hon. Mr. BALDWIN remarked, that the petition referred to contained a variety of suggestions which might be found useful. He should like that petitions received from other Municipal bodies were also published, in order that the House might compare the expenses of the smaller with those of the larger districts.

Conveyance of Real Estate in Upper Canada.

This bill was, on motion of Mr. DRAPER, read a second time, and referred to committee of the whole House.

Mr. DUGGAN in the Chair.

Mr. DRAPER would not take up the time of the House by any lengthened explanation of the bill, as he had explained its leading principles when he introduced it. The great object of this act is to shorten the mode of conveyance arising on real property in Upper Canada. It enacts that certain general words, therein specified, inserted in any deed of conveyance, will be held to exclude a vast variety of clauses usually inserted in deeds. The most important part of the bill is to be found in the schedule, which gives the different forms in which conveyances are to be made. This bill allows, however, individuals who prefer to stick by the old mode, to do so. It gives power to the taxing officer to consider not only the number and length of the deeds, but also the skill and ability with which the professional man has drawn them up. He (Mr. D.) thought this was proper, as lawyers were liable to have actions of damages brought against them for giving their clients an erroneous opinion respecting any deed.

Mr. PRINCE—had read this bill with great attention, and he thought the people of Upper Canada were very much indebted to the Attorney General for having introduced it. The present mode of making conveyances of real property is decidedly too voluminous and expensive. The Lord Chancellor of Ireland, Sir Edward B. Sugden, than whom a better Conveyancer did not exist in the Kingdom, was opposed to any Legislative interference with the forms of conveyances—he preferred that each practitioner should be allowed to adopt his own form. This bill is a direct negative to his proposition. It gives in a few words, and at a small expense, a valid conveyance of a title. Such a bill has been introduced into England, and is found to

work well. Whenever a question of law comes up in the House the hon. member for Carleton is sure to feel uneasy, but he (Mr. P.) could assure that hon. member that it is a great source of profit to the profession, the liberty that School masters, Registrars and others at present enjoy, of drawing up deeds—the mistakes and errors they have made, have been a rich harvest for the lawyers. It is perfectly deplorable the sad consequences that have occurred in Upper Canada, from ignorant individuals drawing up conveyances of landed property—a person is therefore unwise, who asks his title to be drawn up by any one, but a professional gentleman of ability, and it is proper that he should be paid according to the time and talent which have been devoted to the work.

The different clauses of the bill were agreed to by the House and reported.

Upon the motion of Mr. Dickson, seconded by Mr. Roblin, that the Commissioners appointed to try the Middlesex election be summoned to attend at the bar to answer for not having transmitted the evidence taken by them to the Committee.

A conversation arose in which the motion was supported by Messrs. Dickson, Moffatt and Baldwin, on the ground that the Commission had obviously failed to discharge the duty entrusted to it by the House.

Messrs. Gowan, Prince and Robinson thought it better to summon for the present, only one of the Commissioners, Mr. Tiffany, who is now in Montreal, and who perhaps will, explain the cause of delay.

Mr. VIGER was opposed to the motion from fear that it was irregular, it was grounded upon resolutions of the Committee which he (Mr. Viger) thought the Committee had not power to pass. He wished for a few days delay in order to obviate irregular proceedings by the House.

Col. PRINCE proposed an amendment to that effect.

Mr. Baldwin said he should like to know the opinion of the Speaker on the subject.

The SPEAKER was in favor of the original motion; he thought the Committee had a right to pass resolutions and the House having adopted them the Commissioners ought, accordingly, to be summoned to appear.

Mr. Attorney General DRAPER introduced a bill to provide for the establishment of Normal Schools in Upper Canada, and to make alterations in the present School Bill. To be read a second time on Friday next.

Mr. Attorney Gen. DRAPER introduced a bill to amend the schedule to the District Court Act of Upper Canada. To be read a second time on Friday next.

Mr. WATTS asked if it was the intention of the administration to introduce an Election Law for Lower Canada during the present session, and if they proposed to amend the Municipal Law.

Mr. Attorney Gen. SMITH said it was not intended to introduce an Election Law.—[Hear, hear.]

Hon. Mr. LaFontaine—It was promised last session.

ATTOR. GENERAL—The promise referred he thought to a measure for contested elections, he might be wrong, he would not be positive; but even if it were promised—[Here the Speaker observed that discussion on questions was not allowable.]

The ATTOR. GEN. then answered that the Government did intend to amend the Municipal Law.

Sol. Gen. SHERWOOD, in moving for the second reading of the bill to amend and consolidate the Registry Laws of Upper Canada, would remark that it provided for the Registration of the whole Deed, instead of only the Memorial, he was willing, however, to change that clause if the House desired it, and to confine the registration to the memorial.

Hon. Mr. BALDWIN continued to entertain his objections to registering the whole deed—he thought it would lead to much litigation and would facilitate fraudulent practice so common in Upper Canada of searching out flaws in deeds for the mere purpose of going to law about them; there were persons in Upper Canada who made a trade of this. There were necessarily many lengthy deeds, those containing special tracts for instance, and by obliging parties to spread them out at full length upon a registry book encouragement and facility was afforded to the practice he had already referred to.

Mr. WILLIAMS—Last year he opposed a compulsory registration of the whole deed, and would do the same in the present instance.—When the security was the same by registering the memorial only he thought it ought to be limited to that. Some members of the profession (he trusted and believed they were few) were base enough to avail themselves of the publication of the entire deeds to encourage litigation.

Sol. Gen. SHERWOOD, would repeat his willingness to change the clause referred to if the House required it; he would confine the registration to the memorial or leave it optional with parties to register that or all; he was not, however, without good reasons for proposing that all should be made public; there were sometimes items in the deed which were not in the memorial, and which it would be important for the public to be aware of; it might happen for instance that in the deed there were gifts to a single woman to become void upon her getting married.

Upper Canada School Act.

Ar. Attorney General DRAPER in proposing a resolution on which to frame his Bill for amending the School Act would briefly explain the principal amendments which he intended to introduce. The present Act was framed on the same principles as that of the State of New York, but there was one serious omission, he meant the want of the appellate jurisdiction of the Regents of the University, who under the New York law had the power of deciding in those numerous cases of dispute which were constantly arising. Again the Act of 1843, evidently contemplated the establishment of a Normal School, but no provision existed for establishing such an Institution; he proposed to institute an unpaid Board of seven members to superintend the school, in which the various religious bodies would be represented, he proposed to entrust this Board with a certain control over the books to be used in the common schools. He contemplated having two lists of books prepared, one of the books permitted to be used, the other of those prohibited, then the Board would have power to proscribe certain books, but no power to prescribe to any Trustees the particular books which they should use. Such was the leading features of his proposed measures.

Mr. DRAPER'S motion was carried without debate.

OXFORD ELECTION COMMITTEE.

Mr. Smith (of Frontenac) moved, seconded by Mr. Colville, that the word "is," be inserted in the motion instead of "be"—which was agreed to.

Mr. CHALMERS—It being at my request, that the consideration of this motion was proposed to this day, it is proper that I should say a few words on the subject, though I am entirely unaccustomed to address a public assembly. I have entered upon the enquiry on this subject, with the pure sentiments of an unbiassed mind, and having looked into the question with considerable attention, I have come to the conclusion, that the Committee has died a natural death. The opposite side form a different opinion on this subject, and they have a perfect right to do so. If their arguments are correct, the committee might exist from session to session being unable to report—each a thing would be an insult to the free and independent freeholders of the country. What is the first duty of this House when they meet? Is it not to purify itself from corruption? (Hear, hear.) Yes, the House is bound to purify itself from all impurity. When the seat of a member is contested, their first duty is to strike a committee, who are sworn to do their duty. They are bound to attend from day to day, and if they do not, it becomes the duty of the House to strike a new committee, so that the rights of the respective parties might be decided upon immediately. He (Mr. Chalmers) would vote for the motion before the House, in order that the ends of justice might thereby be promoted.

Mr. BALDWIN—It is necessary to set the hon. member for Halton, right as to his views which would lead to no such result as the hon. member had supposed. He (Mr. B.) held that it required the joint action of the committee and of the House to dissolve an election committee. If the view of the statement taken by hon. gentlemen opposite were to prevail it would be in the power of any three members of a committee to dissolve it, whereas he (Mr. B.) contended that the intervention of the House was necessary, and that the House must have excused the three members before any proceeding could be taken to dissolve the committee—he had read the statute very carefully again since Thursday night, and its perusal confirmed him in the opinion already expressed. The evils which the hon. member (Mr. Chalmers) dreaded from the adoption of his (Mr. B's.) views would be much more likely to follow from the interpretation of the statute given by the hon. gentleman opposite.

Sol. Gen. SHERWOOD.—If the interpretation, put upon the statute by the hon. member (Mr. Baldwin) was correct, certain members might contumaciously absent themselves from the meetings of the committee, and they not being unavoidably absent, the committee would be unable to report from session to session, and so continue to the end of the Parliament. Such a case might happen, and members of the Legislature, both here and in England had acted contumaciously. It would therefore be a less evil to dissolve the committee, than to allow it to continue in this way. The Legislature never could have contemplated the placing of a committee in such a situation. The cause of absence it is said, must be unavoidable, but should a member apply for leave of absence on account of sickness in his family, and you grant him leave, would you call his absence unavoidable? The word "unavoidable" must be understood to apply to members who are unable to attend from any cause. That is the true liberal and extended sense that you ought to put upon the statute. The 22nd section of the statute enacts that the committee shall adjourn from time to time when less than nine are present, but the 23rd section shews that, that this time is not to be ad infinitum,—not for three or four years, but only for three sittings. This he conceived, to be spirit of the statute, and he repudiated the imputation that he was

influenced by any unworthy motives. He had arrived at this opinion conscientiously, after having discussed the point, at great length, with those learned friends with whom he was accustomed to act.

Mr. BERTHELOT.—If the hon. member from Toronto (Mr. Sherwood) could prove to his satisfaction that there was a conspiracy to prevent the committee reporting, he would join the hon. member and endeavour to have those who would be guilty of such conduct, severely punished by the House. The House should not however, be led into error by such an improbable supposition. The fact is Mr. Bertrand is now the only one who is absent from the committee, and it cannot be said that his absence is unavoidable. He (Mr. Berthelot) did not see why the House could not have patience for a few days more.

Hon. Mr. AYLWIN thought that the argument of the Solicitor General West was most extraordinary; it was that if three members chose to act with contumacy, they might also set the House at defiance. Now, he (Mr. A.) would ask had the House no power to put down contumacy? If it had not, if that were the state of the law, he would advise the House to abandon all other proceedings at once and set itself right in that important regard, for the authority that could decree and had not the power to enforce was a mockery. He (Mr. A.) was of opinion that members might be brought to the bar and dealt with in a manner that would be a caution to others—they might be expelled. But supposing that the case put by the Solicitor General could occur, it would, after all, be only the *argumentum ab inconvenienti*, and by such argument anything might be got rid of. In order, however, to shew the fallacy of the Solicitor General's case, he would ask if the House had not the power to punish contumacy in members of a committee, where was the remedy? (Hear, hear.) Another committee is struck, and one, two or three of its members, taking the hint of the Solicitor General, act like the preceding committee—put the House at defiance. In what way, he would ask, could the second committee be controlled more than the first? (Hear, hear, hear.)—The hon. member next adverted to the words of the act, "death or otherwise," and argued that the word "otherwise" coming after such an awful word as "death" could not refer to mere accidental or trivial causes. The law also ordered members to appear and answer for absence; this shewed that they were not to be condemned unheard, and that the cause of absence was to be considered. He (Mr. A.) had asked hon. members opposite to cite some authority in support of their view, but they had not as yet done so; he (Mr. A.) would then undertake to supply them with an authority, one not very old. Mr. Warren, of London, had lately published a law work, but he had previously published a novel called "Ten Thousand a Year." Now, it was not to the law book but to the novel that he (Mr. A.) would refer hon. members opposite for authority for their present proceeding. (Laughter.) In "Ten Thousand a Year" there was a certain prominent character, Titlebat Titmouse, the member for Yatton, and he (Mr. A.) thought that the hon. member for Frontenac and the Hon. Solicitor General West might find a precedent for their present course in some of the proceedings of that distinguished character.

Col. PRICE.—He thought that the hon. member for Quebec could not shew that the committee is not dissolved; the hon. member said that if any of the members of it contumaciously absented themselves from their duties, he thought that the Sergeant at arms empowered with the Speaker's warrant could easily reach

them and bring them before the House, and compel them to attend to their duties, but that remedy would only be available in some cases, for nothing would be easier than for members coming from his part of the country to step over to the neighbouring States, for instance Michigan or Illinois, and remain there during a whole session, and where no warrant could reach them; he thought the *only* way to obviate the recurrence of difficulties such as the present was by additional legislation. The hon. member for Quebec, assumes that it is necessary to prove that the absence of the members was unavoidable: but had not the House admitted the excuse of the hon. member for Niagara to be a valid one, and did his excuse prove that he (Mr. Dickson) had been unavoidably absent? We may consider the members of the committee to be public officers, and as public officers are always presumed to be attendant at their duties, so we must presume that the members absent were unavoidably detained, unless the contrary could be shewn. It was for the hon. member for Quebec to shew that their absence was not unavoidable. He had considered the question as a lawyer, and the conclusion he had come to was that the committee was legally dissolved.

Mr. Dickson said that notwithstanding all that he had heard from the learned members of the House he thought that the mere construction of a clause of an act was not so far beyond the reach of common sense. He (Mr. D.) was in rather a peculiar position in reference to the subject before the House; he had been balloted for and sworn to try the election in question, and if it could be shewn that he was intentionally absent he would be liable to severe punishment from the House, but it could not be proved that he was intentionally absent, neither could it be established that he was unavoidably absent; he denied that his absence was unavoidable: had he been physically disabled, had he been incarcerated, or detained by persons anxious to break up the committee, then would he be unavoidably absent; but nothing of this kind had occurred, and had he left his home some eight or ten days earlier, he might have been in attendance in that House from the commencement. He (Mr. Dickson) was then, of opinion that as three members were not unavoidably absent the committee could not be dissolved; he held that the House had no discretion in the matter, its power was merely declaratory upon evidence of the cause of absence being adduced. The hon. member next referred to the clauses of the act relied upon and declared that he regarded them as plain in favor of his view of the subject. It had been maintained that the point was not the cause of absence but the fact of the committee being unavoidably reduced. He (Mr. D.) thought that the one followed the other; if the members were not unavoidably absent the committee could not be unavoidably reduced. He (Mr. D.) would vote against the motion preferring, as he did, to act upon his own opinion, even should it turn out to be wrong, to following the dictates of any man in that House.

Mr. Moffatt, would not speak on the subject as a lawyer. No member can be appointed on a committee, unless he is on the spot, and if he is able and does not attend, he is reprimanded by the House. He (Mr. Moffatt) thought that the word unavoidable which was not perhaps the word that ought to be used, [laughter.] related to the member and not to the cause of absence. The members of the committee ought to have been present at the opening of the session, but three of them not being in the city, they were unable to attend, and the number of the committee was thereby necessarily reduced to less than nine for three successive meetings; and in consequence the

committee was dissolved by the mere operation of law.

Mr. ROBINSON—There was a necessity of some period being fixed to limit the absence of members from committees, and he thought that the law meant, that if the members absented themselves for three sittings, that the committee was to be then dissolved, and a new one appointed. This he thought was a common sense view of the matter.

Mr. VIGER—There is not a word about unavoidable absence in the law. The law says that if you cannot form the committee for three days, the committee is dissolved, it makes no distinction with regard to the causes of absence: if members could not arrive in time it was impossible for the committee to meet: it was not the unavoidable absence of more than two members that dissolved the committee, it was the impossibility of the committee meeting during three days, that was what he thought the law meant; he did not like to speak about laws that he was not acquainted with, but the law in question seemed so extremely simple and clear that he had no difficulty in making up his mind upon the meaning of it.

Mr. DRAPER.—The question before the House had excited a great interest, and had been the subject of lengthened debate; but he (Mr. D.) still retained the opinion that he formerly expressed, that the committee was *ipso facto* dissolved, when its numbers were unavoidably reduced from any cause, to less than nine. He (Mr. D.) differed with the hon. member for Niagara in the construction he had put upon the statute and he thought that the reasons given by the hon. member for his opinion were inconclusive. The hon. member had stated that he was not unavoidably absent—that there was no physical impossibility of his being present at the opening of the session and attending the meetings of the committee. But allowing that he was able to attend, why did not the committee meet? What advantage was his ability to be present, when he was not here on a given day, so as to permit the committee to proceed to business? And though the possibility existed of his being present, could the House have enforced his attendance, should he have chosen to stay away. (Hear, hear, hear.) The honorable member for Peterborough had shown him the English statute, that had been referred to in a previous debate on this question; and in the preamble, he found, that from the mere fact of absence, it was assumed to be unavoidable. What is the reason that the House orders from day to day, the absent members to attend in their places and give the reasons of their absence, if it is not, that the three days specified in the statute, may pass over?

Hon. Mr. BALDWIN.—The Hon. Attorney General West, must recollect that the Imperial statute must be taken, in connection with the circumstances out of which it grew; even after three members had obtained leave of absence from the House the committee was not dissolved until the members had acted upon that leave of absence. It was not till after permission had been granted to the second member and he had absented himself that the house interfered to prevent the dissolution of the committee. There must (said Mr. B.) be the joint action of the house and that of the members of the committee before the committee is dissolved. The House must first have granted leave, and the member must have acted upon that leave. He (Mr. Baldwin) held that the mere absence of a member for three successive days did not dissolve the committee, it was only dissolved by the unavoidable absence of the member, caused by death, or some other cause which the House considered unavoidable.

The question being loudly called for, a division took place, when Mr. Smith's motion was lost. Yeas, 33; Nays, 33.

Yeas—Messrs. Boulton, Brooks, Cayley, Chalmers, Colville, Cummings, Daly, Draper, Ermatinger, Foster, Gowan, Hale, Hall, Jessup, Johnston, Macdonald [Cornwall], Macdonell [Dundas], Meyers, Moffatt, Monro, Papineau, Petrie, Prince, Robinson, Sherwood [Brockville], Sherwood [Toronto], Smith [Frontenac], Smith [Missisquoi], Stewart [Bytown], Stewart [Prescott], Viger, Webster, Woods;—33.

Nays—Messrs. Armstrong, Aylwin, Baldwin, Berthelot, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Christie, Desautour, DeWitt, Dickson, Drummond, Duggan, Guillet, Lacoste, LaFontaine, Lantier, LaTerriere, Laurin, LeMoine, Leslie, Macdonald [Glengarry], Macdonald [Kingston], Macdonell [Stornont], Merritt, Methot, Morin, Nelson, Price, Roblin, Rousseau, Scott, Smith [Wentworth], Tache, Watts, Williams;—38.

LEGISLATIVE COUNCIL.

TUESDAY, 31st March, 1846.

Sundry petitions were presented.

The Receiver General laid on the table a message from His Excellency the administrator of the Government stating that leave of absence had been granted to the Hon. L. P. Sherwood for the present session.

The Hon. Mr. NEILSON presented the report of the select committee to whom were referred the various petitions for the situation of Law Clerk, recommending Mr. E. L. Montizambert of Quebec as Law Clerk, &c. Honble Mr. Neilson moved that the house do concur in the said report.

The Hon. Mr. FERRIE.—He understood that the committee were under some misunderstanding in reference to the applicants. Mr. Meredith one of the applicants was reported to have but lately come to this country, now this was a mistake. Mr. Meredith's family have resided in this country for nearly a quarter of a century. This true (and this is so much in his favour) that he went home to finish his studies. He (Mr. M.) is a scholar, a man of talent and a gentleman in his manners. He (Mr. T.) was glad that all political distinctions had been left out of the question, they ought to have nothing to do with the appointment of a man to fill any office, his fitness for his duties ought to be his recommendation, not his political opinions. He understood that it had been the wish of the House formerly to equalize the officers in this House, by having one half French and one half English. A person of English Origin ought therefore to be appointed Law Clerk if one could be got with the proper qualifications Mr. Meredith he considered did possess them.

The Hon. Mr. HAMILTON, proposed that Mr. Meredith's name be inserted in lieu of Mr. Montizambert's as Law Clerk &c.

He said that Mr. Meredith's claims were equal to those of any of the applicants, they were a high education, application, and gentlemanly manners. He (Mr. M.) had had a University education. Mr. Meredith possesses a thorough knowledge of the law of Upper Canada, and this was in his opinion a very high recommendation. He (Mr. H.) looked upon Mr. Meredith's knowledge of English law as a very high recommendation. We have two Lower Canadian Lawyers in the House and they can keep all things right respecting Lower Canada.

Hon. Mr. MOORE said, that the House was now under the consideration of the report, therefore the amendment proposed could not in order be received. [Mr. Hamilton recited the rule under which he had proposed the amendment.] He said that he stood corrected. He [Mr. Moore] would support the amendment, he believed Mr.

Meredith to be a man of superior attainments, and one well fitted to fill the office of Law Clerk &c. He [Mr. Moore] was under the impression that Mr. Meredith had but lately come to this country, he was glad that this objection was removed. He would vote for Mr. Meredith.

Hon. W. MORRIS—He did not desire to provoke any feeling, as he had on a former occasion. The action of this House may cause some feeling out of doors and he hoped that all would be done in their power to prevent it by their action in this House. Would this House be silent if a committee had been appointed, composed almost wholly of members in the Western part of this Province, he was sure they would not. Well the opposite was the case, only one member from Western Canada had been appointed on the Committee. Out of seven members of the Committee, six were Lower Canadians. He was sorry that the naming of the members of the Committee was left to the honorable Speaker, as there was greater delicacy in speaking. He did not wish to cast any reflections on the hon. the Speaker, he believed, that he [the Speaker] had acted as he conceived was best, but it was his [Mr. M's] opinion that the practice of the Lower House ought to be followed in such cases, the member proposing the committee to name those who are to compose it, and to select them in a matter like this as equally as possible, from the different portions of this Province. If the committee had looked more into the matter, than he [Mr. M.] conceived they had done, they would have found this house had considered before, that the office of Law Clerk was but a secondary office, and that the Clerk of Committees was to be the principal office, and also that in the appointment of the late Law Clerk, the appointment had been made because, the office of French Translator was held by a person of French origin, and that Mr. Armour, was of British origin. From the tenor of the report, he [Mr. M.] considered that the person who might be appointed, might conceive that the duties of his office terminated with the close of the Session, and the person employed was not required to give his whole time to the duties. We see every day how persons try to evade the performance of their duties, and do no more than the strict letter of the law requires, he [Mr. M.] would ask, if the office of French Translator became vacant, would they be satisfied to leave the choice of a successor to a committee composed entirely of persons from the western part of this Province? Undoubtedly not; would they rest contented if a man was appointed to that office, whose mother tongue was English. As the applicants are as far as he knew, are well qualified for the duties, he would advise the committee taking the subject again into consideration. If his remarks were worthy of consideration, they ought to do so.

Hon. Mr. NELSON said he did not suppose that any remarks made by the hon. the Receiver General were unworthy of consideration. He [Mr. N.] would give them his most earnest consideration. The hon. gentleman had introduced local distinctions of East and West. Are we here [asked Mr. N.] the representatives of any portion of Canada? No! The committee [said Mr. N.] took every care to examine the various applicants, and not one of the committee but must acknowledge that the qualifications of Mr. Montizambert were of a superior description. His mother tongue was English—his father tongue French. We [the committee] have done our duty to the best of our ability. The successful applicant, it was understood, was to perform all the duties performed by the late Law Clerk, and to

give his whole attention to the duties of his office. If he did not do so, we have the means in our power of forcing a compliance with them.

Hon. Mr. BRUNEAU rose and said that he had moved the appointment of the committee, and he had to acknowledge that he had acted wrong in leaving the nomination to the Speaker. But he felt a peculiar delicacy in naming the committee, as he had presented an application from a person for the office, and he felt disposed to support the petition. Out of some eight or nine applications, four were chosen as the best qualified; no person in the committee but himself was in favour of Mr. Bouchette. He therefore supported the person he conceived next best. Mr. Meredith he believed, was a person of superior attainments, a perfect gentleman, he had studied and been admitted to the bar at Dublin, and on that ground was called to the bar of Upper Canada. He however, is only a student in Lower Canada, and does not expect to be admitted to the bar before December next. Eighteen years practice at the bar ought however, to have some weight with us. Mr. Montizambert is that man. Mr. J. P. Sexton was another of the applicants. He is a Lower Canadian lawyer, and has practised at the bar of this city. He has been for these six years clerk of the Corporation in this city, and as such has prepared all the bye-laws, not one of which has been condemned as informal or irregular. He can write both French and English; his mother tongue, is, however, English. Mr. Montizambert is a gentleman of both English and French extraction. His grandfather married an English lady. He is a Protestant, speaks, and is more conversant with English than French. While before the committee, he [Mr. B.] had asked him whether he could draw up a report in French as well as in English, and the answer was, not so well. The first certificate that was produced was from the learned Chief Justice of the Province. Mr. Montizambert has had fifteen years' practice. He was, in 1838, appointed by the late Law Clerk of Lower Canada, Mr. Cochran, to fill his duties while absent, and this was a great recommendation. He believed Mr. Montizambert to be in every way well calculated to fill the vacant office.

Hon. Mr. MCGILL said, he would call attention to the remark of the hon. Receiver General. The House will bear in mind that we are about to appoint a successor to the late Mr. Armour, he would therefore be called upon to perform the same routine of duties as the late Law Clerk. The office of Law Clerk he [Mr. McG.] should consider of infinitely more importance than that of Clerk of Committees. A moderately educated man could perform the duties of the latter, but it required a man of talent to execute the duties of the former. I am sure that not one of us here—[he did not wish to detract any from the talent of the members]—could draw up a bill without the aid of a Law Clerk. With regard to the amendment, he felt himself in a painful predicament in voting on this matter. Friends apply for the situation, but every one cannot have it. The successful one often proves the most ungrateful. There were some 8 or 9 applications and these were reduced to 4, and he proposed Mr. J. P. Sexton. He proposed Mr. Sexton because he knew him well and considered him equal to the office. He, Mr. Sexton, had served under him as clerk of Committees, and he was exceedingly correct and quick. He is also very highly respected at the bar of this city: to his proposition of Mr. Sexton, he [Mr. M.G.] could obtain no support. Mr. Montizambert was the next person brought forward, and it appeared that the whole of the committee were

in favour of him. He, [Mr. M.G.] gave him his support. Mr. Montizambert, had testimonials of the very highest character from the Chief Justice of the province, and others of a like high nature. With respect to the gentleman before us, he [Mr. M.G.] had the highest respect for him. He believed Mr. Meredith to be a person of superior attainments. He is the author of a pamphlet on that much vexed question concerning the Oregon, written in a masterly and convincing style. He, Mr. Meredith, has been in the country only a few years, but his family have resided here for some 25 years or more. His brother is one of the most rising men at the bar in this city; and he has further claims on us, as his family had rendered important services to the country. But Mr. Meredith being only as yet a student of Lower Canada law, and having practised but a short time in U. Canada, are great objections to his appointment. Mr. Montizambert had been practising for about 15 years, and he had an intimate acquaintance with the Lower Canada statutes and French law. With regard to origin, that had better be laid aside, as it may be productive of much bad feeling. Mr. Montizambert, however, was more English than French, was married to an English lady, and had studied under Sir James Stuart.

Hon. Mr. MORRIS said, he had been called upon at the close of the last session, before a large assemblage, to say, why Mr. Cochran had not been provided for; let us now remove the odium cast on the Government by presenting him with the vacant office. He heard hon. members say he would not have it. Then do not blame the Government for not providing for Mr. Cochran.

The amendment was then put, and the House divided. The votes being equal, the Speaker gave his casting vote against the amendment. The main motion was then put, and carried, after which the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, March 3^d, 1846.

19 Petitions were laid on the table.

The Lists to form Standing Committees, as reported by the Special Committee of yesterday, were, on motion of Mr. Attorney General Smith, adopted by the House, and are as follows:—

On Privileges and Elections: Messrs. Baldwin, Chauveau, Sherwood, (Toronto) McDonald, (Kingston) Macdonald, (Dundas) Scott and Williams, 7.

On Expiring Laws: Messrs. Smith, (Frontenac) Aylwin, (Ottawa), Watts and Hall, 5.

On Private Bills: Messrs. Morin, Price, Hale, Duggan, Sherwood, (Brockville) Robinson and Webster, 7.

On Standing Orders: Messrs. Meyers, Stewart, (Bytown) Tache, Lafontaine and McDonald, (Cornwall), 6.

On Printing and Binding: Messrs. Dickson, Gowan, Lemoine, Armstrong, Ermatinger, Munro and Brooks, 7.

On Contingencies: Messrs. Roblin, Christie, Colville, deWitt, deBligny, Petrie and McConnell, 7.

Petitions referred to Select Committees:—

Of John Grub et al, to Committee on Private Bills.

Of Rev. J. Short et al, for vesting the Clergy Reserves; and of W. Lough et al, against it.

Of Wm. Rowe et al, to Committee on Private Bills.

Of A. Bouchet et al, to Committee on Winter Roads.

Of F. Valois et al, to Committee on petition of E. Guy et al.

W. Dickson as Chairman of the Middlesex Election Committee reported two resolutions passed by the Committee, viz:—

“Resolved—That Wm. Horton, of London, Geo. Tiffeny, of Hamilton and Thos. D. Warren, of St. Thomas, Esquires, Commissioners appointed to take evidence in the trial of the controverted election for the county of Middlesex, have been guilty of neglect,

to not making a return to the commission issued by order of the House, and to them directed in that behalf."

"Resolved,—As the opinion of this Committee that the said Commissioners should be summoned to appear at the Bar of the House, to answer such neglect, and that they bear the charge of the summons."

The above resolutions were concurred in by the House, and on motion of Mr. Dickson, the Commissioners were summoned to appear at the Bar.

The order for re-creating the Petitioners of the Corporation of Toronto was discharged, and it was referred to the Library Committee.

Mr. Robinson moved an Address for copies of all despatches and communications between the Imperial and Colonial Governments, relative to the Trade, Commerce, and Revenue of this Province since the Despatch dated 26th September, 1844.

The Chairman of the Oxford contested Election Committee reported the absence of Mr. Bertrand from the sitting of that Committee, who was summoned to appear in his place at the next sitting of the House.

Mr. Stewart of Bytown moved an address for a statement of the transactions in the Crown Timber Office in Bytown for 1845, exhibiting the number of sales passed, owner's names, the amount of duty on each sale, the gross amount of revenue for the year, the names of the Agents, Clerks and Servants, and the salary of each, and other expenses connected with the Office. Also, the amount paid for Government for surveys, and the amount paid for each individual Lumberman for such services, the number of timber limits occupied or granted, the name of the party to whom granted, and amount of deposit on each, together with the whole subject matter of the commission of enquiry to investigate the affairs of the Crown Timber Office in Bytown, and the expense in detail of such Commission.

Mr. Draper brought in a Bill to consolidate and amend the laws relating to the Penitentiary: 2d reading on Friday.

Notarial Bill.

Mr. LAURIN gave notice, that it was his intention to introduce a bill for the organization of the Notarial Profession in Lower Canada. Last year Government had pledged itself to bring forward a measure for the better regulation of that profession, but as nothing had as yet been done in the matter, he was compelled to come forward and propose the present bill. The Hon. President of the Council wished to push through the House, a bill on the same subject, which he pretended, would remedy the ignorance of Notaries. But he [Mr. L.] could not see that it would have that effect, it was a bill such as could only emanate from the weakened brain of the Venerable President. He therefore would move to introduce another bill which he at once declared did not originate from himself. This bill was not his masterpiece, as the Hon. President had declared his to be.

Mr. CAUCHON would refer both bills to the same committee in order to avoid contradictions, for one committee might make a certain set of Laws on a subject while the other would make different ones. He thought it best to make as few Laws as possible. Laws should be well weighed and matured. He would press upon Messrs. Viger and Laurin the necessity of serious and attentively considering a subject of such great importance. [Cries of: agree! agree! agree!] We [said Mr. Cauchon] cannot always agree, even the hon. members of the Council do not always agree. Since the hon. member for the Borough of Three Rivers speaks so loudly of the love we ought to bear to our country, I beg of him to reflect upon the consequences of hasty Legislation. It would be necessary to introduce a certain measure in his bill, which I will take the liberty of bringing to his notice; I mean a measure that would be calculated to improve education and morality amongst Notaries,—for without educa-

tion and morality there can be no justice. The Notarial Profession, like most others, is far from being on a respectable footing. We see many Notaries draw out Deeds for 1s 8d and even 1s 3d,—is it not natural that where science is so little valued, morality can hardly prevail. He would urge Mr. Laurin not to press his bill forward, better reflect deeply upon it and suggest to Mr. Viger the necessity of referring his bill to the same committee.

Mr. BERTHELOT.—I am surprised that the Hon. President has taken upon himself to assert that he alone understands Legislation. I am decidedly of opinion that the measure proposed by the hon. member for Lothbiniere is essentially better than that introduced by the Venerable President, which is a mere assemblage of useless words and does not even contain a single new idea. Why; the meanest Law student knows what his [Mr. V.'s] bill contains better than he does himself. It ill-becomes the Venerable President to act in such a manner towards a young gentleman who has been chosen and sent here to represent a most respectable constituency which in that respect is very different from that of Three Rivers. Mr. Laurin has evinced an excellent disposition and a remarkable zeal for the interest of his constituents. His measure like that of the Venerable President is not meant only to repeat a host of useless and idle words, but it is calculated to improve the Notarial Profession. What then does Mr. Viger mean with reference to fraud which should be uprooted amongst Notaries. He speaks of special cases of fraud which have come to his personal knowledge and yet nothing is said about it in his bill. Let us wage war against fraud in every shape, I will give my most cordial support to any measure that may tend towards such a desirable object. But I am astonished that Mr. Viger has not adverted to this in his bill. If Mr. Viger had been consistent this measure would have been very different from what it is. It would have provided for the punishment of Notaries found guilty of misdeemeanor, in cases where our existing laws are not sufficient.—The only cause and reason that have prompted Mr. Viger to introduce new laws relative to the Notarial profession is, that he has not sufficiently studied the laws concerning it. We have existing laws which provide for every thing that is mentioned in Mr. Viger's bill; the only difference is that they are not so obscure, and the fact is that the venerable President is so lazy that he would rather make intricate and obscure laws which provide for nothing at all, than study the good existing laws.

Hon. Mr. DRAPER introduced a bill to consolidate the laws relating to the Provincial Penitentiary.

Mr. Draper briefly explained the objects of the bill; it gave power to the Corporation to call the Warden before them, to summon witnesses; and gave them greater power with regard to contracts.

The bill to be read a second time on Friday next.

Mr. BALDWIN would suggest to the consideration of the learned Attorney General a difficulty which had arisen with regard to imprisonment in the Penitentiary in some cases—some cases had arisen in which persons who had been sentenced to capital punishment had had their sentence commuted to imprisonment, and then arose the question could they be detained in prison without a new formal sentence.

Mr. Draper was thankful for the suggestion and would attend to it.

Mr. CAMERON asked the Ministry pursuant to notice, when the Lachine Canal would be expected to be opened. This question seemed to excite the merriment of hon. gentlemen opposite, but it was a subject of great importance.

Mr. DRAPER said in answer to the question proposed by Mr. Cameron, that he considered the question was one not to be laughed at; it had been announced that it would be opened on the 15th of May, on this taking place the Board of Trade, of the City of Montreal had addressed a memorial to the government, representing that should the Lachine Canal not be opened before that time it would be the cause of great inconvenience to the mercantile community. This was referred to the Board of Works and they called on the Engineer of Works to state the reasons on which he founded the opinion that the Canal could not be opened before the 15th of May, he stated that he founded his opinion on the events of last Season, the Canal being opened too soon the water on several occasions broke down the banks, and he would find it necessary to effect some repairs of the banks before the water was let in, this answer was conveyed to the Board of Trade; on the season proving so open as it has, another memorial was presented from the Board of Trade, asking if it would be impossible, since the season is so open to let the water into the Canal, earlier than the time stated. The Engineer was again called upon, and he stated that it would require ten days notice to be given to the various Contractors on the canal before it could be opened, to allow them to make the necessary levelling, &c. as the water cannot remain in this Canal as in the Welland Canal, owing to the frost. It would therefore be about the first of May at least, before the Canal could be opened; the Engineer had been instructed to note the particulars that would facilitate the opening of the Canal, and exert himself to the utmost of his power, to have the Canal opened. The Board of Trade would be informed at the earliest possible day of the time at which the Canal should be opened.

Mr. DRUMMOND begged leave to ask the Ministry if it was their intention to introduce any measure amending the present system of judicature in Lower Canada?

Mr. Attorney General SMITH—It is not the intention of the Ministry to do so the present Session; he would, however, during the course of it lay certain resolutions before the House for the purpose of obtaining its concurrence thereto; and if they were sanctioned, he then proposed to bring in a general measure, founded upon these resolutions; but it would be time enough to introduce this measure next Session, after the country will have had an opportunity of expressing its opinion regarding the resolutions; he intended, however, in the course of a few days, to introduce a bill to remedy two or three defects in the present system.

Mr. McDONALD, of Dundas, moved that the House do now resolve itself into a committee of the whole to consider the necessity of repealing the act relating to the adverse possession of lands in Upper Canada.

Mr. BALDWIN said, he did not think that going into committee was the proper course to follow. He thought the proper course was to bring in a bill for the repeal of the act in question.

Mr. McDONALD, of Dundas, said, he thought that whenever a bill is to be repealed or passed the House must go into committee.

Mr. BALDWIN said, that was the practice in 1841, but the practice had not been followed lately, as great inconvenience had been found

to arise from it. He had opposed the repeal of the statute last session, as he thought great evils would arise from repealing it; and unless some efficient remedy was proposed he felt that he must vote against its repeal. He would like to see the bill, and if it was a well-digested scheme he might support it; but he was not, however, prepared to adopt the general proposition.

Mr. M'DONALD, of Dundas.—He had taken the practice of the House for his guide, which was a sufficient authority for him. The hon. gentleman [Mr. Baldwin] last season opposed some bills because they had not originated in committee, and now the hon. member turns round upon him and reproves him for having followed the course the hon. member had then recommended. The hon. member should reserve his remarks about the question until the bill was brought forward. He would insist upon his motion.

Mr. DRAPER did not think that it was necessary for to go into committee upon the bill amending any law. It was only when there was appropriation of the public money proposed in a bill that there was a necessity for going into committee upon it; he doubted whether it was in the power of the House to declare that the law of England shall not govern our real estate.

Mr. M'DONALD, of Dundas.—His resolution was only for the purpose of declaring the 32d Henry VIII. inoperative. Motion carried.

The House then went into committee of the whole upon the question—[Mr. Seymour in the chair.]

Mr. M'DONALD, of Dundas—His object in introducing the present resolution was to remove a disability which existed in Upper Canada relative to the conveyance of lands; at present, the proprietor of any lands is holden to be incapable of conveying it, if he has not been in actual possession of it for more than a year—this was a great hardship in a country like Upper Canada. The law might do well enough in England, for there it was necessary for the party to be on the land, and give actual possession of it into the hands of the purchaser; at which period opposition to sale might be made; there were great doubts whether these laws are in force in England. Lord Brougham in 1844, in speaking of the the Act, says that it was a question whether it was living or dead; it was only lately that the statute was sought to be applied in Upper Canada, and the Court of Queen's Bench there, took a long time to consider, whether the statute was in force there or not, and pending the decision of the court, a celebrated lawyer, who had spoken at the bar of this house, Mr. Cameron, gave it as his opinion that he considered that the statute was not in force.—However the court decided that it was part of the law of the land; under these circumstances he thought that it was his duty to bring the matter before the Legislature. The hon. member then moved some resolutions in accordance with notice of motion, which were seconded by

Mr. SMITH [Frontenac].—Although he seconded the resolutions, he did not pledge himself to all the details of the measure, although he had no doubt it was all correct, he thought that members should be allowed more time to consider the question, and he would therefore suggest that the Committee do now rise, report progress and ask leave to sit again, and in the mean time the resolutions would be printed, and they then would be better able to judge of them.

Mr. McDONALD [Dundas].—He did not desire to take the House by surprise, he would there-

fore move that the Committee now rise and report progress and ask leave to sit again.

The House having resumed, the Chairman reported progress, and leave was granted to sit again on Monday next.

The resolutions were then ordered to be printed.

Mr. Daly laid before the House the following documents:—

A copy of the Blue Book for 1844.
Annual Returns from the Provincial Penitentiary.

Assessment Returns for 1845.
A Resolution, agreed to yesterday, in Committee,—that it is expedient to provide for establishing a Normal School, and for amending the Common School Laws of Upper Canada,—was reported and adopted.

Mr. Draper presented a Bill pursuant thereto. 2nd reading on Tuesday.

A Resolution for amending the District Court Act of last Session, so far as relates to the fees therein provided for, was reported and adopted.

Mr. Draper brought in a Bill pursuant thereto. 2nd reading on Tuesday.

The Bill relating to certain documents executed before Notaries in Lower Canada, was read the second time, and referred to a Select Committee.

The Bill to regulate the conveyance of real estate in Upper Canada, was read the second time and committed, reported amended, and ordered to be engrossed.

Mr. Daly laid before the House the following Message from His Excellency Cathcart:—

The Administrator of the Government informs the Legislative Assembly, in reply to their Address of the 26th instant, that he does not conceive himself to be at liberty to communicate any despatches, or parts thereof, from Her Majesty's Secretary of State, relating to Reserved Bills of last Session, which are still under the consideration of Her Majesty's Government.

The Administrator of the Government transmits, for the information of the Legislative Assembly copies of two Despatches from Her Majesty's Secretary of State, explaining the reasons which induced the Ministers of the Crown to advise Her Majesty to disallow the Bill authorizing the attachment of official salaries.

Government House,
March 30, 1846.

The bill to amend the Registry Laws of Upper Canada was read a second time, and referred to a Committee of the whole on Friday.
Adjourned.

LEGISLATIVE COUNCIL.

WEDNESDAY, April, 1, 1846.

Sundry Petitions were presented.

The hon. J. B. Tache took his seat.

Hon. Mr. Morris laid on the table the Assessment Rolls of two Districts of Upper Canada, also the accounts of the Provincial Penitentiary.

The Committee to whom were referred the resolutions presented on the 24th ult., to secure the independence of the Legislative Council; reported, to the effect that the Committee would recommend to the Council the more strict adherence to the rules and standing order of this House.

Hon. Mr. DEBOUCHERVILLE said, that he believed that the course of the House of Lords is to allow reports similar to this to lie on the table, any member having the liberty to bring the matter before the House. Some members of the Committee had expressed a wish to have the report printed, and he rose to make a motion to that effect.

Hon. JAMES MORRIS said that if it were desired that the report be printed, it could be done at a very slight cost, as the report would have to be printed in the Journals of that House. As it was desired to give the report publicity, it could be more satisfactorily accomplished by

getting one of the clerks to copy the report, and sending it to one of the city newspapers with a request to insert it.

Hon. Mr. NEILSON.—He did not like to have anything to do with the newspapers; it was difficult to choose one paper by which it will obtain an extensive circulation.

Hon. W. MORRIS—An expression had caught his attention which he thought might be liable to cause some misunderstanding. It was said that this House had passed a bill in a manner that might be called compulsory, and this was liable to lower the dignity of this House, but this was not the particular clause, it was where the word "abuse" was used; now the Lower House might think that this cast a reflection on them and it was advisable not to adopt the report of the Committee for at present it could lie on the table, this was only the commencement of the session and there was not as yet any press of business.

The report was then laid on the table.

Hon. Mr. Knowlton introduced a bill for the more easy partition of lands and tenements in Lower Canada, it was read a first time, and was ordered to be read a second time to-morrow, After which the house adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, 1st April, 1846:

Petitions read.

Of David Guynor, et al., residing on the River Saguenay praying that certain changes be made in the laws respecting property in order the Exigencies of that settlement.

Of Rev. B. Honorat, et al., of do praying the same.

Of Rev. R. G. Pleas, et al., of Diocese of Quebec praying that the portion of the Clergy Reserves due the Church of England may be given to the Church Society.

Of H. H. Whitney, et al., of St. George's Chapel Montreal, praying the same.

Of Rev. Job. Deacon, of Diocese of Toronto, praying the same.

Of M. Meeson, et al., of Kingston, praying the same.

Of George Brown, et al., of Owen's Sound, praying for aid for a Road.

Of Municipal Council, District of Niagara, praying for certain alterations in School Act, and Of D. McDougall, et al., of Municipal Council of Talbot, and

Of Lachlan Bell, et al., praying for the extension of the Charter of the "Niagara and District Rivers Rail Road Company."

Of Municipal Council of Niagara, praying that Wild Lands may be sold for School purposes.

Of Daniel Hoover, et al., praying that the control of the Hooper Reserves may remain as heretofore.

Of Simcoe District Council for authority to tax improved properties in that District.

Of do for authority, to Assess Town Lots in Barrie.

Of do for authority to tax Wild Lands belonging to absentees.

Of do for removal of Registry Office.

Of G. Ally, et al. for aid for a Road.

Of James Wickens, Esq., President of Simcoe Agricultural Society, for a Provincial Agricultural Society, and for Endowment of a Professor of Agriculture in King's College.

Of John R. Grammill, of Lanark, that he may receive a grant of land made to his late father, but not created by him.

Of Rev. A. G. Lawrie, et al. Universalists of Canada West, praying for like privileges enjoyed by other Christian bodies.

Of I. L. Heon, for compensation for loss sustained from the construction of the Ashabaska Road.

Of Ebenezer Lowell, for grant of land, for services during late war.

Of Stephen Bowerman, of Hallowell, complaining that a Lot purchased from Government, does not contain specified amount; and praying for relief.

Of Lt. Donald McDermid, (militia) praying for a rears of pension.

Of D. G. Brown, et al. of Beauharnois, for liquidation of rebellion claims.

Of W. Bowron, et al. praying to be compensated for constructing a plank road from Huntingdon to the western terminus of the Beauharnois Canal.

Of E. Colville, Esq., et al., for aid to construct a bridge over the Chateauguay at Ogilvy's Rapids.

Of T. L. Crooke et al., for aid to open a road along Lake Huron, through Sarnia and Plympton to Bosanquet.

Of C. Bradley et al., of Gloucester for establishing a line surveyed in 1837 between lots A and No. 1.

Of the Ladies of the Montreal Protestant Orphan Asylum, for pecuniary aid.

Of Of A. Perrault et al., of Montreal, for authority to establish a Bank.

Of Saml. De Veaux et al., for incorporation to construct a bridge over the Niagara river at the Falls, with a capital of £250,000.

Of Board of Police of Niagara for a reduction of the assessed valuation of town lots therein.

Of Niagara District Council for the passing of an act to close up certain roads in Grantham.

Of do, for reduction of assessed valuation of town lots in Niagara and Queenston.

Of David Johnston et al., of Kilkenny, for aid for a road, and that township may be made a distinct Municipality.

Of Hon. E. Bowan, et. al., Justices of the Court of Queen's Bench in Lower Canada, praying for act to ascertain and determine the travelling expenses of the Justices of the said Court.

Of J. LeMonde, praying to be continued as a Messenger to the House.

Of J. Sharples, Esquire, Supervisor of Cullers, Quebec, praying for an increase of salary.

Of Committee of Quebec Infant School, for aid.

Of Committee of Management of Charles St. Infant School, Quebec, for aid.

Of Rev. J. B. Cote, et. al. for a road from Metis to Marane, in Rimouski.

Of Mayor and Councillors of Quebec, for repeal of the act incorporating Quebec Gas Light and Water Company.

Of Alexis Otisse, et. al., of the Parish of St. Bay, St. Paul, in the County of Saguenay, praying that a sum be granted for the improvement of the roads in the said parish.

Of James Alexander, et. al., navigators, residing in the County of Saguenay, praying to be made branch pilots for the River Saguenay exclusively.

Of the Rev. J. A. Bourret, et. al., inhabitants of the County of Saguenay, praying that a small house, a schooner, and a life-boat, be constructed at the expense of Government, for the purpose of saving the lives of persons shipwrecked on the Maire Rongau shoals and other places.

Of Simeon Desteois Maison, Esq., and others, and of C. P. Hout, et. al., praying that a sum be granted them to enable them to build a bridge over the Riviere du Gouffie.

Of Municipal Council of District of Niagara, praying for the passing of an act requiring temperance houses, and all such houses, to provide suitable accommodation for travellers.

Of Joseph Jones Hean, inhabitant of the Township of Joniciset, praying for indemnity on account of losses arising from the construction of the Athabasha Road.

DESPATCHES

From Her Majesty's Secretary of State, laid before the Legislative Assembly by His Excellency the Administrator of the Government.

[Copy.]

TREASURY CHAMBERS,

16th April, 1845.

SIR,—With reference to my letter of the 17th August last, and to your reply of the 12th November following, relative to the duties to which certain articles imported for the use of the Troops in Canada were liable under an Act of the Provin-

cial Legislature, I am commanded, by the Lords Commissioners of Her Majesty's Treasury, to transmit to you, to be laid before Lord Stanley, a copy of a Report to this Board, from Commissary General Filder, dated 24th ultimo, with its enclosures.*

Lord Stanley will perceive that in the new Customs' Bill, which has been passed by the Legislature of Canada, no exemption has been made of Provisions, or other articles imported or supplied for Her Majesty's Service, and that even the Victualling Stores sent from the Government Depot, in this country, will be subject to a duty under the Act in the question.

The principle of exempting from Customs' Duties, both Imperial and Colonial, all articles imported or supplied for Her Majesty's Service, having been fully admitted, My Lords entertain no doubt that Lord Stanley will consider it right to instruct the Governor General of Canada, to take such measures as His Lordship may see fit, with a view to the adoption of that principle in the Canadian Provinces.

If Mr. Filder in supposing that the House of Assembly objected to exempt certain articles imported into Canada for the use of Her Majesty's Troops, from the payment of duty, under an apprehension that the privilege might be liable to abuse, My Lords have to observe that it does not appear that any such abuse has been practised, in other Colonies, in which the exemption is in full operation, and their Lordships cannot but suppose that arrangements, which might be agreed upon between the Commissariat and Custom Officers, with the sanction and approval of the Governor General, would have the effect of preventing fraud in this matter.

I am to request that the enclosure in Mr. Filder's Report may be returned to this Board.

I am, &c.

[Signed,]

C. E. TREVELVAN.

* Customs' Duties.—Resolutions to be moved by the Honourable Mr. Robinson, in Committee of the whole House, on Tuesday, the 25th of February 1845—as amended in Committee of the whole, and agreed to by the House.

[Copy.]

COMMISSARIAT CANADA.

No. 1009.

Montreal, March 24, 1845.

SIR,—Referring to my letter of the 8th July last, and to yours of the 2nd December last, I have the honour to report, for the information of the Lords Commissioners of the Treasury, that a new Customs' Bill has been passed by the Legislature of this Colony augmenting the duty on live Cattle from £1 to £1 10s sterling per head, being about 24 per cent, on the cost of the animals, without containing any clause for exempting Cattle introduced for the use of the Troops from the operation of the Act.

The supply of Cattle in the Colony being unequal to the consumption, excepting possibly in some of the remote Districts, too distant for the surplus to be available for the deficient Markets, the price of all meat furnished to the Troops whether the produce of the country, or imported, is affected by this measure to the full amount of the Duty.

A provincial Duty has also, on this occasion, been put on Flour, of 6d sterling per barrel, in addition to the Imperial Duty of 2s—without any exception being made in favor of supplies of this article, or other provisions included in the Act, when imported for the use of the Troops.

The Salt meat for which I transmitted a demand on the 8th May, and is now, I presume, on its way from England, will consequently be subject to a duty of 2s sterling per cwt.

Having perceived from the public papers, that it had been stated in the House of Assembly, in the course of the debates on this subject, that if the Cattle required for the use of Troops were permitted to be imported free of Duty, the privilege would be liable to be abused for other purposes, I beg to observe that, with the co-operation of the Custom House Officers, there would, I am of

opinion, be no difficulty in preventing fraud on the part of the Contractors.

I have, &c.

[Signed,]

W. FILDER, C. G.

]Copy[

No. 456.

DOWNING STREET,
15th November 1845.

MY LORD.—I have to acknowledge the receipt of Your Lordship's Despatch, No. 308, of the 5th of July last, enclosing the copy of a Memorial which you have received from the Masters and Owners of British Ships trading to Quebec, suggesting the adoption of certain remedies for the inconvenience to which they are at present subjected by the constant infringement by their seamen of the engagements into which they have entered previously to quitting this country.

Her Majesty's Government entertain no doubt of the existence of the evil complained of to a considerable extent, and they think it advisable that some measures should be adopted for checking the practice of desertion.

The remedies suggested by the Memorialists are as follows:—

1st. That every Ship-owner sending a new vessel from Canada to the United Kingdom, should be compelled previously to import two-thirds of its complement of sailors.

2d. That the seamen in Canada should be registered, and that the Masters and Owners of Provincial vessels proceeding to sea, should be prohibited from taking to sea any seamen, without a ticket of registry (it is presumed either British or Canadian.)

3d. That until this Law be passed, vessels of the United Kingdom proceeding from Canada should be relieved of the restrictions as to taking seamen without a registered Ticket.

With regard to the first of these proposed remedies, Her Majesty's Government would be unwilling to recommend so novel a restriction on the ship builders of Canada to be imposed by the Imperial or even by the Provincial Parliament, until other available means had been tried to prevent desertion.

In the first instance, it would be better to try the second remedy proposed, which, although it might not prevent desertion altogether, would, at least, it is conceived, materially check it.

You are at liberty to invite the Canadian Legislature to pass a law establishing a system of Registration of their own seamen, and prohibiting Masters, &c., of vessels proceeding from Canada, from engaging seamen without either a Canadian or Imperial Register Ticket.

With respect to the third proposition, Her Majesty's Government entertain great doubts whether the complaining parties in Canada, and probably the authorities there, have not placed an inaccurate construction upon the Merchant Seamen's Act, by erroneously supposing that it prohibits the engagement in Canada of seamen without a Register Ticket, by Masters, &c., of ships registered in the United Kingdom.

The Law officers of the Crown having been consulted on the subject, they have reported their opinion that the Act does not prohibit the taking seamen to sea, without a ticket, in vessels returning to the United Kingdom, in sailing from Canada, Quebec, or any other Colonial Port.

I enclose a copy of that opinion for your information, and for the guidance of the Provincial authorities. I have, &c.

[Signed,]

STANLEY.

"We are of opinion that the Act does not prohibit the taking seamen to sea, without a ticket, in vessels returning to the United Kingdom, in sailing from Canada, Quebec, or any other Colonial Port."

[Signed,]

F. THESSIER,
F. KELLY.

"For the consideration of the Counsel of the Admiralty."

"I agree in the above opinion."

[Signed,]

RICH. GOSNOL.

"18th October, 1845."

The Right Honourable,
Lord Metcalfe, G. C. B.,

[Copy.]
No. 457. DOWNING STREET,
15th November, 1845.

My LORD.—I have to direct your Lordship's attention to the following remarks on an Act passed by the Legislature of Canada during their last Session, distinguished in the records of this Office as No. 292, and entitled, "An Act to incorporate the St. Lawrence and Atlantic Railroad Company."

The 38th section, which fixes the maximum which the Company are to charge for the carriage of passengers and goods, gives them power to alter all or any of those rates so long as they keep within the maximum. A similar power is given to Railway Companies in this country by the 90th section of the Act 21th and 9th Victoria, chap 29; but, lest that power should be abused for the purpose of prejudicing or favouring particular parties, or of collusively creating a monopoly, a proviso is introduced that the same charges shall always be made upon all persons, and upon all goods, under the same circumstances. A similar precaution ought to be adopted in the present case.

But the 50th clause is open to a more serious objection. It gives power to the Company to take possession of such parts of the Rivers St. Lawrence and Richelieu, or of any other rivers which may be required for the use of the Railway; but there is no provision [except a partial one in respect of the Richelieu] for preventing the erection of works which might injure the navigation of either of those rivers.

It would be very desirable that your Lordship should obtain an amendment of these clauses, more especially the latter; and in the mean time, Her Majesty's decision upon the Act will be suspended.

I intend to transmit to your Lordship, shortly, copies of the General Railway Acts, and of the proceedings of the government Railway Department, for the information of the Provincial Legislature in their deliberations on this subject.

I have, &c.

[Signed] STANLEY.
The Right Honourable
Lord Metcalfe,

No. 458. DOWNING STREET,
18th November, 1845.

My LORD.—With reference to the correspondence enumerated in the margin, on the subject of Mr. Harris' Divorce Bill, I have now to communicate to your Lordship the accompanying copy of a Report from the Law Officers of the Crown, from which it appears that if the Bill were confirmed by Her Majesty, the Courts of Law in this Kingdom would not consider such an Act as a valid divorce, but that Mr. and Mrs. Harris would still retain, in point of law, their conjugal relation towards each other, within this Kingdom, and wheresoever else beyond the limits of Canada, the Law of England, prevails.

Under such circumstances, it will of course be impossible, that Her Majesty in Council, could be advised to confirm, and finally enact this Bill.

I have, &c.

[Signed] STANLEY.
The Lord Metcalfe,
&c. &c. &c.

DOCTORS' COMMONS,
November 18, 1845.

My LORD.—We are honoured with your Lordship's commands, signified in Mr. Hope's letter of the 15th instant, stating that he was directed to transmit to us a Bill passed by the Council and Assembly of Canada, to dissolve the marriage of Henry William Harris, Esq., also a transmit copies of the correspondence which has taken place on the subject of that Bill, between your Lordship and the Governor-General of Canada. That the result of that correspondence is to show that Mr. and Mrs. Harris were married in Canada in the year 1832—and that he was at that time residing there as an Officer attached to his Regiment; the act of Adultery, on account of which the parties have been divorced, was apparently committed in

Canada,—that Mr. Harris had no other domicile there than such as attached to him in his Military capacity—that in the year 1841 Mr. Harris returned, with his Regiment, to the United Kingdom, and has not since resided in Canada,—that Mrs. Harris also quitted Canada for the West Indies,—that the Bill of Divorce was passed in March, 1845, and during the absence of both parties from the Province.

That your Lordship further directed Mr. Hope to request that we would report our joint opinion whether, if this Bill should be confirmed by Her Majesty, the Courts of Law in this Kingdom would consider such an act as a valid divorce, within this Kingdom, of Mr. Mrs. Harris, and whether, notwithstanding the Act, they would not, within this Kingdom and elsewhere beyond the limits of Canada, still retain, in point of Law, their conjugal relation towards each other?

In obedience to your Lordship's commands, we have the honor to report that as the parties were not domiciled in Canada at the time of the passing of the Act for the dissolution of the marriage, we are of opinion that the Courts of Law in this Kingdom would not, if such Bill were confirmed by Her Majesty, consider such an Act as a valid divorce.

We further think that Mr. and Mrs. Harris would notwithstanding such Act, retain, in point of Law, their conjugal relation to each other within this Kingdom, and wheresoever else beyond the limits of Canada, the Laws of England prevail,

[Signed.]

J. DADSON,
FRED THESSIGER,
FITZROY KELL

The Right Honourable
Lord Stanley,

No. 15. DOWNING STREET,
3rd February, 1846.

My LORD.—The several Despatches enumerated in the margin I acknowledge and propose to answer together, because they are all referable to the same common subject of the Act of the Canadian Legislature of the 17th of last March, cap 3, for granting Provincial duties of Customs.

This Act stands for the signification of Her Majesty's pleasure, and I am not able, until an amendment shall have been introduced into it, to advise Her Majesty to allow it.

It involves two principles of great importance; the first directly, and the second virtually.

The first is the distinction between goods sea borne, and goods otherwise imported. On this subject I need simply refer you to what I have stated in regard to the proposal to levy inland countervailing duties upon goods generally. I am not only your Lordship will perceive, precluded by a difficulty arising upon this part of the measure from advising its allowance; but I also find that for the duty of 5s. 6d. which has heretofore been payable upon leather and leather manufactures imported into Canada, rated imports have been substituted, which appear to range generally from 10s. up to 25s. or 30s. ad valorem. In some cases a distinction is taken in favour of sea-borne articles—in others the application of the duty is uniform.

Her Majesty's Government are not prepared to assent to the imposition on such English goods as are ordinarily sent to Canada from the United Kingdom or from a British possession, of rates of duty substantially higher than those which are levied under the previous Provincial Customs' Act, although they take no objection to the substitution for duties ad valorem of such fixed accounts as may be considered on the average equivalent to them. Your Lordship will consider this as their fixed decision, and will make it known accordingly. An amendment of the Act, to bring it into conformity with this decision, is indispensable.

Her Majesty's Government would very reluctantly consent to an increase of the duties upon Foreign goods when imported by sea into the British Colonies, as they stood before the passing of the Act now under consideration.

If it be possible to consider the inland carriage as a matter rather for adjustment in the Province than as raising an Imperial question in which the particular colony can only be regarded as a portion of an Empire, animated by a central and single principle of action, it is not possible, in the judgment of Her Majesty's Government, to extend this view to Maritime Commerce, without the risk of great inconvenience.

Any increase, however, of the kind to which I refer, must not only be specifically and avowedly laid upon Foreign goods, and upon Foreign goods alone, when the article is one likewise produced in the United Kingdom or in the British Provinces, and entering into the Trade between them and the Province of Canada, but must likewise be supported by strong and special considerations, to be stated for the information of the Government.

Whatever influence or persuasion your Lordship can exercise, you will employ for the purpose of recommending an adherence to the commercial principles of the Circular of my predecessor, dated 23th June, 1843, or at the least of moderating the disposition to call for augmentations of differential duties upon Foreign productions.

I could have wished to find in this Act, the usual exemption from duty of supplies required for Her Majesty's Forces.

Your Lordship will endeavour to procure the adoption of such provision, together with the amendment to which I have above adverted, as indispensable * * * * *

I have the honor, &c.

[Signed] W. E. GLADSTONE.
Lieut.-General
The Earl Cathcart, K. C. B.

After the Routine business had been gone through, the order of the House was read, directing George S. Tiffany, Esq., one of the Commissioners appointed to take evidence in the matter of the contested Election for the County of Middlesex, to appear at the Bar of the House, and answer for the neglect of not reporting to the Committee the result of the inquiries made. Immediately upon the order being read Mr. Tiffany appeared at the Bar, when the SPEAKER asked; Sir are you one of the Commissioners appointed &c.? Answer, I am. Why has not a return been made? Mr. Tiffany then read an answer to the effect: That the Commissioners had closed the evidence in July last, and adjourned to the 16th of October, for the purpose of making the Return, but that he was unable to attend on that day, in consequence of severe illness, and that he has not since attended any meeting of the Commissioners, as he considered that his absence on the said 16th of October, rendered his signature to the return unnecessary, and that since his arrival in Montreal, he has heard it rumoured that the other Commissioners have adjourned until some day in the present month.

Solicitor General Sherwood then moved, seconded by Mr. Aylwin, that G. S. Tiffany, Esq., withdraw.

It was next moved and seconded by the same hon. members, that George S. Tiffany, Esq., had satisfactorily answered the charge brought against him by the Committee, and that the order of the house by which he was made to appear be discharged.

Solicitor General SHERWOOD said that with regard to the remaining Commissioners, upon whom the blame appeared to be thrown, by Mr. Tiffany's answer, summonses should be issued for their appearance at the Bar forthwith.

Col. PRINCE moved supported by Mr. Smith of Frontenac, that the order of the House be to return the Commission, and the evidence and documents received by them, and spoke against the order being enforced obliging the Commissioners themselves to attend, urging the great difficulty and expense of coming from the locality in which they lived, to Montreal at this season, and saying that as the Commissioners were both young practitioners of the law they probably overlooked the injunctions of the Law.

Solicitor General SHERWOOD contended that the Commissioners had acted wrong, and it did

not matter whether it was from ignorance or neglect; it should be shewn to them and to the country, that the House would under no circumstances whatever permit such conduct; he (the Solicitor-General) also thought that the present motion was out of order, it went to rescind the resolution come to by the house yesterday, and if such a course was allowed the business of the house would be exposed to great confusion; a member at any time could take advantage of a thin house to upset former proceedings.

The SPEAKER thought the motion was not strictly out of order, although it would not look well on the journals.

The motion was then put and negatived, there being only four Yeas, Messrs. Pince, Smith, Myers, and Johnson.

Mr. WATTS in moving for a Committee of seven to examine the two Despatches respecting the Provincial Customs Act of last Session, said that one Despatch was written on incorrect information, and the other on no information at all, and it was to correct the one and supply the other, than he moved for the Committee.

Motion agreed to.

To Extend the Trial by Jury.

Mr. McDONALD of Dundas, moved, seconded by Mr. McDONALD of Stormont.—That the house do now resolve itself into a Committee of the whole, to consider certain Resolutions in favour of extending, in Upper Canada, the trial by jury in certain cases.

Mr. McDONALD made this motion for the purpose of ascertaining the opinion of the members before going into Committee; he (Mr. McD.) considered that the right to a trial by jury, was the birth right of every British subject, and it was a privilege that ought to be sacredly guarded against all encroachments; this right was at present infringed upon by several Acts, passed by the Legislature of Upper Canada, and he desired to repeal these Statutes; Magistrates had now the right to try many breaches of the revenue laws, and for petty trespass &c. &c. (Mr. McD.) wished to remove the jurisdiction in these cases from Magistrates, to another Court, where trial by jury might be obtained. He did not wish to establish any new Court or offices, and create additional expenses; but would make use of the Division Court which was now in existence, a Court which he thought, was fully competent to take cognizance of the offences already mentioned. In the bill which he intended to introduce, if these resolutions should pass the house, he would enact, that the subject should be tried in the Division Court of the section in which he resided, as the law now stands, persons charged with offences against the Revenue Laws, were at the mercy of the Inspectors; he had known persons taken 120 miles from their homes to be tried. The Inspector can now go to any Magistrate in the District, perhaps a personal friend, get him to issue a summons, returnable before himself and another Justice of the Peace, and get the offence tried before these parties, who are prejudiced in favour of the prosecutor, and thus the unfortunate individual is deprived of fair justice. It may be objected that juries will be inclined to favour the offender, being his neighbours, but such an objection cannot be maintained, as the administration of justice in Upper and Lower Canada is so pure, as to be above suspicion, the juries are taken from the same class as the magistrates, viz: the substantial Yeomen of the country, and surely they are as well able to decide the merits of the case, when examining it as juries, as when they sit in a judicial capacity, he (Mr. McD.) was a young member of the house, and had no desire to bring in a number of bills; he would therefore, be very happy should the ministry take the subject up, and relieve him from the responsibilities of this measure.

The House then went into Committee on the Resolutions. Mr. G. Sherwood in the chair.

Mr. EMATINGER opposed the Resolutions; he thought they would have the effect of preventing convictions, for unless the parties, who are guilty of breaches of the Revenue Laws, can be brought up immediately before a judge or ma-

gistrate and have the case summarily disposed, these laws would become perfectly nugatory, as the guilty individuals were generally persons of no means. The people though they complain of the infringement of law will not become informers, so the Inspector is obliged, to go about the country during the night, and at other times, and search out the offenders; the District judge, at least the one in the London District, had too much to do at present, and no further duties ought to be imposed upon him.

Mr. DRAPER recommended the hon. member or Dundas not to press his motion, but to move that the Committee rise and report progress, as he (Mr. D.) wished to have a further consideration of the Resolutions.

Mr. McDONALD would be happy to do so, if the Attorney General would promise his support to them.

Mr. DRAPER could not pledge himself. The Committee then rose and reported progress.

Expenses of St. Lawrence Canal.

Mr. MERRITT said, the object of the motion of which he had given notice, was to obtain the amount expended on different portions of the St. Lawrence Canal—(hear, hear.)—the expense attending them since opened, with a view of contrasting it with the amount of Tolls received. It was his intention to refer the information received to a committee of the House, to examine evidence and make a report thereon for the information of the public. He (Mr. Merritt) adopted that course in order to correct the gross misrepresentations which had been made. It had been asserted that the Board of Trade of this city had memorialized the Government to place steamboats on the canals to compete with individuals in the Forwarding Trade, and that he (Mr. Merritt) had advocated that measure; whereas, all that was ever attempted, or ever designed, was simply to complete the canal from end to end, and open a fair competition between vessel and vessel for the transit of the country. Would it be credited that after an expenditure of millions this canal had failed to effect the object for which it was constructed, namely, to cheapen transportation from our great inland lakes to the ocean and vice versa, and failed to produce an income, or any portion of the interest on the capital employed in its construction? Would it be credited, that the products of Canada are subject to a tax of 1s 9. per barrel for flour for 100 to 130 miles, and for merchandise to £2 10s. per ton, without paying any portion into the revenue for Toll, when on the Erie Canal before July last only 9d. was paid to forwarders for carrying a barrel of flour from Buffalo to Albany, a distance of 360 miles, without toll? (Hear, hear.) And when the prices should be reduced, if the proper facilities were provided, to one half the price down and to 2 dollars per ton upwards besides payment of toll. It may be argued and has been argued with much plausibility, that Government should in no instance interfere in anything which can be effected by private enterprise; this he (Mr. M.) admitted to the full possible extent, but he maintained that making a continuous navigation or providing means to connect portions of that navigation where a towing path was impracticable, interferes with no individual or any private interest whatever, but only assists every description of Craft large or small, to pass with certainty and facility. Again it had been said that the connection of those Cuts should be left to private enterprise because Government does not employ steamers in Atlantic Ports, or Rivers and Lakes. This he (Mr. Merritt) also admitted; it would be the height of folly for Government to do so, but there was no analogy between the two cases. The Almighty who distributes his favours equally to all, has provided wind or tides or both, in all these situations, so that any vessel can reach her destination when this power is favourable; steam here is a mere question of time, it may be employed or dispensed with at pleasure and produces no effect on the power of transit for the entire country, not so on this Canal which is composed of short cuts, a strong current in places, and an intricate channel

in those lakes, through which it is impossible to beat up; he (Mr. M.) merely called the attention of members to those facts, in order they might understand his object, we are now soon to be left to our own resources, and will be subject to more active competition from the Erie canal, it is most important to make the St. Lawrence a perfect work; he had no fear of the result, and he would never cease keeping the subject before the public until the object for which the Canal was constituted, should be accomplished, and that is to cheapen the price of Freight.

Motion agreed to.

Mr. TACHE moved an address to his Excellency for the statement of the expenses of the Administration of Justice in Upper Canada, for the years 1841, '42, '43, '44, '45

Mr. AYLWIN seconded the motion, which he hoped would pass, owing to many honorable members laboring under a wrong impression relative to the expense. The motion went to ask what portion was paid from the public treasury, and what portion out of the district funds, or other local subdivisions.

Mr. DUGGAN had no objection to the motion, provided it included Lower Canada. He thought the distinction should not be made.

Mr. MERRITT was of opinion that the motion should include the years 1836 and 1840. Because in the former, the administration of justice being before the establishment of double circuits, had cost but £3800, and since the year 1840 it had greatly increased.

Mr. Solicitor General SHAWWOOD hoped the hon. member would consent to include Lower Canada. Hon. members would then be able to see the contrast of the amounts paid out of the general revenues.

Mr. TACHE had no objection to include Lower Canada in his motion, but he thought it unnecessary to enter upon any date anterior to the Union.

The motion was carried.

Mr. Bertrand was again reported absent from the Oxford Election Committee, and was ordered to appear in his place to-morrow.

The petition of W. Rogerson and others, for increasing the salary of the Supervisor of Cullers, was referred.

A message was sent to the Council, requesting leave for certain of its members to attend Committees of the House.

On motion of Mr. Merritt, an Address was ordered, for a statement, in detail of the amount expended on each of the St. Lawrence Canals,—the time when the Cornwall and Beauharnois Canals were opened,—and the amount of tolls received thereon. Also, enquiring whether it is intended to finish the Canal so as to admit the free passage of vessels from the Upper Lakes, and whether a continuous towing path, or steam power, is to be provided to admit the free passage of each vessel, and if not, in what manner vessels are to be provided with the means of returning.

On motion of Mr. Watts, the two despatches respecting the Provincial Customs Act of last session, were referred to a Committee, consisting of Messrs. Robinson, Brooks, Cayley, Lantier, Roblin, DeWitt and Watts.

Mr. PRINCE moved that an order do issue from the House to the Commissioners for taking evidence on the Middlesex Election, commanding them forthwith to return the Commission and the evidence and documents received by them;—and that the Speaker's summons for their attendances be dispensed with—Which was negatived, on division.

Mr. McDONELL of Dundas, moved that the House resolve itself into Committee, to consider certain Resolutions for extending the right of trial by jury in certain cases, in Upper Canada.

Which was carried, and the House went into Committee, and reported progress.—To sit again on Monday.

Mr. CARLKY moved that it be Resolved.—That a Supply be granted to Her Majesty. The said motion was referred to a Committee of the whole on Friday next.

Adjourned.

LEGISLATIVE COUNCIL,

THURSDAY, 2nd April, 1846.

Several petitions were presented.

A message was brought down from the Honorable the Legislative Assembly, praying that the Honorable the Legislative Council would allow the Hon. John Neilson and Louis Massie to attend a Committee to give evidence. Also, one requesting the Council to allow the Hon. Thos. McKay to attend a Committee.

Leave was granted to the several members to attend the Committees.

Ordered that one of the masters in Chancery do go down to the Legislative Assembly with the answers to the messages.

The Hon. James Morris introduced a bill to allow the Trustees of the Hon. Charles Jones to convey a Town Lot in Brockville to that town for public uses.

The bill was read a first time, and ordered to be read a second time on Monday next.

The bill to facilitate the partition of lands in Lower Canada, was then read a second time.

Hon. James Morris, asked if it were not the custom for the member to explain the nature and the objects of the bill.

Hon. Mr. Knowlton said, that he intended to have explained the bill after it had been read.

Hon. Mr. Speaker said, that he would suggest that each member who introduces a bill should cause a *brief* of the bill to be made before the second reading by the Law Clerk; this was the custom of both Houses of Parliament of Great Britain. The brief could be handed to him and he could cause it to be read, or explain from it the contents of the bill, it would prevent hon. members from being under the necessity of making long speeches.

Hon. Mr. Knowlton said, he would have pursued that course, only that the Law Clerk had been but lately appointed, and he was not desirous to overburden him before he had got into the way of his office. He said that the bill now before us, is the same as the bill he had introduced last session, which had been read a first time and no further action taken on it, he had intended to have explained the bill after it had been read but as he was now up he would explain it. It was a bill very much called for as there were certain townships which had been granted in letters patent to certain individuals and their associates, all having a common right to the land; not one of these associates in all of them except one could make a partition, it was to effect this by a legal tribunal that this bill was introduced.

The bill was referred to a select committee of five members, composed of Hon. P. McGill, Neilson, J. Morris, Bruneau, and the mover.

The petitions presented on this subject by the Hon. Mr. Knowlton were referred to the same committee.

Hon. Mr. McGill moved that report of the Committee to whom were referred the resolutions to secure the independence of this House be recommitted.

Hon. Mr. McGill said, that his reason for making this motion was to have two words to which the Hon. W. Morris had referred yesterday—erased, viz. "force" and "abuse," for although we may have been forced, we had the power in us to resist. It might be casting a reflection on the Lower House, the words might be softened down.

Hon. Mr. DeBoucherville said, that if it were parliamentary he had no objections.

The motion was then put and carried.

FRIDAY, 3rd April.

A number of petitions were presented.

The select Committee to whom were referred the resolutions to secure the independence

of Parliament reported, having altered the obnoxious words.

The report was adopted.

Hon. James Morris, introduced a bill to afford relief to Julia Vanzandt.

The bill was read a first time, and ordered to be read a second time on Tuesday next.

On motion the bill was ordered to be printed. The House then adjourned until Monday, 3, P. M.

HOUSE OF ASSEMBLY.

THURSDAY, April 2, 1846.

PETITIONS READ:

Of the Rev H Patton et al, of the Diocese of Toronto, praying that the share due the Church of England of the Clergy Reserves may be given to the Church Society.

Of John Marshall et al, of County of Halton, praying that no division of the Clergy Reserves be made.

Of Stephen S Foster, Esq, President, et al, Directors of Shefford Academy, praying for aid.

Of Rev. G O R Stuart et al, of Kingston, praying to be incorporated as "Quebec and Melbourne Railroad Company," and aid of £25,000 as a bonus or as purchase of stock.

Of H Jessop, Esq, et al, of Quebec, that certain By-Laws of said city may be made permanent.

Of James Blackburn, Esq, et al, of County of Ottawa, for aid to construct a plank or macadamized road.

Of Simeon Larochelle, of County of Dorchester, for aid to enable him to construct a self-acting battery and other privileges.

Of John Eagan, Esq, et al, of County of Ottawa, praying that the said County may be formed into a separate District.

Of William Robins et al, County of Drummond, praying for aid to open a road.

Of Ambrose Livigni et al, of St Antoine de Sillery, for repeal of winter road ordinance.

Of Rev Robert R. Burraige, of Quebec, for losses sustained by the purchase of a building for public purposes.

Of Col A W Light et al, of Woodstock, for incorporation as a Company, to construct a Railway to Ports Burwell and Rowan.

Of Mrs Hannah Matthews, of the Township of Pickering, Home District, for the passing of an act to reverse the attainder of her husband the late Peter Matthews.

Of A Hindes et al, Township of Whitby, for the passing of an act to establish the original posts at the front angles of lots in the first concession of said Township, as the governing boundaries.

Of John Glen, Esquire et al, the Trustees of the Longueuil and Chamby Turnpike Road, praying that the road leading to the landing of the ferry, between Montreal and Longueuil, may be placed under their control, and that the steamboat used as the said ferry, be exempted from city taxes.

Of William Hannah et al, of Parish of Lachine, praying to be exempted from the payment of toll in the turnpike road leading from Montreal to Lachine, in consideration of certain land yielded by them for the purpose of the said roads.

Of the Right Rev R. Gaulin, President of the Corporation of the College of L'Assomption, praying for the usual annual aid towards the support of that institution.

Of G M Beserell et al, praying to be incorporated as a Joint Stock Company, for the purpose of constructing a Railroad from Cobourg to Kingston; and

Of Joseph Jomlinson, Esquire et al, of Markham, Home District, praying that the Board of Works may be authorised and enabled to plank a certain part of the line of road leading from the said Township to the city of Toronto.

Petitions referred to select Committees.

Of William Hannah, et al. to common petition of E. Guy, et al.

Of Col. Light, et al. to Private Bill Com.

Of John Egan and 1145 others.

Of E. Perrault, et al. Navigators of Saguenay.

Of James Dean, et al.

Several petitions relative to the Clergy Reserves.

Of W. Peacock, et al.; of J. Lyon, et al., of D.

Lower, et al. and James L. Green, et al. against a division of the Clergy Reserves—to same Committee.

Of Niagara District Council, relative to Temperance Houses, and of do, relative to a road.

The Middlesex Election Committee had leave to adjourn till the 20th inst.

Mr. Bertraud was again reported absent from Oxford Election Committee.

Mr. Laurin reported on the petition of J. M. Robitaille, et al., a bill to repeal certain ordinances relating to winter Roads, so far as regards the Districts of Gaspé and Quebec and part of Three Rivers—for a second reading on Wednesday.

Mr. Woods reported on petition of Capt. Vidal, R. N., recommending the passage of a bill for his relief.

Disposal of Public Land.

Mr. McDONELL of Stormont, said the Bill which I have the honor of introducing to the notice of this House, is connected with public land transactions of this Province, and is intended to re-establish a meritorious class of Her Majesty's subjects in rights of which they were deprived by the enacting of what is termed the Act for the disposal of Public Lands. The Act to which I beg to draw the attention of this honorable house was passed on the 18th of September 1841, but as a measure which was of a highly important character was reserved for Her Majesty's pleasure, and was not promulgated till the 30th day of May, 1842, and on the last day of that year by the provisions of this Act, the rights of certain persons who had rendered favourable, and in some instances distinguished services to the Crown, and to this Country in particular were extinguished if not presented prior to the first day of January, 1843, that if the parties who were so seriously affected by the passages of the Act in question, had had an opportunity of being informed on a certain day their claim would be extinct unless submitted to the Government previous to the first of January, 1843, then there would be no necessity for the measure which I have now the honor to introduce, but I maintain the position that the parties have been taken by surprise, therefore a further time ought to be offered to close these claims in an honorable manner.

The Bill was introduced and ordered for a second reading on the 13th instant.

Agricultural Act of Lower Canada.

The House in Committee.—Mr. Price in the Chair.

Mr. WATTS said, the object of the resolutions before the committee was to legalize Agricultural Societies which had been formed before the time specified in the Act.

Mr. SCOTT, thought that the question was too important to be disposed of in this hurried manner, and therefore he moved that the committee should rise and report progress.

Mr. WATTS.—During the space of thirty years before the Union the Legislature of Lower Canada had passed Agricultural Bills every two or three years, but none of them had succeeded but the one past last session. Almost every county in the Districts of Montreal, Three Rivers and St. Francis and many in Quebec had established societies under the act. He (Mr. W.) was therefore very unwilling to interfere with it. He however wished to remedy an error in the bill, and to allow those Societies who preferred to spend the money in improving stock, rather than in giving premiums, to do so. Several French Canadians, connected with Agricultural Societies, wished this alteration to be made.

Mr. H. SMITH, was sorry that every county in Lower Canada had not taken advantage of the bill. In Upper Canada the people had generally formed Societies and subscribed liberally to them. He (Mr. S.) thought that there ought to be only one act for the whole Province.

Mr. AYLWIS, would inform the hon. member, the reason why the French Canadians had not more generally taken advantage of the Agricultural Act of last session, from some fatal error or other—the statutes generally did not come into their hands for five or six months after it was in the possession of the other inhabitants.

The motion for postponement was lost. And the resolutions were carried.

Mr. Aylwin moved an address, praying His Excellency to inform the House of all such steps as have been taken by the Board of Works to complete the navigation of the River Richelieu, and the causes why the appropriations to that effect, by the Act of 4 and 5 Victoria, has not been expended.

Mr. Woods brought in a bill to vest in R. E. Vidal, and his heirs, the Government allowance for a road across certain lots of land in the township of Sarnia. Second reading on Monday.

COMMITTEE TO ENQUIRE INTO THE POST OFFICE DEPARTMENT.

Mr. GOWAN objected to the committee named by the Hon. Mr. Aylwin—(see routine business—because it embraced so few from Upper Canada, where the Post Office was a most monstrous grievance; he (Mr. Gowan) would state then that one of the greatest grievances in Upper Canada was the management of the Post Office; he would give one instance. Some time ago a young gentleman came from England in the character of what he (Mr. Gowan) believed was called a surveyor; this gentleman, by his own mere fiat, fixed a Post Office station in a township in his (Mr. G.'s) county, in a remote inconvenient place, two miles back from the seat of the Court House and Normal School, in defiance of a petition of the people, of the expressed views of the Judge of the District, and of the unanimous opinion of the Municipal Council—in defiance of all! And when he (Mr. G.) called upon Mr. Stayner to prevent this flagrant abuse, the answer was that this young gentleman was his (Mr. Stayner's) constitutional adviser, and that he could not interfere. He (Mr. Gowan) was anxious that as such abuses existed in the Post Office in Upper Canada, that parties conversant with them should be on the committee, in order that they might be fully represented, and that it might be shewn that the people might not endure them longer.

Mr. LaFontaine said, that when the hon. member for Leeds spoke of the great abuses of the Post Office in Upper Canada, he (Mr. L.) remarked "so much the better;" his reason for making that observation was that he hoped that the complaints of Upper Canada would lead to a reform of the Post Office throughout the country; it was well known that the complaints of Lower Canada, often made, had no weight; Lower Canadians were not admitted into that department, and had no influence over it; no later than, that day a young gentleman, a protégé of the President of the Council, had applied to him (Mr. LaFontaine) respecting treatment he had received in the Post Office; he had been first in the Secretary's office, and was told he would be admitted into the Post Office, he was so admitted, but was retained only two months. This was a sample of the consideration Lower Canadians obtained at the hands of Mr. Stayner. He (Mr. LaFontaine) thought Mr. Stayner would be better employed in remedying the abuses that prevailed in his department throughout the province, than in writing letters to influence election contests as he did in Beauharnois in 1841, and in the county of Drummond in the last election as he (Mr. L.) was informed by Mr. Watts. (Hear, hear from Mr. Watts.)

Mr. AYLWIN, was most willing to meet the views of Mr. Gowan, and as he had obtained, the consent of the hon. member for Gaspe to strike out his name; he (Mr. A.) would substitute therefor the name of the hon. member for Leeds. He (Mr. A.) was also willing to make way by withdrawing himself for any other Upper Canadian who might be suggested by Mr. Gowan. The committee was then agreed to, Mr. Gowan being substituted for Mr. Christie.

Oxford Election Committee.

Mr. SMITH, of Frontenac, in moving that the petition of Robert Riddell, Esq., respecting the Oxford Election be referred to this Committee of Privileges and Elections, said, that when he first introduced the petition, the Committee of Privileges was not formed, and for some days past

the House being occupied with another point in reference to the Election Committee, he did not wish pending the decision of that question to press the present motion.

Hon. Mr. BALDWIN doubted whether the House could entertain the petition; he thought the committee appointed to try the election alone had the power to try this and all other questions arising out of the enquiry.

The SPEAKER said if the Committee had authority to try the question referred to by the petition, the House had not.

Mr. SMITH, of Frontenac.—That is the question. The complaint is, that an order of the House, that lists of voters should be exchanged, has not been complied with.

Mr. JOHNSTON said, that there was no evidence before the House that lists had not been exchanged; he (Mr. J.) did not understand the present attempt; it looked like a political movement to keep one man in and the other out; he (Mr. J.) would be the last man to give the gentleman contesting the Oxford election a vote, but he would also be the last to deny him justice.

Mr. WILLIAMS.—It is very clear that the House cannot take the petition into consideration; the Election Committee alone has that power.

Mr. GOWAN saw no objection to the motion; he thought it a proper one. If the House doubted its power to entertain the petition, it was for the Committee of Privileges to enquire into the question and report to the House.

Hon. Mr. MORIN.—The Committee of Privileges and Elections was a remnant of the old Lower Canada Parliament; it was not a Committee of Elections except in so far as they referred to the Privileges of the House.

Hon. Mr. BALDWIN would remind the House that the name Committee of Privileges and Elections was one of a period anterior to the Grenville Act. By the statute law, the Legislature transferred to a committee all its power to try election cases, and he, therefore, thought that the House had no right to consider the allegations contained in the petition in question; he could not acquiesce in the motion, and his opinion was much strengthened by that given by the Speaker.

Mr. MOFFATT thought the Speaker had not given a decided opinion. He (Mr. M.) was in doubt upon the question, and was not prepared to give a vote as to whether the House or the Election Committee ought to consider the petition, and he saw that other hon. members were alike embarrassed; the right course then was for the petition to go to a Committee of Privileges, who would determine its ultimate destiny.

The SPEAKER felt it his duty to declare that he thought the House could not entertain the motion; the House had transferred its power to the Committee to decide all matters relative to a contested election. He (the Speaker) found that such was the opinion of the Attorney General of England, which he would read, as well as a case quite in point which he had met with. The hon. Speaker then read the opinion and the case from the Mirror of Parliament.

After the Speaker's decision was given, Mr. Gowan rose to speak, but the House generally cried "Chair, chair."

The SPEAKER said, that if his decision was appealed from, there must be no debate.

Mr. GOWAN said, that he would appeal.

An appeal being made to the House from the Speaker's decision, a division took place thereon as follows:—

Yeas—Messrs. Armstrong, Aylwin, Baldwin, Berthelot, Boulton, Boutillier, Brooks, Cameron, Cauchon, Cayley, Chabot, Chalmers, Chauveau, Christie, Cummings, Desauter, DeWitt, Dickson, Draper, Drummond, Ermatinger, Foster, Frauchere, Guillet, Hale, Jessup, Johnston, Lacoste, LaFontaine, Lantier, LaTerriere, Laurin, Macdonald, (Glenagarry), Macdonnell, (Dundas) Macdonnell (Stormont) M'Connell, Merritt, Methot, Meyers, Monro, Morin, Nelson, P. trie, Price, Price, Robinson, Roblin, Rousseau, Scott, Seymour, Smith (Wentworth), Stewart (Bytown), Stewart (Prescott), Tache, Tachereau, Thompson, Webster, Williams.—58.

Nays—Messrs. Colville, Daly, Duggan, Gowan, Hall, Macdonald (Cornwall) Macdonald (Kingston) Moffatt, Sherwood (Brockville), Sherwood, (Toronto), Smith, (Frontenac), Smith (Missisquoi), Viger.—13.

Niagara and Detroit Rail-road.

On the order of the day for the second reading of the bill to extend provisions of Niagara and Detroit Rail-road Act being called—

Col. PRINCE moved that the bill be now referred to a Committee, of the whole House.

Mr. Sol. Gen. SHERWOOD, hoped that the hon. member would not press this measure till the committee lately appointed on rail-roads report what provisions they recommend for the government of railways generally. In England we know the great inconvenience the subject of railways has given to Parliament; and the Government had lately been speaking of introducing some general laws for the government of all rail-roads. He thought the hon. member ought to delay till the committee made some report. If his hon. friend pressed the motion he would take the opinion of the House upon it; if he would wait till a further day, he (Mr. S.) would probably not offer any objection to the measure.

Mr. BALDWIN said he would wish to know if the measure had been referred to the Committee on Private Bills, and if they had reported by bill. [Mr. Prince, it had, and they had reported by bill.] He was utterly uninformed on what grounds the bill was applied for. They were not to grant bills unless they were shewn good reasons for doing it; and it would be a farce to read the bill without knowing something of its merits, and of the proposed undertaking.

Mr. JOHNSTON could not understand why the bill should be refused. This was an old charter, the company got a certain time to carry out the measure; they had been unable to do so, and now they only ask a little more time to carry out the work; that was all they asked, and he did not see any reasonable ground for opposing the bill.

Mr. WILLIAMS said he would not give his consent until the committee on roads had made their report, mentioning what rail-roads they thought should be recommended.

Mr. BOULTON said the hon. member for Carlton had spoken as if the House had objections to the bill; he protested against that supposition. The only reason they now opposed its reading was because they (the committee) would examine into the measure, and report thereon, and then the House would know something of the merits of the bill.

Mr. ERMATINGER.—He wished only to make an observation on what had fallen from the Sol. General (West) and the hon. member from Toronto with respect to the Committee on Rail Roads, he did not think it was intended to apply to old Charters, and this was only a renewal of a charter already granted, and to which the despatch of Her Majesty was not intended to apply.

Mr. VIGER, made some remarks on the question but the hon. gentleman spoke in so low a tone that they were unable to understand him.

Mr. PRINCE.—It was far from his intention to press this, or any other measure, which the House declared itself not acquainted with; he was only following the usual practice, but as it seemed there should be further time allowed, he would defer it with pleasure, but it was not clear to him that the Committee on Rail Roads was the proper place to refer bills to. He was desirous of entering into a few explanations designed more especially for the use of the members from Lower Canada; in 1834 the London and Gore Rail Road, or rather the Great Western Rail Road bill was passed in the Upper Canada Parliament by which the work was to be finished in ten years; but the law remained a dead letter to 1837; two years after the bill had been granted, a bill was applied and obtained for the Niagara and Detroit Rail Road Company of which he had the honor to be President; the work to be completed in ten years, power being given in the act to Great Western Rail Road Company to join the Niagara and Detroit Rail Road should they see fit. But the

Great Western was never commenced; the Company always being crippled by want of funds, and although the Government had granted them money to carry out the project.

Mr. BOULTON.—He did not think this was the proper time to enter into any discussion upon the measure; the hon. member should wait until the House entered into the merits of the bill.

Mr. PRINCE.—He would persist in his explanations as he wanted to shew the members that it was only justice he demanded; and that hon. members opposed it only because they had an interest in a rival undertaking; the Niagara and Detroit Rail Road Company was organised, subscriptions raised, and scrip issued, of which he (Mr. P.) had some on his desk. Officers and Directors were appointed from time to time, and the Company was in full operation, until the invasion, he could not call it rebellion, took place, which paralysed the Company, and the Rail Road slept; and such was the case with the Great Western Rail Road; the time within which the work was to have been completed had expired, and it was now necessary to have the Provisions of the present bill extended in order to enable them to get the work completed, and was there, he would ask any pretence for opposing the petition of thousands of respectable inhabitants of that part of the country; there was no petition against it. The shares have all been subscribed for. He had five hundred himself, and they were waiting to proceed; and were they now, after all the trouble and expense they had undergone, to have all their plans destroyed because the railway was going to be a profitable one? Shall we be disgraced before England and the United States, by having it said, that the House of Assembly refused to grant this bill because it would bring money to its proprietors? The Great Western Rail-road Company was only a private company; and shall one Rail-road Company have power to put down another Rail-road Company? The hon. members opposite had only spoken against the bill because it was opposed to their pockets. He would rely upon the members of the House for justice, and justice was all he asked. He would not enter into any further remarks at present; but when the bill came to be discussed he was determined to go into the matter fully and at length.

Mr. Sol. Gen. SHERWOOD did not at that time desire to enter into a discussion on the relative merits of the different rail-way schemes; and he (Mr. S.) hoped the House would suspend their judgment, with respect to this road, until the whole subject came up before them for discussion. He (Mr. S.) desired to see a queue line of rail-roads established from Halifax to Quebec, and from thence to Lake Huron, by British capital and enterprise. If we desire to obtain this capital—and we cannot construct our rail-roads without it—we must give capitalists of the old country some security that charters for parallel lines will not be granted by this Legislature. The present rail-road forms no part of any great line in Canada, and would principally benefit the two large American cities, Buffalo and Detroit. The great mass of the stock was taken up by the people of the United States; it was in fact an American railroad, merely running through the British territory, skirting the shores of Lake Erie, and would be but a small benefit to Canada. He (Mr. S.) had heard that the stock of the Great Western Railroad Company had been taken up in England, and he knew that the stock of the Toronto and Lake Huron Company had been taken up, and he was opposed to the granting of any charter for a railroad to run parallel with these roads; he, therefore, moved, that this bill be not now referred to a committee of the whole House, but to the general committee on rail roads.

Mr. MERRITT thought that the opponents of this measure were endeavouring to take an undue advantage of the Company. He, as interested in the railroad, had no objection that the consideration of the Bill should be postponed for two or three weeks, until the Railway committee have made their report, but he did object to placing the fate of this measure in the hands of

the committee; he (Mr. M.) thought that this railroad would be a great Provincial benefit, that it would divert a great portion of the American travelling through this country, and thereby enrich it, with the money that would be left in the Province by those going through; during the summer, at least 1000 persons every day went from Buffalo to Detroit, and vice versa. It was to obtain a portion of this immense amount of travelling, and to compete with the south side of Lake Erie, that this Company was established, and not for the purpose of injuring the Great Western road. The Solicitor General had called it an American road, and attempted to get up a prejudice against it on that account, the same thing had been said of the Welland Canal, that we were building it merely for the use of the Americans. He (Mr. M.) thought, that if the house rejected this Bill, they would commit an injustice without a precedent.

Mr. CAMERON was surprised that the hon. member for Essex thought that his bill would not receive justice from the Committee. He (Mr. C.) had consented to refer a measure connected with the Great Western Rail Road, in which he was interested, to this Committee. This Committee was appointed to draft regulations for the Government of this House in the granting of Charters to Railway Companies. A general system had been found necessary in England and we ought also to adopt one here. The House has a perfect right when a Charter expires, as the Niagara and Detroit Railway Company's has, or will soon, to make such restrictions and conditions in new Charters as they please. The Road from Montreal to Portland had been stated to be similarly situated as the present Road, but he (Mr. C.) considered it to be part of the Great Western Road. The expenses by the St. Lawrence are so great, for Insurance, towage and pilotage, that we can never compete with the city of New York, unless we have a near and direct communication with the Ocean; and this can be got by the Portland Rail Road.

Mr. HALL said that he did not intend to occupy the time of the House but a few moments. He would vote for the amendment to refer the bill to the railway committee; and his reason for doing so was, that if we granted a charter to the Niagara and Detroit Railway Company it would interfere with that of the Great Western Railway. It would divide the interest. The English capitalists would be very careful of taking up the stock when there were two rival lines. They do not know but what we might grant a charter for the erecting of another parallel line. Does this road stop at Buffalo? If so, we can get far quicker to New York and Boston by the Great Western Railway. We have not, nor can we get capital to build parallel lines of road.

Mr. BOULTON said, he thought this discussion ought not to have come on now. It ought to have been reserved for another occasion. He would vote for the amendment. In reference to the rival roads, he considered the Great Western was by far the better undertaking; he would not, however, take upon himself to say that good reasons could not be urged for granting a renewal of the charter of the Niagara and Detroit Railway. By referring it to the Committee, the bill could not be quashed. Should they (the Committee) take upon themselves to report unfavourable to the views of the hon. member for Essex as could divide the House on the subject.

Col. GOWAN said, he would beg to ask if it were parliamentary of the hon. member for Toronto saying that if the Committee reported unfavourably he could introduce the bill again this Session? We ought, he said, to have the road proposed by the hon. member for Essex. It will run along the south side of Lake Erie. If the hon. Sol. Gen.'s reasons for moving that it be referred to the Railway Committee were to see that the rules and standing orders of this House have been complied with, and to bring it under the general provisions for Rail roads, and not to quash it, he would support the amendment.

Mr. MOPPAT was in favour of referring this Bill to the Railway Committee, and the house could discuss its merits when the Committee reported.

Col. PRINCE had no objection to the reference to the Committee; this measure is of great importance to the people of the West, and he hoped that no obstacles would be thrown in the way of their obtaining the object of their desires. It has been said that this Railroad would be built entirely by American Capital, this was a great mistake as many of the substantial Yeomen along the line had taken a pride in becoming Stockholders, and he (Mr. P.) had taken five hundred shares, not for the sake of profit, but to encourage this laudable enterprise, but he would ask those, who started this as an objection, if when they wanted to borrow some money on a mortgage, would they object to receive £1000 from an American gentleman. John Jacob Astor for instance? Certain members opposed this Railroad, because they supposed it would injure the Great Western Railroad among the British Capitalists, why, he (Mr. P.) thought that the whole of the stock of this Company had been subscribed for, and the first instalment paid. The hon. member for Lanark is perfectly willing for his measure to go before the Committee, as he only wishes some trifling amendments made, his company having had an Act passed during the last Session, giving these five years to commence their road, and two to finish it; while he (Mr. P.) wished the house to grant his Company only five years longer to finish the Railroad. If the house contrary to all the principles of justice should decide against him, he (Mr. P.) would say with O'Connell, "sentence has been pronounced against me, but justice has not been done me."

SOL. GEN. SHERWOOD—Col. Prince has quite misunderstood my meaning. He said that he would prefer English capital, he had however, no prejudice to American capital. The Niagara and Detroit road, would be essentially an American railroad although it ran through British territory. He said that the principal objection he had to the road was this, that it ran too near the Province line. In case of war this road could easily be taken advantage of by the Americans, on the contrary the Great Western Railroad ran through the very heart of Upper Canada, it would be surrounded by a bold and loyal yeomanry, and in the case of an invasion, no such advantage could be taken of it.

Mr. ERMATINGER—He saw that hon. gentlemen were making up their minds before the question was fairly discussed, this was in his opinion decidedly wrong; they ought to wait till the question was fairly discussed, then taking in the arguments and facts adduced come to a fair and dispassionate decision. He (Mr. E.) was interested in both line of roads, they both ran through the section of the country which he had the honor to represent. He could wish to know if there would be a great national road from Sarnia to Halifax. (Mr. Williams—certainly.) It would not be this century. If we were to have these Railroads he would beg to ask what would become of the Canals, what will be the use of them. The government would be coming down with their estimates before long, and among them we would find something wanted for the canals, gentlemen will please consider this. Why (said he) the line of road would be as long as one-third of the English Railroads put together. The hon. member for Lanark spoke of the Portland Railroad, and he urges it on the ground of bringing the Americans travel to this country. For the same reason we want to build the Niagara and Detroit Railroad. The Solicitor General West, says that this line (from Niagara to Detroit) would be dangerous in case of war. He would beg to ask if the Great Western Railroad would not have its terminus at some point on the Province line as close as Niagara Railroad to the American shore.

SOL. GEN. SHERWOOD—It is proposed to end the line at Sarnia.

Mr. LATERRIERE moved the second reading of the bill to incorporate the Sisters of Charity which was accordingly done. He then moved that it be engrossed.

Mr. DRUGAN rose and said, that he had no objection to the bill, but he thought that it ought to be referred to the Committee on private bills, to

see if the rules and regulations of this House had been complied with.

Mr. LATERRIERE said, that he had no objection to its being referred to the Committee on private bills, but the House had already passed ten or twelve bills of the very same nature last session.

Mr. SPEAKER, handed to the Chairman of the Halton contested election the evidence in that case.

RIVER RICHELIEU.

Hon. Mr. AYLWIN in moving for an enquiry respecting the navigation of the River Richelieu said, that he had already made some enquiry but obtained no information. The River was in a most incomplete state and would, he thought, remain so till the Ministry were pressed to attend to it. If, according to a late Despatch, the principles of free trade were to be carried out it was necessary that the Richelieu should be brought into full play—unless, indeed, it could be proven that the St. Lawrence ended at the foot of the Current St. Mary, and that the rest of it down to the Gulf should be struck out of the Map. Already the improvements of the Richelieu cost £110,000 and the people of Quebec were determined that such an expenditure should not be lost, and that the work commenced should be completed.

Mr. Merritt moved an address for statement of the amount expended for the maintenance of the Police force in 1945, shewing the number employed on the different canals, and the payments to each.

On motion of Mr. Aylwin, the Committee on the Post-office Department was declared to consist of Messrs. Aylwin, Baldwin, Moffatt, Morin, Robinson, Hale, Gowan, Williams, and Leslie.

The Bill to repeal the Act 3d Vic. chap. 43, relating to the debt of the Niagara District, was read a second time. To be engrossed.

The Trafalgar Road Bill was read a second time and referred to the Committee on Private Bills.

The Bill for incorporating the Sisters of Charity, was read a second time and referred to the Committee on Private Bills. Adjourned.

FRIDAY, 4th April, 1946.

Fifty-four petitions were laid on the table.

The bill relating to the debt of the Niagara District was passed, and ordered to be sent to the Legislative Council for concurrence.

Petitions read:

Of Rev. John A. Mullock, et. al., of Tiny and Tay, of Diocese of Toronto, praying that the portion of the Clergy Reserves due the Church of England may be invested in the Church Society.

Of Hugh Allington, et. al., of Yonge, praying the same.

Of Francis B. Baker, et. al., of Leeds, praying the same.

Of Rev. John McIntyre, et. al., of Orilla, and other townships, praying the same.

Of Very Rev. Hyacinthe Hudon, of Montreal, praying that the *Religieuses du Bon Pasteur* be incorporated.

Of Mrs. Boucheite, praying that £1000 for which her late husband had a just claim, may be paid to her.

Of Mrs. Viger, and other Directresses of the Catholic Orphan Asylum of Montreal, praying for aid.

Of Rev. C. LaRocque, the Curé, et. al., Church Wardens, and School Commissioners, in the District of Montreal, praying that certain monies may be placed at their disposal.

Of Andre Vandandaigue, Esq., President of the Agricultural Society of Vercheres, praying that S. Vic. ch. 53, be amended.

Of do Warden St. Matthew de Beloeil, Municipal Council, for improvement of Roads.

Of Peter Buchanan, et. al. to be incorporated to construct a Rail Road from Hamilton to Toronto.

Of Benjamin Boulton, et. al. of Perth, &c., for a Road.

Of John Felton, Esq., et. al. of the District of St. Francis, for aid to complete a Road.

Of do For aid to render a bridge secure, & improve a Road.

Of Thomas Atkins Inspector of Weights and Measures for the District of Quebec, praying for amendment to laws relating to Weights and Measures.

Of Jacob Gooff, et al. Menonists and Tunkers, of the Home District, praying for reduction in the amount exacted from them for non performance of Militia duty.

Of Norman Jones, et al. of Markham and Whitechurch, for removing difficulties arising from the uncertainty of monuments of Township Lines.

Of Sir Allan N. MacNab, et al. of Hamilton, praying that that Town may be incorporated as a City.

Of Margaret Havener of the County of Huntingdon, praying for a pension in consideration of her husband who was killed in an engagement during the Rebellion in 1838.

Of Samuel Hitchcock et al. of Port Sarina, praying that a certain road may not be closed up as prayed for by Capt. Vidal.

Of Rev. John Hiekie, et al. of Town of Stratford; of W. N. Bethune, et al. of Kempsville; of Rev. Thomas Green, et al. of Niagara; of Wm. Green, Esq., et al. of Yonge &c.; of Right Rev. Lord Bishop of Toronto, et al., of City of Toronto, praying that measures may be adopted for vesting in the Church Society the share of the Clergy Reserves due to the Church of England.

Of Israel Lewis, et al., praying for the passing of an act to protect them from certain insulting appellations by the ignorant and vulgar whites.

Of Thomas Ranes, Esq., Mayor, et al., the Councillors of the Municipality of the Township of Grenville in union on the Ottawa River, praying for aid to improve the roads and erect bridges between Grenville and Holland to complete the thoroughfare by the Union Bridge at Bytown.

Of the Rev. J. Paquin, et. al. of the county of Lake of Two Mountains, praying that the Agricultural Act of last session be amended in certain particulars.

Of William Duncan, of Coteau du Lac, praying for the payment of a balance due him by the parish of St. Poly-carpe, for the erection of a bridge across the River Delisle.

Of P. Besse, of the parish of Chambly, in the county of Chambly.

Of the Corporation of the College of St. Hyacinthe, praying to be granted an aid for that institution.

Of Charles Richardson, Esq. et. al., District of Niagara, praying that the Act incorporating a company to construct a Plank Road from Niagara to the Ten-Mile Creek, be so amended as to allow them to alter the direction of the said Road, and to authorise them to make a water course from the Welland Canal to the said Town, with an increase of capital for that purpose.

Of Robert Hodgkisson, et. al., of the Township of Grantham, in the District of Niagara, praying for the passing of an Act to close up a certain road allowance on the Second Concession of the said Township, and to establish and confirm, "The Lake Shore Road," now travelled as a public highway.

Of John Hall, et. al., of Dumfries, in the District of Gore, praying that no alteration may be made in the present course of the road dividing the Seventh from the Eighth Concession, in the said Township.

Of John D. McKenzie, et. al., of Beverly and Galt, in the District of Gore, and of the U. S. of America, complaining that they have been deprived of certain lands in the Township of Beverly by the operation of an Act of the Legislature, and for which they have received no indemnification, and praying for relief.

Of Edward Evans, et. al., of the County of Halton, praying that no division of the Clergy Reserve Lands be made; but that they be disposed of as heretofore.

Of His Grace the Archbishop of Quebec, et al. inhabitants of Quebec, praying that steps may be taken to provide a goal for the District of Quebec affording more ample accommodation for the wants thereof than the one now in use.

Of George O'Kill Stuart, Esquire, et. al., of Quebec and vicinity, praying to be incorporated for the purpose of constructing a Railway from the boundary line, between the Province of New Brunswick and Canada to the western bounds of Upper Canada, and that aid be granted them for the accomplishment of that object.

Of Montreal Board of Trade, for repeal of Provincial duty on wheat, flour, &c., and an additional duty on spirits of domestic manufacture.

Of Sir James Stuart, of Quebec, Bart. and of Nicholas Austin, of Boulton, in the District of Montreal, for an Act to facilitate the partition of certain Lands held by them as *Tenants in Common* under titles derived from the Crown.

Of Thomas Molson, Esq., et al. of Montreal, for Incorporation to supply the City with Gas at a reasonable price.

Of the Montreal Ladies Benevolent Society, praying for aid.

Of President, Directors, &c., of the Bronte Harbour, for a renewal of the Charter of the said Company.

Petitions referred to Select Committees.

Several petitions relating to Clergy Reserves. Of Inhabitants of Two Mountains relating to Agricultural Societies.

Of Rev. William Adam, et al., to Committee on Private Bills.

Of R. E. Burns, Esq., to the same.

Of G. M. Boswell, et al.; to Railroad Committee.

Of R. Atkins of Quebec.

Of Mrs. Havener to Committee on private bills.

Of Rev. H. Hudon to same Committee.

Of the Corporation of Niagara.

Of C. Richardson, et al.

Mr. Bertrand was reported absent from the Oxford Election Committee and was excused from further attendance.

Mr. Merritt reported favorably in petition of Deveaux et al., relative to a Suspension Bridge at the Niagara Falls.

Mr. Morin from the standing Committee on private bills, reported favorably in petitions of J. Grubb, et al., of the Gore of Toronto, and A. Perrault, et al., of Montreal—and that W. Bowron, of Beauharnois had not complied with the standing orders of the House.

Mr. Cayley laid before the House the public accounts for 1845.

On motion of Col. Prince the time for receiving petitions for private Bills was extended to this day week.

Mr. Price presented a bill (on the report on private bills) to incorporate the "Albion Road Company." Second reading on Thursday.

Mr. CHRISTIE moved a Committee to inquire into the condition of the Rolls, Records, Journals, and other papers appertaining to the late Parliament of Upper and Lower Canada, and the Parliament of this Province, and the precaution taken for their safe keeping, also the condition of the Judicial Registers, Records, Archives, and papers appertaining to the Courts of Justice in Lower Canada, and in changing the Clerks in Prothonotaries thereof, Clerk of the Crown, Clerks of the Peace, Sheriffs, &c.; therein, and whether the same are kept and classed in an orderly and systematic manner, and due precautions taken for their preservation, and what measures (if any) should be adopted for that purpose, to consist of Messrs. Christie, Aylwin, Hale, Chabot, Methot, Drummond, & Williams.

Mr. Merritt moved an address for a statement of the amount expended for the administration of Justice in Upper Canada, from the Provincial and District funds, and from fees, in 1836 and 1840.

Mr. Robinson moved an address to Her Majesty, praying that she will be pleased to take into her favourable consideration the necessity of reducing the rates of postage in the North American Colonies, which was carried, and a committee appointed to draft the same.

Mr. Draper brought in a bill for the better regulation of the militia. Second reading on Tuesday next. House then adjourned.

Second reading of bill for a more simple mode of Assurance in lieu of Fines in Upper Canada.

Mr. Draper—This was a bill exclusively relating to the forms of conveyance of real estate, and he thought that there was no necessity of entering into any discussion upon the measure at present, at least; he would therefore move that the bill be now read a second time.

Mr. Aylwin—Wished to know if the bill was in accordance with the report of the Committee.

Mr. Draper—Yes, exactly, and he would add that it was a bill precisely the same as one passed in the British Parliament in 1834. If the bill was read a second time now, he proposed, to refer it to a Committee of the whole on Tuesday next.

Mr. Baldwin—He had just received a copy of the bill; he would not oppose the second reading now, but would reserve to himself the power of entering into its merits on that occasion.

Mr. Draper—He had no wish to press the measure and seeing that the copies of the bill had just been distributed, he would defer the second reading of it till Tuesday next.

After some conversation it was agreed, that the bill should be read a second time on Tuesday, and that the House should go into Committee of the whole and report on Thursday next.

Order of the day for receiving report of Committee of the whole on Agriculture in Lower Canada.

Mr. Watts moved that the House concur in the Resolutions.

Mr. Scott—He thought they should not proceed farther with this measure until the House had report of Committee on petition of the Two Mountains; praying for alteration of the Agricultural laws, he therefore moved in amendment that the report be committed to the Committee on the said petition.

Mr. Watts—The object of the bill he was going to introduce was merely to legalize the existence of such Agricultural Societies as had not been formed in June last; owing to the great time that elapsed before the acts of last Session were printed and distributed, very few of the inhabitants in many parts of the country were aware of the existence of the bill, establishing Agricultural Societies, in the month of June last, the time appointed by the Law for the election of officers and the formation of societies; and consequently most of the elections had only taken place in February last; the only object of this bill was to legalize the existence of such societies as had been formed after the time allowed, in order that they might be enabled to receive the amount granted by government to the other Agricultural Societies: he thought the present bill was a good one; it had as yet worked very satisfactorily; and he would be extremely sorry to see it meddled with.

The amendment was then put, and lost.

The original motion was then carried.

Mr. Watts, then introduced a bill founded on the Resolutions, which was read for the first time and ordered to be read second time on Wednesday next.

Mr. LAURIN made an enquiry of the ministry in reference to the expenditure of money on the erection of a bridge on *Riviere du Chené*.

Mr. Attor. Gen. SMITH stated that an answer to this would be found in the report of the Board of Works, when laid on the table.

Mr. Attor. Gen. DRAPER introduced a bill for the better regulation of the militia.

The bill was read for a first time, and ordered to be read a second time on Tuesday week.

Mr. BOULTON asked the ministry if it was their intention to introduce any measure for the settlement of the Clergy Reserves.

Mr. Attor. Gen. DRAPER—He said that as the Clergy Reserves had been set apart by an imperial statute, no measure of this Colonial Legislature could at all affect them. See reference to the manner of the disposal of them; he said that the regulations for that purpose were made by Her Majesty in council. Some suggestions on that subject had been forwarded to Her Majesty. It was not the intention, however, of the ministry to do any thing serious in reference to them.

Mr. H. SARAWOON introduced a bill for the registration of titles in the county of Hastings.

The bill was read a first time, and ordered to be read a second time on Tuesday week.

Mr. DEWITT made an enquiry of the ministry in reference to the disposal of the money for the erection of a bridge at *Bout de L'Isle*. He said that the money for that purpose had been voted nearly four years ago, and at this moment the carrier of Her Majesty's mail could not without great difficulty and danger cross over.

Mr. Attor. Gen. SMITH said that this subject would be answered in the report of the Board of Works.

Mr. LA FONTAINE made an enquiry of the ministry respecting Jurors in Lower Canada.

Mr. VIGER said the subject was under consideration.

Mr. McDONELL (Dundas) moved for an address to his Excellency on the subject of certain lots in the town of Cornwall.

Post Office.

Hon. Mr. ROBINSON, in moving an Address to Her Majesty praying for a reduction of the rates of postage in the Colonies, said, that he was aware that a similar application had been made by the Boards of Trade of Montreal and Quebec, and that the answers thereto were unfavorable; yet he thought it proper that the Legislature should take up the matter: its representations might, perhaps, have more effect than those of less important bodies, and particularly at present when such serious changes are about to take place in the trade of the country. People may say that the item of postage is trifling in business, but he (Mr. Robinson) would say that it was not so; it was a large account with merchants at present, and consequently a very considerable tax upon the people. In the Report of the Toronto Board of Trade were some very apposite remarks on the subject. [The hon. member then read from the Report.] He (Mr. R.) knew that a great deal of blame was laid at the door of the Deputy Post Master, G. I. but he was not prepared to say who was in fault; he was anxious for investigation, that it might be ascertained who really was guilty. It was also said that the greatest resistance to enquiry to be met with was in the Post Office Department itself. This charge should, if true, be likewise established. (Hear, hear, hear.) He (Mr. R.) would not then say what sum ought to be fixed. A penny might be too low; if so, twopence should be tried. It was monstrous that as much should be paid for the conveyance of a letter as for a barrel of flour; besides, it led to constant disregard of the law. He (Mr. R.) never travelled but his carpet bag was stuffed with letters belonging to his neighbours, and while the present rates existed he would never refuse to take a letter for a friend, but if a proper reduction were made he would not do so, and would have no objection to the strict enforcement of the law. He (Mr. R.) was determined to persist in demanding a proper reduction. It was the fashion at home, in speaking of the Colonies, to call us an integral portion of the Empire, and to argue that we ought to be regarded in the same light as the counties in England; let us then, in the matter of postage, be treated like the counties of England, or as nearly so as possible. One of our Governors said that the people of Canada should have nothing to envy in the institutions of their American neighbours. He (Mr. R.) was the last man to envy many of those institutions, but when he was compelled to pay one shilling and fourpence for a letter instead of sixpence, he was certainly not so loyalty-proof as not to think better of the American regulations.

Hon. Mr. AYLWIN said the country was much indebted to the hon. member for Simcoe for the independent course he had taken. He, (Mr. A.) like the hon. member who had just sat down, was not prepared to impute blame to the Deputy Post Master G. I. It was surmised that publicity was not given to the representations made respecting the Post Office, and this was, perhaps, the great cause of the existence and prevalence of abuse. He (Mr. A.) believed that the Post Office here and in the mother country was badly managed; there appeared to be a want of those checks and springs

which kept other departments in order; old usages were still adhered to, and the wants of the age disregarded. Exertions should then be made to cleanse this—(Mr. A.) feared it was—Anglo-Canadian stable. The efforts of private individuals had done a great deal; how much more, then, might the demands of that House effect? All existing correspondence should, as a first step, be published; it might then be seen where lay the abuses, and where remedies should be applied.—The Deputy Post Master received a salary next to that of the Governor General; it should be known whether he rendered services corresponding to so great an income. Much as individuals had to complain of high rates, he (Mr. A.) believed that the charges to Government were still greater. Some time ago, the member for Ottawa, Her Majesty's Commissioner of Crown Lands, published a report respecting the Sagueyay; in England the postage of such a document would be a penny—here it was fifteenpence; and with all due respect to the hon. member who prepared it, he (Mr. A.) should say that fifteenpence was more than the whole worth of it. The rates paid by members of the Legislature, too, were higher than others were charged; the reason was obvious—the chief payment of the officers of petty places was a commission on the amount received. There was a public account connected with the post-office, but he believed that it could not, from the state it was in, be brought to light. How necessary then was it to know all about that department? All should be known. He (Mr. A.) was not prepared to ask controul over it, but if the secrecy now complained of were persisted in, the Colonies would be compelled to demand entire controul. A certain power was given but when it came to be exercised, it was found to consist of a few dirty offices; he (Mr. A.) had had experience of this; he was once told that he had patronage in the post-office, but upon enquiry he found he had an office of £8 in his gift! Why should the officer in England while seeming to give some power virtually exclude us from all?—Then there was such mystification in what was done; he [Mr. A.] remembered that whilst in the Government he one day took up a report on the Post Office which lay in the Secretary's Office, but was told that although a subordinate officer might look into it a Minister could not! Such a system could not but be highly injurious to the public service. The hon. member concluded by again condemning the high rates of postage, declaring that it is absurd and ridiculous that while a letter from England cost only 1s 4d, the charge from Sandwich, in U. C., was 2s. 6d.

Dr. NELSON was right well pleased to hear the statements made by the hon. member for Leeds, in reference to the obstructions that were thrown in the way of establishing a Post Office in a particular part of his (Mr. Gowar's) County. He (Mr. N.) would mention another case which showed the manner in which the Post Offices in his country were conducted, and in which Petitions were disposed of—a highly respectable and influential gentleman living on the River Ymaska, about five miles up, applied to Mr. Stayner, to have a Post Office established in a rising village on that river, no answer was returned, after repeated applications, he received an answer in the negative. The gentlemen then wrote to me to request me to make application, but he (Mr. N.) did not take any steps in the matter, as he considered if the application of so very a respectable individual was not attended to, he (Mr. N.) need not hope to be more successful. This was another of the many grievances which this country had to suffer on account of the Post Offices. He trusted that the motion for an address would have the desired effect, especially as it came from the other side of the house.

The Resolution was then referred to a select Committee.

Mr. CHAVEAU made an inquiry of the Ministry respecting Dorchester Bridge.

Mr. Atty. General SMITH, stated that the subject was under consideration.

Mr. DAVENPORT asked if it were intended to

form a separate District for judicial purposes of the country up the Ottawa.

Mr. Atty. General SMITH, said that the subject was under consideration and would be embodied in the resolutions which he intended to lay on the table in a few days.

Mr. DRUMMOND, asked what had been done with the money granted for the Jacques Cartier bridge.

Mr. Atty. Gen. Smith, stated that the answer to that question would be found in the report of the Board of Works which would be laid on the table in a few days. The answer to the next question would also be found in that report. In regard to the erection of a Court House in this city, a few days would develop the intentions of the Ministry on that subject, and in the meantime means would be taken for the preservation of the public records.

Mr. BALDWIN, asked if it were the intention of the Ministry to introduce a measure to amend the system of Judicature in Upper Canada.

Mr. Atty. Gen. DRAPER in reply said that last session a Committee of which the hon. member for the Fourth Riding of York was, himself one, made extensive enquiries on the subject referred to, and of the number of answers received he (the Atty. Gen.) was not prepared to act upon any one; the utmost he found himself able to do was to arrange and methodize them for future consideration. It was known that the Judiciary of Upper Canada consisted of a Court of Queen's Bench, in which presided a Chief Justice and four puisne Judges, and a Court of Chancery. A variety of propositions were made to the Committee; and two or three leading defects pointed out,—one of the defects was the want of a Court of Appeals.—With regard to the Court of Chancery, there was no necessity for a new Court of Appeal from that, the only Appellant Court wanted was from the common law decisions. At present the only Appeal from Courts of common law was to the Executive Council direct, upon such occasions of appeal, the Chief Justice assisted. While he (the Atty. Gen.) admitted the want of an Appellant tribunal it would be unjust in him if he did not, at the same time, state that during his experience, and it was not inconsiderable, he was not aware of more than four or five cases in which appeal was desired; he would not, however, say that if there were an Appellant Court more appeals would not be contemplated; but from the nature of the Jurisprudence of Upper Canada, he was of opinion that under any circumstance appeals from the common law Courts would be very rare compared with those from the Court of Chancery. One of the remedial suggestions offered was the erection of a second law Court with concurrent jurisdiction. With regard to this he thought he would pause sometime before adopting it. Another plan was to add two Judges to the Court of Chancery and then forming a Court of Appeal to be composed from Judges of all these Courts—and a third was to divide Upper Canada into two Districts, and to erect a new Court for what would then be the Eastern District, these Courts to have a concurrent jurisdiction and power of appeal from one to the other as in the Lower Province. If there were any delay in getting through the business of the present Courts there would be some shew of reason for these demands, but there was no such difficulty. When last in Toronto he (the Atty. Gen.) took occasion to meet the Chief Justice and the four puisne Judges upon this subject, and he was informed by them that of the business then before the Court there would not be four cases in which judgment would not be pronounced; and he (the Atty. Gen.) would undertake to affirm that in any case where delay occurred it was not from an accumulation of business but from its being of such a nature as to render the Judges desirous of giving it more enlarged consideration. Such then being the case, and there being no arrears of business to be charged against the present Court, he (the Atty. Gen.) was not prepared to recommend any new plan.

Public Records.

Mr. CHRISTIE in moving for a committee to enquire into the state in which the public Records are kept in Upper Canada, said that it was known that those deposited in Quebec and Three Rivers were in good order, but he was not aware whether such was the case in Montreal and in Upper Ca-

nada. While on this subject he would say that the archives of the French Government at Quebec were lately put in the most perfect order by a gentleman now seated opposite him, Mr. Fausault (one of the Clerks of the House.) The services of this gentleman thus rendered would be experienced perhaps for two centuries to come.

Provincial Penitentiary.

Mr. DRAPER said the object of the bill relating to the Provincial Penitentiary, was to consolidate the various Acts relating to this Institution, and to amend them in some particulars; and to remove doubts in those cases where sentence of death was commuted to imprisonment in the penitentiary. Ashowerer the bill has just been printed, he would agree to postpone the second reading until next Tuesday, and then to be referred to a committee of the whole on the succeeding Tuesday.

Mr. PRINCE opposed the postponement of this measure, the principles of which were admitted by all. The session of the year that the Legislature has been called together is so late, and members are so anxious to get home, that he (Mr. Prince) called upon the administration to bring on the business as quickly as was consistent with the public interest. He (Mr. P.) approved of this bill, considering it to be an amelioration of the law, as it now stood.

Mr. DRAPER.—The Ministry had used their utmost exertions to expedite the business, and he (Mr. D.) was as ready now, as ever he would be, to explain the principles of this Act, but, at the desire of some of the members, he had consented to postpone the second reading until Tuesday, he would, however, with the consent of the House, refer it to a Committee of the whole on Thursday.

Mr. AYLWIN, would explain to the hon. member for Essex, the reason why the consideration of this measure ought to be postponed. He (Mr. A.) had just had the bill in his possession for ten minutes, and he had not yet read it. The bill also contains some very important provisions, touching the liberty of the subject, and ought not therefore to be hurried through the House. The government will at another time have to answer for the period of the year that the House has been called together. Because members wish to get home, is no reason why they should proceed with precipitation; he (Mr. A.) thought that now was the time for the members to be cautious, for this is one of the most important sessions that have ever been held.

Mr. BALDWIN objected to the opinion that had been expressed, that the second reading of a bill was a mere matter of course, because it might lead the young members of the House into error; they might suppose that these forms were unnecessary, and hindered the despatch of business. But he (Mr. B.) considered that all the rules of the House were founded on good sound sense; they were necessary to the just discharge of their duties. The second reading of a bill was one of its most important stages, and not therefore a matter of course. In the Upper Canada Legislature many of the members thought it a great hardship if they were not permitted to read their bills a first and second time, and refer them to a committee; but such was not the practice of any other Legislative Body that he was acquainted with.

Mr. MOFFATT, agreed with the hon. member for the Fourth Riding of York, that the more closely they followed the rules of the House the better. But there were some local or other bills about the principle of which, there could be no difference of opinion, which might be read a second time, without debate, and then referred to a committee to examine their details. This was the rule adopted in the House of Commons in such cases.

Mr. BALDWIN.—There is another question put by the Speaker of the House of Commons, which is not put here, namely, shall I leave the chair. This practice might with advantage be adopted by us.

Committee of supply.

Mr. GAVIN, (Inspector General) then rose and addressed the House. He said that he should not detain the House long, but would endeavour to

detail as concisely as possible the exact state of the finances of the country. He would begin by the estimate which had been made last year, of the probable amount of the revenue. He held in his hand a statement, which showed that the calculation made at that time for the whole revenue of the Province for the year 1845, fixed the probable amount at £522,850. Perhaps the actual revenue approached as nearly as was possible to that estimate, the returns for the year, showing a total of £524,367. To that sum, the balance in hand from 1845; £163,197, must be added, which would give a gross sum of £707,564. Of this amount, all but £55,267 had been appropriated, out of which latter sum £38,091 had been expended in payment of various demands. Of these, he might mention as examples, the sums of £13,414 paid to the Contractors of the Chambly Canal, and of £9,187 for the contingencies of the House of Assembly. The printing of the Acts of Parliament had also cost £3655 and £1000 had been forwarded to the sufferers by the Quebec fire; the whole of the items paid amounting to the sum of £38,091 already mentioned. The House then with this exception had disposed of the whole of this sum £707,564 including the sum of £141,287 for the interest on the public debt, and £83,333 was employed in meeting the charges under schedule A and B of the Union Act. Of the general appropriations of last year there then remained about £10,000 not yet drawn for, while of the £125,000 voted for new works, only about £40,000 had been as yet expended, although all the works had been commenced, and the £63,266 voted for the sinking fund, to redeem the loan to Great Britain had not been remitted, so that there appeared to be at the credit of the consolidated fund an amount of £184,112. On the other hand, an advance had been made to the Board of Works of £39,470, in order to enable that department to proceed with the public works, which it had been authorized to undertake by the 4 and 5 Vic., and which had exceeded the amount of the appropriations. He should advert to that matter more particularly at a later period. He would then turn to the several sources from which he expected to derive his income for the coming year, and would go over the various items. The first was the interest payable upon deposits. That had last year calculated at £4,000; it actually returned £6,080, and he estimated it at £5000 for the current year. The casual revenue had been estimated at £5,000. It really produced £11,450, but this excess was caused by the return of a sum of £6,000, which had been loaned to the Trinity House, for the erection of two light houses. This had been repaid by that institution from the proceeds of a tax of 2d. per ton levied upon shipping. For that item, therefore, he would go back to £5,000. The revenue from seizures, fines, &c. was calculated at £3200, it returned £3390: for the coming year he would estimate it at £3,300.

Exemptions produced £50 last year, and he estimated them at £50 for the present year. The revenue from the public works had been estimated last year, at £30,000, and had produced £27,500, which, however, should more properly be called £32,931, as the two sums of £2,230 and £3,200, which had been expended upon the Lachine and Welland Canals, had been rendered necessary for repairs, and were independent of the expenses attendant upon management and collection, which he thought were the only ones which could fairly be deducted from the gross receipts, in order to estimate the nett proceeds.

In order to estimate the probable revenue from the Public Works, he had obtained the assistance of Mr. Killaly, the Chairman of the Board of Works, as he was not able to say what works were completed or likely to return a revenue for the ensuing year. The memorandum furnished by Mr. Killaly, estimates the return from Public Works at £83,000, but as the estimate for the Welland Canal was taken at £33,000 for 1845, whereas in 1845 it fell short of £20,000, he was not prepared to make a greater allowance than £22,000. The Lachine Canal having been closed during a part of 1845, no fair criterion could be

obtained of the revenue that year, and he consequently estimated the returns for the current year at £7,000, the amount realized in 1844. The proceeds from the Ottawa slides, Mr. Killaly estimated at £9000. The whole amount of that gentleman's statement came to £63,000, but he would deduct one fourth from that and say £45,000 as the revenue from that department for the coming year. He felt that it was important to dwell upon this part of the subject, because it would appear that the revenues of the Province had been drawn upon to a greater extent than could have been anticipated, and because he knew that he should have something to do to answer all the questions which would be put to him from the other side of the House, as to the manner in which he accounted for the increased expenditure. The next item was the Bank imposts. They had been calculated at £10,000; and they had returned £13,026. For the coming year he estimated them at £13,000, which he thought he might fairly do when he considered the intention to increase their business, which several of the Banks had manifested by increasing their stock. The Excise had been estimated for last year at £35,000. It had produced £32,475, but the local taxes on Taverns, &c., having been abstracted to the amount of £7,524 in Upper Canada appropriated to the payment of rebellion losses, and £5,140 in Lower Canada to purposes peculiar to that part of the Province, he would take the amount of income from that source for the current year, at £20,000. The Customs reckoned last year at £400,000, had produced £419,000. He was not prepared to estimate to a nicety that source of revenue for the coming year, but he thought £408,000 might be fairly taken as the probable amount. As he proposed to make some changes in the duties levied on dutiable articles, he would go over some of the items which had been settled last year, and examine the results, in order to show the object on the alterations he intended to introduce. It happened that—

Mr. CHRISTIE asked if the net receipts were greater than those of 1844.

Mr. CAYLEY replied, no,—that several charges which belonged to the year 1844, had been paid in 1845, besides which the changes in the regulation of the customs, among which was one to abolish fees paid to officers, and to compensate them by an increase of salary, in lieu of those emoluments, had added somewhat to the expense of the department,—an expense, however, which he believed had been amply made up by the greater efficiency of the service and the consequent prevention of smuggling. To return to this subject, he was about to remark that it was highly proper to bear in mind the two different objects for which customs were imposed, namely,—the creation of a revenue, and the protection of home production. In the latter case, of course, the object would be better attained, in proportion as the duty was onerous and prohibitive. On the other hand, if the object was the raising of a revenue, it was most important to use great caution, and exercise a judicious liberality in dividing and subdividing the burthen over a great many articles, in order to show that it was desired to raise revenue, not by heavy imports, but by largely increasing consumption. He would compare some of the estimates of last year with the real amount of revenue produced, so that his gentlemen might see the force of what he advanced. The first thing to which he would call attention, was the protective duty levied on horses and cattle. The estimate upon the increased rate of duty was taken at £10,950. The actual receipts were £7,940, showing a falling off, as compared with the receipts in 1844, of £72, and as compared with the estimates, of £3,010. So that the duty appeared to have the effect of diminishing, instead of increasing the revenue. To show this in a more convincing light, he would strike off the receipt on account of horses, upon which no increased rate of duty had been imposed. It would then appear that the whole number of cattle imported in 1844 was 6361, producing a revenue of £5,077, while in 1845, more than 2000 had been brought into the Province, and the customs levied upon them had

not exceeded £4,098, showing a deficiency of £1,474. Another instance of the effect of protective duties might be found in the case of the addition of 7 1/2d. a barrel imposed on flour brought into the province. The number of brls. brought in the year 1844 was 131,287, upon which a revenue of £15,973 was raised. It was anticipated that an increase of the revenue upon this article would have taken place to the extent of £3,992, but instead of that being the case, the number of barrels imported fell off to 68,300, and the revenue derived from them was only £10,353, making a reduction of not less than £5,590. On spirits, the charge instead of 6d. per gallon, was raised to 1s. 3d., and the estimated increase in revenue was calculated at £13,492, but instead of 475,608 gallons imported in 1844, only 367,856 were brought in in 1845, showing a diminution in the consumption of 107,752 gallons. At the same time the revenue in 1844 was £36,268, so that the improvement was only £2,705 in lieu of £13,493, which had been expected. The duty on wines had been changed from 1s. per gallon on Madeira, and 6d. on other kinds, to a general charge of 8d. per gallon, and 10 per cent ad valorem; and the estimated improvement was £17,665. The actual revenue from this source in 1844 was £16,319: last year it was £17,732, showing no greater improvement in revenue than £1,413, at the expense of a decrease in quantity from 392,279 gallons in 1844 to 220,995 gallons in 1845, or a deficiency of 171,284 gallons. It was to be remarked, however, that the change was partly to be attributed to the heavy importations which took place in 1844, which, of course, rendered a large importation next year unnecessary.

There were two other instances to which he would refer. These related to the articles of tea and tobacco. Of manufactured tobacco, the importations in 1844, at the inland ports, amounted to 1,668,396 lbs., which, at 7 per cent. Imperial, and 2d. Provincial duty, brought in a sum of £19,666. In 1845, 2,183,320 lbs. were imported, showing an improvement in quantity, equal to 414,724 lbs., while the diminution in duty was only £3,473, the revenue amounting to £16,192. Of unmanufactured tobacco, 61,795 lbs. were introduced in 1844, and 330,822 lbs. in 1845, at the inland ports, the duty being, in each year, 1d. sterling per lb. showing that an enormous increase, to the amount of 269,027 lbs, had taken place in the consumption, although no reduction had been made in the duty. But the change was to be imputed, also, in a great measure, to the praiseworthy vigilance exhibited by the officers appointed to watch the frontier, as the excess was entirely at the inland ports. There was imported into Montreal and Quebec, in 1844, 253,474 lbs. of unmanufactured tobacco, at a duty of 1d per lb: in 1845, 191,930 lbs. were imported, showing a decrease of 61,549 lbs., and exhibiting a total deficiency of £1,787 in the revenue from that source. As there was so large an increase of importation at the inland ports, and so small a reduction in the sea-ports, he hoped that in another year the revenue might equal that of 1844. In the article of tea, imported at the inland ports, in 1844, the accounts showed a quantity of 1,088,199 lbs., which at 1d. Imperial, and 2d. Provincial, duty, produced a revenue of £22,066. In 1845, 1,908,329 lbs. were introduced, showing an improvement in quantity of 820,130 lbs., and this on an article which had long ceased to be a luxury, and had become a necessary of life. It seemed to him, that the loss of £2,428, by the reduction of duty, was a trifle, compared to the advantage of the people of every class being able to procure the article in greater quantity, and at a cheaper rate. On this head, too, he assumed, that, in the coming year, the revenue would equal that of 1844. He desired, especially, to direct the attention of the honorable member for Lanark to the several figures which he would give him, because they would show the truth of the principle which he had assumed with regard to tobacco,—that the increase was owing to the increased vigilance of the officers. The quantities entered at the several ports mentioned below in the years 1844 and 1845, stood as follows:—

	1844.	1845.
Port Dalhousie.....	1,229 lbs.	18,903 lbs.
Ningara.....	6,180	21,427
Windsor.....	3,440	8,072
Prescott.....	1,896	7,319
Brockville.....	20,177	83,307
Belleville.....	1,117	15,817
Port Stanley.....	24,302	67,320

These ports were all of them situated in positions which were very favourable to the operations of the smuggler, but he would give two or three instances of some other ports in a different position, to show more distinctly the point which he desired to enforce. At Kingston the quantity of tea imported in 1844, was 114,927 lbs; in 1845 it was 196,268 lbs; at Toronto, in 1844, it was 258,680 lbs; and in 1845, 323,969 lbs.: in Hamilton the quantity imported in 1844 was 191,098 lbs, and in 1845, 265,657 lbs. Of manufactured and unmanufactured leather, the value in 1844 was £58,775, upon which a large duty was imposed, equal in some cases, to 25 or 30 per cent. In 1845 the importation only equalled in value £39,512, showing a falling off of £19,262 in value. The revenue was somewhat improved, but he thought the imposition was too heavy. The revenue from inland importation was in 1844 of the value of £5,568, and in 1845, £10,322, showing an improvement of £4,654. In Montreal and Quebec the gross amount of customs collected on this article was £1,426, in 1845, but he was unable to give the amount in 1844, because being an ad-valorem duty, it had been included with others of the same class, and the distinct amount could not be ascertained. From other sources, however, he was able to say, that he believed the amount must have been much higher that year than it was last. In the inland ports, the duty on leather, such as goat skins, sheep skins, &c, was, in 1845, £6,290, and on manufactured leather of all descriptions, £4,030. On linens; woollens, and hardware, the duty in 1844 had amounted to £113,486, and in 1845 to £123,277, showing on this item an improvement of nearly £10,000.

On sugar, the duty in 1845 had been £86,006, in 1844 92,210 showing a diminution of about £7,000. This was to be accounted for from the largeness of the supply in 1844, and the very limited crop which had been made in Cuba last year. In molasses, the duty for 1844 had been £5,579, in 1845, 9,186. In fruits, oils, and spices there had been an improvement in 1845 of £8,300. He would now briefly go over the changes which he proposed to adopt. First, in wines: he proposed, instead of the duty of 8d. per gallon, to substitute one of 4d.; and instead of the ad valorem charge of 10 per cent., to reduce it to 5 per cent on all classes of wine. On Muscovado and bastard sugars, he proposed to reduce the duty for the present year by 1s. 10d. per cwt., and to make a further reduction of 1s. 3d. per cwt. in 1847, making the reduction, in all, 3s. 1d. per cwt. He proposed to classify all sorts of dye woods, with the nuts, vegetables, and other substances used for dyeing, and to admit them at the same duty of 1 per cent. Indian corn he proposed to admit duty free. American wheat he would also admit free, to be exported or to be ground in bond for exportation. He proposed to admit all kinds of manufactured or unmanufactured leather, the produce of Great Britain or the British Colonies, when imported direct or by sea, at 5 per cent ad valorem. By inland routes he proposed to adopt the following scale:—

UNMANUFACTURED LEATHER.	
Present rate.	Proposed rate.
per lb.	per lb.
On goat, lamb, and sheep skins.....	Not to be changed.
Calf skins, dressed	6d. 3d.
Kips.....	3d. 2d.
Harness leather..	2d. 1d.
Sole do.....	1 1/2d. 1d.
Leather cut to shape.....	6d. 3d.

ON MANUFACTURED LEATHER.	
Present rate.	Proposed rate.
per doz.	per doz.
Boots, shoes, &c.	7s. 6d. 5s.

Womens' boots, & shoes, silk or satin, &c.....	7s. 6d.	5s.
Girls' boots, shoes and leather goshes, under 7 inches in length	2s. 6d.	2s.
Girls' boots and shoes of silk, satin, jean or other stuff, kid or morocco.....	3s.	2s.
Men's boots, per pair.....	2s. 6d.	1s. 3d.
Boys' boots, above 5 inches in length	1s. 3d.	9d.
Boys' shoes, 8 inc's and under.....	9d.	4d.

He anticipated that the revenues received at Montreal and Quebec would be increased by this change, and that the introduction of certain descriptions of goods would not be so strictly prohibited as they were by the tariff of last year; at the same time that a fair protection would be maintained for Home manufactures. The next circumstance which he approached was one upon which he apprehended no difficulty. When information was received of the awful calamity which befel the City of Quebec, the Governor in Council appropriated the sum of £7,000 for the relief of the sufferers; and he trusted that grant would meet with the sanction of the House. (Cheers.) It was no time to consider of expediency, it was no time for delay, when thousands were without food or shelter; the adage "*bis dat qui cito dat*," may be applied in that case, and he had no doubt that the House would unanimously approve of the appropriation. In further aid of the sufferers, the Government proposed to raise by Debentures upon its guarantee, the sum of £100,000, to be given upon loan in proportionate sums for the restoration of the buildings destroyed; security being taken upon the lands and tenements for the loans made to individuals; he trusted that the House would concur in this measure of assistance. The next point to which he would allude, was the great loss of life and destruction of property which had taken place in the autumn of last year, among the shipping in the Gulf of St. Lawrence. The relief stations and Light-houses for want of support, were not so adequate to the purposes for which they were intended as they ought to be. He was not prepared to advocate the levying of any additional tonnage dues upon shipping, as he considered such a course, to say the least of it impolitic; as a commercial country, it was their duty to support the shipping, and put no burden which could be avoided upon trade. But a loan of £19,000 had been made several years back by the Provincial Government, to the Commissioners of the Montreal Harbour, this sum had been of great service to that Corporation, and had enabled them to build those magnificent wharves which had defied the force of the ice; those improvements had been productive of an ample revenue, and would in a short time enable the Commissioners to pay off the debt. He proposed therefore to apply this £19,000 as it should become paid, or, if necessary, to anticipate the payments, for the purpose of erecting new light houses and establishing more relief stations. The next subject to which he came was the accumulation of the funds derived from the Jesuit Estates; these funds had been accumulating, he believed, since 1832, or he might say from the year 1800, when that order became extinct, until the present time, and they amounted to over £45,000, of which £14,115 was invested and £33,415 was still in the Receiver General's chest. This sum invested in debentures, at even 5 per cent, would make an addition to the revenue of £2,250, and the yearly profits of the same estates were about £4000 more.—He proposed to apply these sums towards Educational purposes in Lower Canada.

Mr. ATYWIN.—In accordance with the Act.

Mr. CAYLEY continued.—He was not aware whether the Act specified for Lower Canada alone, but such was the intention of the government. He would now turn to a question which had been much agitated, and which was of con-

siderable importance to Upper Canada—he alluded to the Administration of Justice—(cheers.) He proposed to charge this burden upon the public revenue, but as there were at present no means at his disposal for this purpose, he proposed to assume this year one-third of the charge, next year two-thirds of it, and finally in 1848 that the Province should assume the whole—(cheers.) He did not think that Lower Canada could complain of this; it was not his intention to draw upon the present revenue for this purpose, but to provide a new fund from which it was to be liquidated. He proposed to make an alteration in the method of levying the duty upon Provincial spirits; at present the duty was charged upon the capacity of the still, a method which was found to bear most unequally, as the quantity of spirits drawn under certain circumstances from a still of one magnitude bore no proportion to the quantity drawn under different circumstances from a still of the same proportions; he therefore proposed to levy a duty of 3d. per gallon upon the distiller's product. He was not prepared to state with correctness the exact amount which this change would produce, but he had reason to believe that it would be very great. He instituted enquiries as to the amount of spirits manufactured in Canada, and the returns he had received set down the quantity at 4,500,000, exclusive of the Districts of Simcoe and Huron, from which no returns had as yet been received, but which might be set down at 70,000 more. He did not give this statement to the House as a correct one, but was prepared to allow a very wide margin; assuming it to be correct under the system he proposed this branch would produce £57,000, now he was prepared to strike off more than one half and estimate the revenue thus to be derived at £28,000, or an increase of 23,000 over that now drawn from the same source. The cost of the Administration of Justice in Upper Canada appeared by returns which would be shortly laid before the House, somewhat under £18,000, he believed in naming that sum, he was above what it would be found to cost, so that after paying the charge imposed upon, this new fund would contribute considerably towards other wants of the government.—To return again to the subject of the sinking fund which for two years would amount to £123,000. It would be remembered that when it was first proposed to raise a loan for the purpose of carrying on the Public Works, one million and a half sterling was authorized to be obtained upon debentures, with the guarantee of the British Government, but owing to the loose construction of the Act for the purpose, it was found that when that sum had been actually raised, the powers of the Act ceased. The Debentures had been sold in England at a premium of 12 per cent. consequently, although this province obtained the full sum of £1,500,000, yet the loan effected in reality was only £1,360,000; and, under the guarantee they were entitled to raise the further sum of £140,000 to make up the million and a half, exclusive of the premium. The British Government was prepared to allow this, and it was clear that the province needed it to provide for the advances which had been made to the Board of Works. (Cheers.) There were two courses open to them, either to borrow this £140,000 and continue the Sinking Fund, or to allow the loan to remain as it was, and to take the Sinking Fund for two years, 1845, 1846 for the necessities of the province.—The Provincial debt would be less in the end by £12,000, if they did not go to the full limit of their guaranteed credit, the saving being effected by the difference between the amount of the Sinking Fund for two years, or twice £64,000 and the £140,000 which they had power to borrow, in addition to the saving of exchange and interest, for it must be borne in mind that while they paid 4 per cent. for the borrowed money, they could not obtain that rate of interest upon the deposit of the Sinking Fund. The whole amount of the Provincial Debt to England was originally £1,360,000 sterling, of this 44,000 had been repaid, and the present liability was £1,316,000; they had borrowed less than they had the power to do, and he was free to confess they

had spent more than they had authority to do. (Cheers.) He was now prepared to state how it happened that the large advances had been made to the Board of Works, and when that statement was made and the facts upon which it was founded investigated, he believed that House would have no grounds of accusation against the Administration. These works were designed and commenced before the present Administration came into power, in 1842 and 1843; it was also well known that when contracts were given for the execution of such works, the Government stood committed for the whole sum which was involved by the contract no matter how much it exceeded the original appropriation; these contracts were made not at so much for the whole work, by which the requisite outlay could be immediately arrived at, but at so much per yard for excavation or masonry, and in like manner for other works. Thus, the contract being once entered into, and the works commenced, it was not in the power of the Government, if it found that the estimates of the expense of the work were too low, and that the appropriation for the purpose was about to be exceeded, to suspend the work. The moment these works were begun, the faith of the country was pledged for the payment of the whole sum, which the contract might bring against it. Thus it was, that when in July last they were called upon to make an appropriation of £22,000 for the Welland Canal, they had felt bound, for the sake of maintaining the public credit, to do so, and further, to make monthly appropriations for the payment of the debt in which these works involved then; and thus, from that time until the first of March last, £90,000 had been expended. With regard to the works at the Rondeau Harbour, it had been also found necessary to exceed the amount provided by that House for the improvements; a report from the President of the Board of Works had been laid before the Council, showing that if the piers were left in their unfinished condition, in the autumn, exposed to the violence of the winter seas, all that had been done would be destroyed; the further appropriation of about £6,000 on the works had therefore been authorized. In the year 1842, and '43 the Cobourg Harbour had been, some way or other mortgaged to the Government, and £10,000 had been expended upon it; but no authority was to be found for the expenditure, and no appropriation by Parliament. (Hear, hear.) It seemed, however, to have been taken from the appropriation for Harbours and Light Houses, but this had not been discovered until the appropriation for these purposes had been much exhausted, and then it was found necessary to remove it from that appropriation in order to give to those works the benefit of the true sum intended by Parliament for them. Provision had therefore to be made for this.

He wished to disguise nothing from the House, but to lay before it a plain and simple statement of facts. He asked for no favour at its hands, but courted the fullest and strictest investigation.—The expenses which the Administration had incurred were not expenses of their seeking, the works which had been carried on were none of their designing; the contracts had been entered into in 1842 '43, and the present ministry felt themselves compelled in order to preserve the public faith which had been pledged to contractors to make such advances as a strong necessity compelled, but for which they were not responsible. He had applied to the Board of Works for estimates of the probable future expenses on the Welland Canal, and had been informed that, independent of the means already expended, £183,328 would be required; this was indeed a great additional burden upon the revenue, the original appropriation was £500,000, and the probable cost would be £770,000; but this was not all, he had felt it his duty to call upon the Board of Works for estimates of the required outlay upon all the works now in progress, and at a very late period, as late as the 26th of March last, had obtained a report from the Secretary of the Board, which appeared to be Mr. Begly's particular report, in which it was shown that the sum which would be required, over and above

appropriations made by the 4th and 5th Victoria, was £508,000. He said that this was Mr. Begly's particular report, because appended thereto was a note from the President of the Board, setting forth that the documents had been prepared without his having been consulted upon the subject, and the amount was greater than the reports of the several Engineers had led him to expect; he could not therefore pledge himself to their accuracy although perhaps upon investigation they might be found to be correct. Perhaps the Chairman had not had time to look closely into these documents, and make the necessary enquiries and calculations. I know, said he, that there are likely to be a great many demands upon the public purse, and I wish to show you in what state that purse is, so that hon. gentlemen may be merciful when they ask for money. I pronounce no opinion upon the expenditure which has been made; I wish to cast no doubt upon the value of the works which are now in progress, and for the perfection of which this great debt has been incurred; one thing is evident that when they were commenced, what would be their actual cost, was not known. He was not prepared to say that the expenses incurred were greater than they ought to have been; he had, as a Commissioner of the Enquiry now going on, examined the books of the Board of Works, and had found the prices moderate; in no instance had he found them extravagant; he knew something of these matters, particularly, as regarded timber, and in no instance had there been too high a price allowed; yet the fact was the conclusive fact, the actual cost had gone far beyond the estimates. He believed that these works were, and would be of a vast and increasing importance to this country, and as yet they never were of greater importance than they promised to be at the present time. It had been said by some persons, that the St. Lawrence was an expensive route, and could not compete with New York; he did not agree with that opinion, on the contrary, he believed it might be made much cheaper. He appealed to his hon. friend for Lincoln whether the locks upon the Erie Canal were not more numerous, and of consequence more expensive in working than those upon the St. Lawrence. It had been said that vessels were more expensive here than among the Americans, this too he denied, we could build ships at from £5 to £10 per ton, while the Americans began at £10 and went up to £20. He had heard that the management of these vessels was more expensive, what could we not be as economical as our neighbours; could it be said in a British Colony that its people cannot equip, man and sail their ships as well, and yet as economically as the Americans? What reason was there, then, why the St. Lawrence should not compete, yes, and successfully compete with any rival route?—There was no reason, and he believed that it would in its Inland Waters, and through to the ocean, more than compete with the Erie Canal. The price of freight and insurance necessarily depended upon the amount of business carried on, it therefore became necessary that this country should exert itself to remove every duty which has the effect of preventing business, and it was on that account that he had given his aid towards the taking off the duty from wheat. If the market were a limited one, it was clear that it must always be a bad one, because a merchant could place no confidence in it. Supposing for instance, that a merchant in Liverpool has advised that the price of flour in Montreal is 25s. per barrel; and suppose he sends an order to his correspondent to ship him a large quantity to his account, what would be the consequence? In all probability five or six other merchants have been induced by the same circumstances, to do the same thing; all their orders came at the same moment, and up goes the price to 30s.

Again, when a ship-owner hears that the price of freight is 7s. 6d. per barrel, he may, perhaps send his vessel only to find two or three more in the port, all seeking freight like himself, and down goes the price, there is produced only to load two or three, and a competition is immediately established among them all to get a share.

Thus, a limited market must always increase charges. He thought that no Administration would impose heavy tolls on the public works. It was sufficient that they should just pay their own expenses. It had been said by the hon. member for Quebec, that the lower part of the Province had no interest in the improvement of the Saint Lawrence navigation. [Mr. Aylwin, the hon. gentleman has mistaken me. He will find that I am of quite a different opinion. We have too much interest in it.] He dissented entirely from that opinion. He said that the St. Lawrence was the great artery which fed Montreal and Quebec, and every town upon its banks. He insisted that the carrying trade was the vital principle of the Lower Province, and that it was nourished by the trade which came to the Saint Lawrence. Every road and canal which came down to its shores communicated the pulsations to the heart of Montreal, and through it to the whole of Lower Canada. He insisted that it was impossible to give a benefit to any one part of the country without benefiting the whole. And here he would ask what all the works on the Ottawa were made for if it were not for the benefit of Quebec? It was not Montreal; it was not the Upper Province which was advantaged by those works, but the City of Quebec to which all the timber of the country was sent for shipment; and here he would as the timber trade had been alluded to, show the immense quantity of timber which was exported and of which almost the whole was shipped at Quebec. In

1842	265,000	loads were shipped.
1843	448,424	do
1843	444,000	do
1845	506,945	do
Of Staves there were shipped in		
1845	6,118,500	
1844	5,000,000	
1843	4,600,000	

While the quantity of each description shipped from Montreal was merely nominal. If the hon. member from Quebec desired it he would go on to Deals. (Mr. Aylwin said he might go on to deal with something else.) He therefore contended that though the expenditure had been larger than the sums which were at first anticipated, yet that all those great public works would ultimately prove of the highest advantage to the colony.

Mr. MERRITT enquired of the Inspector General what was the whole amount of the public debt of Canada?

Mr. CAYLEY.—He could not state the exact amount, but it would be found in the accounts laid before the House.

Mr. MERRITT wished to know the amount of the deduction of the Civil List that would be made in the proposed bill of the Ministry? He [Mr. M.] considered they could not enter upon the discussion of the supplies unless the whole financial affairs of the Province were laid before them.

Mr. CAYLEY stated that the Civil List would be laid before the House in a few days.

Mr. AYLWIN said the Inspector General had adopted the proper course in giving them, in the early part of the session, an *exposé* of the affairs of the Province, and of the intentions of the administration. He [Mr. A.] had listened with a great deal of pleasure to the Inspector General, for his statements have been made in a very lucid manner. [Hear.] Yes, he was satisfied with the manner, but with the matter of these statements he must express his decided dissatisfaction. He did not intend to enter upon the discussion of them this evening, as he thought it would be profitless and fruitless. He [Mr. A.] was not now able to offer his objections to the statements and arguments of the Inspector General, nor to animadvert on the proceedings of the Government during the past year. He [Mr. A.] complained of the manner in which the administration had acted with respect to the sinking fund, and of their plunging the country into a large debt. He [Mr. A.] wished further time to be given him to verify the calculations of the Inspector General.

Mr. ROBINSON considered that the schemes of the Government ought to be as extensively made known as possible, to give an opportunity to those interested, to make known their views to the House. He (Mr. R.) was opposed to the reduction of the duty on leather, for many individuals in Upper Canada were now making extensive preparations to build Tanneries, and their exertions would be paralyzed if the present duty was reduced. When he (Mr. R.) was Inspector General; an office which is much more worthily filled by its present occupant—of all articles of commerce, he found leather to be the toughest. He (Mr. R.) had heard no complaints against the duties imposed last year—and he was opposed to these frequent changes.

Mr. CAYLEY in answer to an enquiry of Mr. Moffatt, stated that he would lay before the House, as full a statement as he could, of the imports and exports of the Province since the Union. The returns for the first year or two, in consequence of many articles, which paid a duty of five per cent *ad valorem* not being particularized, were not so complete as could be desired.

The Committee then rose and reported progress.

LEGISLATIVE COUNCIL.

MONDAY, 6th April, 1846.

The Hon. Receiver General laid on the table the accounts for the past year.

Sundry Petitions were presented.

Hon. Mr. McKay introduced a bill for the defining of the side lines of the Lots in the Gore in the Township of Gloucester.

The bill was read a first time and ordered to be read a second time on Wednesday next.

Hon. James Morris introduced a bill to provide for vesting in Trustees the sites of School Lots in Upper Canada.

The bill was read the first time and ordered to be read a second time on Wednesday next.

The order of the day was the second reading of Jones' Trustee's bill.

Mr. Speaker read a *brief* of the bill.

Hon. James Morris.—He said that in addition to what had been read by the Speaker, he would in a few words explain what the nature of the bill was. Some years ago the ladies of Brockville determined on establishing an Infant School in that town, they applied to the Hon. Charles Jones, and he in a very liberal manner granted to them the lot now in question, with the money that were raised a school house was erected. The school was opened and continued for a year or two, it turned out however, that it became a perfect failure. The system of infant teaching was exploded he believed, at least it was in Upper Canada. The petition praying for the passing of this bill prayed that the lot might be vested in trustees, for the use of the Grammar school in that town. The Hon. Charles Jones had bound himself to him the Hon. James Morris, to execute a deed. A deed of the property however, cannot be got without trustees being appointed by Parliament. The trustees named in the bill are the President and Board of Police of the town of Brockville, they had been chosen as it was likely they would be continued in perpetuity.

Hon. Mr. GORDON.—He would like to know whether the heirs of the Hon. Mr. Jones were aware of the application.

Hon. James MORRIS.—He said that no notice had been given to the heirs, but he hoped that this would be no objection to the bill. One of the trustees is the Honorable Justice Jones, brother of the devisee, and both the heirs and executors of the donor had urged this course being pursued.

Hon. Mr. MORRIS.—He thought that the District School ought to have been substituted for the Board of Police, as it was more likely to be continued in perpetuity than the Board

of Police. The town of Brockville as it increased might aspire higher and have a corporation.

The bill was then read a second time.

The bill was referred to a select committee of three members, composed of Hon. Messrs. Hamilton, Gordon, and J. Morris.

The House then adjourned.

HOUSE OF ASSEMBLY.

MONDAY, 6th April.

Mr. Speaker laid before the House returns of the debts and liabilities of the late Municipal Councils in Lower Canada.

Also the Registrar's report of bonds and securities.

Also accounts of the Trustees of the Montreal Turnpike Roads for 1845.

63. Petitions were laid on the table and 97 were read.

The Bill to facilitate the conveyance of real property, was read the third time.

Mr. Macdonald of Kingston, moved an amendment which was carried and the bill was passed. Petitions referred.

Of E. McNaughton, et al. to committee on petition of E. Guy, et al.

Of Mrs. Teed.

Of J. B. Lebel, to Committee on petition of J. B. Page, et al., and of Hon. Henry Black, et al. to the same.

Of W. Wickes and E. Chapman.

Of B. Clark, et al., and of J. Sharples, to the Committee on petition of W. Rogerson, et al.

Of John Leslie, et al., against a division of the Clergy Reserves.

Of the Toronto and Lake Huron Rail Road Company.

Of the Coporation of Quebec to the Committee on the former Petitions.

Of A. Leshe Esq., to Committee on Private Bills.

Of J. McAra.

Of St. Patrick's Society of Montreal.

Of Municipal Council of Hochelaga.

Of Messrs. Burroughs and Huot.

Of H. Gilderslieve, et al., relative to the Wolfe Island and Toronto Railway.

Of G. Ball, et al., to Committee on Petition of Niagara District Council.

Several Petitions relative to Clergy Reserve.

Of Bank of Upper Canada.

Of F. F. Caruthers.

Of R. G. Hamilton, and

Of the Commercial Bank.

West Halton Election Committee.

Mr. Williams reported 2 Resolutions from the Committee on the West Riding of Halton Election, as follows:—

Resolved.—That it does not appear by the copy of the proceedings, under the commission appointed to receive and take evidence in the matter of the controverted election for the West Riding of the County of Halton, produced before this Committee, that either the Commissioners, or the Clerk appointed by them, were duly sworn, in accordance with the provisions of the Statute for the trial of controverted Elections in Upper Canada, this Committee therefore cannot receive the evidence contained in said copy, and returned under said commission.

Resolved.—That the said Commissioners have been guilty of neglect of their duty by not complying with the provisions of the statute for the trial of controverted elections.

Col. PRINCE said, that it appeared by the resolutions just read that the Commissioners referred to had been guilty of gross neglect of duty, so gross indeed, as to be almost unparalleled, and if no redress could be had, a very great injustice might be done to the petitioner and to one of the constituencies of the country. In consequence of the conduct complained of, he (Col. Prince) was about to submit a motion, which, he was free to confess, was a novel one, and for which he was not aware that a precedent could be found. In England such a

course was not necessary, because there evidence in cases of controverted elections was taken *vis à voce*. The Commissioners, in the present case, were bound by the Act to be sworn in a certain form, first the Chairman, and then the oath to be administered to the other two by him, (the Chairman,) after which the Clerk is to be sworn by any one of the Commissioners. Now, it did not appear by the return made to the Committee that these oaths were administered. There was no jurat sent, and the Committee could not determine whether the parties were legally sworn or not. The motion which he (Col. P.) was about to make was, he feared, beset with difficulties. He did not know that the House had the power to supply the defect in the return, or whether it would be ruled that although the parties were not sworn by the act they were yet literally sworn.

Mr. GOWAN thought that no evidence further than that already sent could be taken; at all events he would like that the question would be postponed, as he had not been able to consult the statute.

Mr. WILLIAMS said, he thought the House ought to entertain the motion: the evidence appeared to have been taken in the usual course, only that in copying the *Jurat* is omitted. It was likely that this was in the original. It was clear to him, from the words of the statute, that the House had control in the matter. The Committee after having unanimously adopted two resolutions, had reported them to the House for their opinion. The Committee did not want further evidence as to the merits. By having the copy of the commission amended they would not be furnishing further evidence to the Committee.

Hon. Mr. AYLWIN—hoped that the motion before the House would prevail; it was no trifling or jesting matter that the sacred privileges of the House should be trampled upon in the manner just set forth. It was not to be endured that a man who ought to be, and was to be, tried really and truly by his peers, should be screened and protected because, Mr. Commissioner this or that, or some other wretch, chose to disregard and set at nought the orders of that House, and that as a further consequence a man should occupy a seat in that House to which he was not elected.

Mr. GOWAN—order, order.

He (Mr. AYLWIN) spoke in perfect order and would repeat that if the allegations contained in the resolutions read by the hon. member for Durham were true that there was a person seated in that House who ought to be expelled, who was an intruder. What is the case? Three Commissioners have been authorized to investigate a certain matter, have been invested with a power the most important, the most honorable, and instead of making a just and proper return they act so as actually to stifle enquiry, to prevent all justice! It was to be regretted that as the law now stood there was no punishment for such an offence. There was a Penitentiary to which small villains were sent for four and seven and fourteen years, but the offence now complained of deserved imprisonment for life. The hon. member concluded by recommending an alteration in the form of the motion, it should not be for the Speaker to issue a summons, but for the House to "order" the attendance of the Commissioners.

Mr. DUGGAN—he said that he had only been made aware within the last ten minutes of the motion. He considered however as it was a novel case, that the motion if wished to be passed in its present form, ought to be postponed to allow members the privilege of looking into precedents. The House has already he said

rejected a petition for the reason that where the committee had jurisdiction, the House had none; now in this case the House, he (Mr. D.) conceived had no jurisdiction. If the motion is so altered as merely to compel the Commissioners to appear and answer for their gross neglect of duty he would vote for it, but if it were to compel them to come up and amend the evidence he could not give his vote for the motion.

Hon. Mr. LA FONTAINE did not think that the law required that there should be a certificate of the oath having been administered furnished by the party by whom it was administered; he was of opinion that if the return contained proof in any shape of the Commissioners having been sworn that it would be sufficient. If the case were otherwise the judgments of our Courts might be questioned upon the presumption that the Judges had not been duly sworn.

Mr. WILLIAMS.—He would beg to state again that it is mentioned that the three Commissioners were all present, and that they signed the affidavit, but there is no jurat appended to it.

Mr. HALL.—The hon. member for Quebec has descanted at great length on the villainy of the Commissioners, and condemned them unheard to the Penitentiary. If the hon. member knew them as he (Mr. H.) did, he would not have vilified them in the manner he has done. The hon. member for Quebec would not have dared to use the language out of the House which he has just now used. He (Mr. H.) considered that hon. gentlemen ought not in this House to abuse unheard gentlemen who might—indeed, from his knowledge of the gentlemen, could—give a satisfactory reason for the omission. He said that it appeared that he (Mr. H.) had excited the ire of the honorable member for Quebec by laughing. Now he thought that the hon. member for Quebec ought to be the last person to complain of laughing, as he is notoriously the laughing member of this House. He (Mr. Aylwin) has occupied for these several years the most prominent place in this House in crying "Hear, hear, &c."

Mr. BALDWIN entirely concurred in the view that the present was a most serious question, there was no doubt that the rights of the House ought not to be trifled with, and it was equally manifest that if the charges now preferred were true, a most grave offence has been committed against the House. With regard to the motion, he (Mr. Baldwin) was of opinion that the commissioners ought to appear before the House and bring with them the original minutes. He (Mr. B.) agreed with the hon. and learned member for Terrebonne, that the certificate of the person who administered the oath was not necessary to establish that the commissioners had been legally sworn, but that was a point for the committee to determine, and with their decision he (Mr. B.) would, of course, in no way interfere. If it should turn out that the commissioners were not sworn, then another difficulty might arise; but if it appeared that they were sworn, then he thought they (the commissioners) might be called upon to complete their return, for it was monstrous to suppose that after all had been done in the way of investigation, the whole proceeding should be stifled by a mere omission of the commissioners. It was most important that the matter should be carefully enquired into, and that parties who assume to discharge certain duties for that House, should be required to meet their engagements faithfully and honourably.

Mr. McDONALD of Cornwall was delighted in hearing the way in which the hon. and

learned member for the fourth riding had treated the question, it was so different from the manner in which the hon. member for Quebec had treated it. He (Mr. B.) condescended to argue the question. But he (Mr. McD.) considered that he erred in his opinion. He would beg to put a hypothetical case. On account of the expense of bringing witnesses to court a commission is issued to examine the witnesses, it is returned, and found to be informal, do the judges order it to be returned for amendment, no the plaintiff is non-suited? If the hon. member for Essex will confine the motion to the mere calling the commissioners to appear, and allow them if they like to bring the evidence for their exculpation, he would vote for the motion.

Mr. BALDWIN.—He would in a few words answer the hypothetical case put by the member for Cornwall. The Commission is returned to the Court *in banc* and from that time till the case comes up for judgment, there is no opportunity to have it amended, but that is not the case here, we can order the Committee to adjourn for a time, and in the interim amend the evidence.

Mr. GOWAN would ask the hon. and learned member for Terrebonne whether a man could be convicted of perjury upon the mere setting forth in the evidence of the substance of the oath taken by him?

Hon. Mr. BALDWIN.—The oath is set forth word for word in the return.

Mr. GOWAN.—Still there could be no prosecution without the certificate of the magistrate who administered the oath. He (Mr. Gowan) thought that according to the law there was no power to add to the evidence, and that it was the copy only and not the original minutes that could be available to the Committee.

Hon. Mr. BALDWIN would observe again that it was not further evidence that would be adduced, but merely a making good the present evidence; there was in point of fact no return made; the object of the motion was to amend the return so as to perfect it.

Mr. CAMERON.—If it were allowed, he would allude to a former debate, and there he would find that hon. members did not look so closely to the letter of the law but to the justice of the case. But, said he, circumstances alter cases. There are persons present who saw the commissioners sworn and all the formalities of the law complied with. Now if this is the case, and what is wanted to make the whole evidence formal is merely an omission in copying, ought the evidence not to be amended, and as amended go to the committee?

Mr. CHALMERS.—He was well acquainted with the commissioners, and he could assure the House that they were perfect gentlemen. He was disgusted at the language used in reference to them. If it were said out of the House, it would meet with that contempt which it deserved. The commissioners were perfect gentlemen.

Mr. AYLWIN said, the hon. member who last spoke may know the Commissioners to be gentlemen, but he (Mr. A.) could only judge of them by the report of the Committee; and the opinion he had expressed, formed upon that evidence, he was prepared to answer for in or out of the House. He (Mr. A.) was in that House to discharge a certain duty, and let no man suppose that he was to be intimidated from pursuing what he conceived to be the right course, or that he was to be mealy-mouthed in denouncing what to him was palpable error.

Mr. WILLIAMS—thought that there would be no cruelty in bringing the Commissioners before the bar of this House to answer for their

manifest neglect of their duty—and no injury would be done them—they might be able satisfactorily to explain their conduct.

Mr. MORIN—was not an Upper Canada Lawyer, but there were some general principles of law, which were every where the same, and with respect to which he could express an opinion, and the question before them, he considered to be of this nature. The great difference between this case, and a commission returned into a Court of law is, that the latter relates only to a private action,—the Court that is seized of the cause, does not care who obtains a verdict; while the former relates to a great question of public law. If technical objections to the proceedings in election cases are allowed so often to prevail, it will be perfect nonsense to contest the seats of sitting members no matter how illegally they may hold their seats.

Mr. COLVILLE—was prepared to vote for that part of the motion which ordered the Commissioners to appear before the bar of this House, but he could not vote for the latter part, as he conceived that the statute had taken away all jurisdiction in the case, from the House.

Mr. ROBLIN—was of opinion that the House had nothing to do with respect to the legality of the Commissioner's return. We cannot even express an opinion concerning it, for it is entirely in the hands of the Committee. The Committee has only come before the House, for them to use the power they possess, in order that the Commissioners might be brought before them, to explain their neglect.

Sol. Gen. SHERWOOD said, that under the Grenville Act he (Mr. S.) did not think that the House could interfere with the Committee, with respect to either a matter of fact or law. The Commission was executed perfectly, or it was not, and it should be received just the same as a Commission issued in the Court of Queen's Bench. When such a Commission is imperfectly executed the Court will not send it back to have the mistakes remedied. The statute provides, that when the House conceives that it will be attended with too great trouble and expense to have the witnesses examined before the Committee, a Commission should be appointed. It directs the Commissioners how to proceed with examination of witnesses; and it further states, that when the Commission is closed it is to be directed to the speaker, who hands it to the Chairman of the Committee, and the committee are then to examine the evidence, the same as if it were given before them *viva voce*. He (Mr. S.) would ask whether they are not bound to go on with the case? Will the House now take it from the Committee? The Committee, are the sole judges of whether there was any evidence wanting, or any defect in the proceedings, and they say the law has not been complied with, and they want us to supply what is wanting. He (Mr. S.) thought that the defect could not be supplied—that the committee must adjudicate upon the Commission, in the style that they received it from the speaker. This opinion he formed by analogy with the practice of the Supreme Courts, which always rejects a commission at once when there is any defect in the seal or oath. It is true you may apply for a new trial, but here you cannot.

Mr. DRAPER—Hoped the Hon. Member for Essex would not press the latter part of the resolution, as he (Mr. Draper) was not prepared to vote against, or to express a decided opinion upon its merits, not knowing before he entered the House that the question would be brought before them. With respect to the first part, he (Mr. D.) thought there would not

be a dissenting voice. Bring the Commissioners before the House for the manifest neglect of duty, and by doing so you will not tire yourselves with respect to your future conduct. He (Mr. D.) considered it better to leave the question undecided until that time, for then they would be more prepared to state what their course ought to be. He (Mr. D.) would call the particular attention of the Hon. Member for North York (Mr. Baldwin) to a clause of the statute that had not been noticed, and which he considered might have a good deal of influence in the decision of the question. (Here Mr. Draper recited the clause). From this it is clear, that it is the duty of the Committee to receive the Commission, and that they alone can decide whether the Commission has been legally returned or not, and if they report to the House that there is not such a return as the law requires, the House may appoint a new Committee.

Mr. BALDWIN—So far from being shaken in his opinion by the clause just read by the Attorney General, he considered it strengthened the view he had taken. The presumption is that all the proceedings of the Commissioners were regular, and that in point of fact the swearing did take place, and we wish the Commissioners to supply what they should have stated. All writs issued for a Court may be amended. Why do members object to the Commissioners bringing the minutes of their proceedings? Are they afraid that these minutes will be a sort of Pandora's box, which will spread pestilence among them? Would there be any sense in ordering the Commissioners to appear before them, and afterwards send them back for the minutes? He (Mr. B.) did not hesitate to affirm that the Court of Queen's Bench had the power to order such returns to be amended, and the reason that it is not generally done, is because these Commissions are generally opened at *Nisi prius*, and there is no time to have them amended; it would be different if they were opened in *Banco*. Returns to other writs are often amended. He (Mr. B.) would call upon Hon. members to recollect the consequences, if there was any way of remedying such trifling defects. He (Mr. B.) would ask if the Commission had been sewed up in a bundle, and by mistake another parcel was sent to the speaker and delivered to the Chairman of the Committee. Could not this mistake be neglected?

Sol. Gen. SHERWOOD—No.

Mr. BALDWIN—he would consider it a prostitution of justice if such was the case. His opinion was, that, what has been regularly done by the Commissioners, we have the power to make them put it in a proper shape. This is very different from sending them back to take more evidence.

Mr. PRINCE—was glad that this question had come up. He would however move to have leave to withdraw the resolution in order that he might substitute another one to the effect, that the Commissioners be ordered to appear before this House, and to bring the minutes of their proceedings with them. He (Mr. P.) thought it but fair to let them know what they are brought here for. Supposing it turns out that the parties were duly sworn, and that it was a mistake that the *jurat* was not returned, the House would then not punish them so much.

Mr. RIDDELL—did not approve of the latter part of the motion.

Mr. McDONALD of Kingston—did not see the object of ordering them to bring their minutes with them, as the House could not act upon them. He (Mr. McD.) agreed with the hon. member for Bellefleur, that the Committee could receive evidence as to whether the oaths

had been duly administered or not, but the House had nothing to do with it.

Mr. Solicitor General SHERWOOD differed from the hon. member (Mr. Baldwin) with respect to the power of the Court of Queen's Bench to amend returns of Commissions. The Grenville Act having delegated to eleven men, who are sworn, the power of trying contested elections; they are not to be controuled or interfered with by the House. If the House had to decide the election, it would be different.

Mr. DUGGAN thought it an encroachment upon the rights of the Committee. If the Committee had passed a resolution that this House be requested to send for the Commissioners in order that they might explain their returns, it would then have been proper for the House to make use of their power to assist the Committee. But he was opposed to their indirectly assisting the Committee, when they had not asked them to do so.

Mr. PRICE—Had heard no good reason why the Commissioners should not be ordered to bring the minutes of their proceedings. It appeared to him absolutely necessary and just to the Commissioners and themselves that the former should be told of what we complain; otherwise if the Commissioners appeared before the Committee, and certain questions were put to them, they might reply, if we had known that we should have been asked such a question, we would have brought down the proceedings with us. He (Mr. P.) would like that a good and solid reason should be given why they should not be directed to bring the minutes of their proceedings.

Sol. Gen. SHERWOOD would ask *cui bono* do you order the minutes to be brought? He considered that they had not the power to do so. The reason that he (Mr. S.) did not like that the minutes of the proceedings should be ordered to be brought was, that it appeared to him that it was a sort of pledge that the House would order the commission to be amended.

Mr. GOWAN would read a short extract from the same speeches that were read by the Speaker, and upon which the House acted last Friday. Mr. Wynn, the author of the Grenville Act, said that an opinion ought not to be expressed by the House of Commons on a question that would have to be decided by the committee; so he (Mr. G.) was opposed to any interference by the House with the proper duties and rights of the committee.

Mr. DUGGAN.—My name appears on the motion as seconder, but as I do not approve of the latter part of it, I request that my name be struck off.

Mr. Sol. Gen. SHERWOOD moved in amendment that all the words after acted be struck out.

The House then divided, when 36 voted for and 38 against the amendment.

The original motion was carried by a majority of 65 to 8.

Mr. CHABOT—moved agreeably to the notice he had given, that a Select Committee of five Members be appointed to make certain enquiries respecting the Courts of Appeals in Lower Canada.

By the statute establishing the Court of Appeals in Lower Canada, 7th Vic., Cap. 18, Sec. 13, it is enacted that it shall be the duty of the Court hereby established, within twelve months after commencement of this Act, to make and establish, as well for the grand Court of appeals as for the several courts of Queen's Bench in Lower Canada in the Superior Terms thereof, a tariff of fees for the officers of the said Courts respectively of the Attornies practicing therein, and also such rules of practice

as may be necessary in civil matters. The Act came into force on the 21st day of April 1844, and consequently the period within which the said court were to have made the said tariff and rules of practice had expired nearly a year ago, and as yet no tariff or rules of practice had been made by the said Court of Appeals, he therefore moved for a Committee to be appointed to enquire into the reasons why they had not complied with the said statute in order that some steps might be taken to have the said Rules of Practice and Tariff made if the Court still refused to do so.

The motion was agreed to.

On the motion of which Mr. Johnston had given notice, that the House do resolve itself into a Committee of the whole on the state of the Province being brought up.

Mr. JOHNSTON—said that he would like to make a few remarks before making the motion, and he would endeavour to condense his remarks in order to save the time of the house. The public accounts had lately been laid on the table, and he was glad to see it, for it was the best statement that had ever been laid on the table by any Inspector General. He wanted to know the amount of the public debt, but he could not find it in the book containing the public accounts; now this was a thing they ought to know, and it was very extraordinary he did not shew them the amount that they owed, although he could ask half a million pounds from them; they were going deeper and deeper in debt every day, and if they went on in this way he would not be surprised if in twenty years after this the very light of heaven would be taxed in order to let them get their schemes carried on, it was a bungling system altogether that was carried on between the Board of Works and the Government. The Board of Works was composed of Messrs. Papineau, Cayley, and Morris, and they were always sure to whitewash each other; he knew that, in Upper Canada, they were always creating new offices, and putting persons into them who mismanaged everything. For suppose, a Surveyor goes out some day to mark out a road, another one was sure to follow him the next day to correct it, and then they always contrived to place the marks where the carts passing could destroy or rub them out, in order to get a new job of it; all this arose from the Members of the House not making the Ministers do as they should do; he thought that they should pay the contracts at once, and do away with the Board of Works altogether. They were a bungling set, for they have never made a correct estimate yet, he would tell them something which had lately happened, to give them an idea how things were carried on. A few days ago he wanted to get some information regarding some wild land, and he went to Mr. Papineau, the head of the Crown Land Department, and Mr. Boutillier, his Deputy, happened to be at Mr. Papineau's side at the time, and asked them some questions regarding the land in question. Oh, said Mr. Papineau, go to Mr. McNab, he will be able to give you more information about it than we can; well, he (Mr. J.) went to Mr. McNab, who was a very obliging and respectable gentleman, and enquired about the land from him, but Mr. McNab said he could not give any information without written instructions; now, that was a nice way to carry public business on; and yet some way or the other they always contrived to whitewash each other when they came to the House.

Mr. CHRISTIE—There is an intention to make an enquiry into the expenditure on public works shortly, and he hoped that the Hon. Member would defer it till that was done.

Mr. JOHNSTON—He was much obliged to the Hon. Member for his suggestion, but he was afraid that he was too kind to the Ministry, and that was what spoiled them; he did not, however, wish to delay the Bills now before the House, and would therefore not proceed further in the matter at present, but beg leave to postpone his motion to this day month. Agreed to.

ORDERS OF THE DAY.

On the order of the day for the second reading of the bill relating to informal marriages, in Gaspé being brought up—

Mr. CHRISTIE moved that the bill be read a second time. The bill was for the purpose of allowing proof to be made of certain marriages of which no record had been preserved, in order that they might be now recorded. A similar bill was passed in 1832, but the people in Gaspé did not avail themselves of the benefits of that Act, most of them being unaware of its existence: the time allowed for the making proof of marriages had long expired and the present bill was merely for the purpose of allowing such persons as had not taken advantage of the former Act, to make proof of such marriages in order that they might be enregistered.

Attor. Gen. SMITH—He would ask the hon. member for Gaspé if the present bill would affect the present established rights of any persons.

Mr. CHRISTIE—It would not have any such effect.

Mr. CHABOT—He was satisfied with the intentions of the introducer of the bill, but he would oppose some of the clauses of it.

Mr. CHAUVEAU—He was very sorry to be under the necessity of opposing the hon. member for Gaspé, but felt he must oppose the present bill; it was a very serious matter to interfere with the acquired rights of parties. The hon. member has said that it would not, but he thought the bill would have that effect; and by the bill also any two witnesses would be valid to establishing a marriage, even though they might have a great interest in proving it, or even though they might be the next nearest relations, or heirs of the parties, whose marriage they wanted to prove.

Mr. AYLWIN—He wished the hon. member would postpone his bill till another day, as he was not prepared to decide upon it; and he would be very sorry to vote against a bill which he would feel himself bound to do, if the measure was pressed now.

Mr. CHRISTIE—He would at once have deferred the measure, at the request of the hon. member, but from the fact that during last session the bill had been referred to a select committee, and they had reported favourably he only wanted justice, and as it was of importance to have the measure passed this session, he would press the second reading of the bill.

Att. Gen. SMITH—It appears that certain marriages have been solemnized before persons not qualified and of which no records have been kept, and the present bill is for to enable these parties to prove their marriages before Courts of Justice in order that they may be recorded; it would be for the Committee to report what clauses in the bill they thought objectionable, he himself did not like the construction of some of them, particularly the seventh.

Referred to Committee on previous bill.

Mr. Papineau moved seconded by Mr. Daly, that the Committee be also required to report the provisions of the bill could not be advantageously extended to Lower Canada.

The order of the day for the second reading of the bill introduced by Mr. Christie for the visitation of certain Institutions, was brought up.

Mr. CHRISTIE entered into some explanation of the nature of bill, and said that it would entail an expence of £750 a year to carry out the provisions of the bill.

Mr. AYLWIN—asked if the bill which was going to entail an expence of £750 per annum on the country was introduced with the consent of the Ministry.

Mr. Att. Gen. SMITH—he intended to oppose the bill on that ground, as they had no money they could spare for the purposes of the bill, he thought remedies existed at present for many of the evils the bill was intended to obviate, he did not see any absolute necessity for the measure.

Mr. PRINCE—said he had no doubt that the mover of the bill was actuated by the best motives: he had heard that there were no Courts of Oyer and Terminer in Lower Canada, (Mr. Aylwin, I beg your pardon) and that persons were liable to be confined in gaol there for a long time before they were tried, whether they were guilty or not. He hoped something would be done to remedy this evil.

Mr. CHRISTIE then begged leave to withdraw the bill which was granted.

Imperial Act relating to Sales of Real Estate.

House went into Committee again on the Bill introduced by Mr. McDonnell, of Dundas, for repealing Imperial Statute relating to sale of Real Estate. [Mr. Price in the Chair.]

Mr. McDONALD—He having entered into the question at some length on former occasion, [vide proceedings 31st March last] he did not intend to occupy the time of the house by again going over the ground he then did; he thought the house would be doing great injustice to the people of Upper Canada, if they refused to repeal this act, for as the law now stands, it is productive of very injurious results; a great deal of land in Upper Canada was drawn by old soldiers, Upper Canada Loyalists, who, afterwards, wanted to sell their land; well, if a purchaser goes forward in good faith, and gives a valuable consideration for it, and upon going to settle on the land, finds a squatter there, he is in consequence of this statute unable to take possession of his own property, or to sell his rights in it. The House had already pledged itself to legislate upon the subject. A bill was introduced last session, it had been read a second time and it was only from the press of business that it was not passed during last session.

Col. PRINCE—The Statute of Henry the 8th was passed when the law of real property was not so well known as at present; in order to prevent persons laying up old and disputed titles to lands; in Upper Canada men are to be found in every District, that make it a business to hunt up defects in titles—land sharks who go about seeking what land they may wrest from its rightful owner. He did not think that it would do for us to repeal statute of 32, Henry the 8th, in a young country like this.

Mr. McDONELL of Dundas—This was a question which was simple enough for any capacity; and was there anything he would ask remarkable in repealing a statute made in barbarous times, he thought the repealing of the Statute would eradicate an obnoxious weed which defaced the beautiful institutions which the learned Atty. Genl. had so eloquently described. Lord Brougham, when he called for the repeal of the Statute stated that it was a disgrace to the kingdom, and that it was a Statute that stank in the nostrils of the British Parliament. The Statute operated greatly to the

prejudice of the poorer people. The first time the statute was sought to be applied in Upper Canada, it was for the benefit of one of the judges of the Queen's Bench. He hoped to see House pass a resolution declaring that the Statute was not in force.

Col. PRINCE—The Hon. Member when he spoke, referred to Lord Brougham as a great authority on law. He [Mr. Prince] knew something of Lord Brougham and of his habits, he was no doubt a very able and learned man, but he [Mr. P.] thought he spoke the sentiments of the English Bar when he said that Lord Brougham was not considered to be a great lawyer, he was a great orator, a great statesman, no doubt, but no lawyer. He [Mr. P.] could not describe him better than in the words of a high legal functionary who said that Lord Brougham would be a very great man if he knew a little law, and then he would know a little of every thing. The man who said that knew men well, and had in his lifetime forgot more law than Lord Brougham ever knew.

Mr. McDONELL of Dundas—He would not press the resolutions, seeing the present feeling of the House was against them, and he would therefore move that the Committee do rise and report progress. Carried.

House resumed.

Mr. DRAPER stated that the statute of Henry VIII. was passed to prevent the buying of litigated rights, or what was called pretence titles. It was a law declaratory of and in addition to the Common Law. In Plowden's Commentaries, a work held in high repute by Common Law lawyers, the doctrine of Common Law on this subject was fully laid down, and this author proved that this statute only added the penalties. He (Mr. D.) was prepared to go with the hon. member for Dundas as far as to say that no *qui tam* action should be allowed for the penalties, as the statute may in some instances have been prevented the sale of real property. In other cases, however, which had come under his own observation, the statute had had a beneficial effect. An instance or two he would relate:—A person was a student of a practising Barrister, and in his office this student became acquainted with titles executed twenty years ago, which bestowed certain property on a married woman, when a certain contingency happened. He went to this married woman, and she, being old and infirm and having forgotten the transaction, was induced by the small consideration of thirty pounds to sell her rights, which were proved to be worth at least £1000. Another instance he (Mr. D.) mentioned of the devise of certain property, having had his rights maintained by the salutary fear of the penalty imposed in this statute. A question had arisen in Upper Canada, with respect to whether this statute was in force or not—an eminent lawyer had given it as his opinion, that it was not in force, but no case had as yet come up in which this question was decided by the Court. These resolutions go much further than merely declaring that the statute is not in force; they change the ancient policy of the common law—the common law imposes no penalty, except making the conveyance void, it was the statute that did so. He (Mr. D.) objected to the second resolution, because it is opposed to the policy of the law for centuries past, this policy has been to prohibit the sale and purchase of rights of actions—of the claims that are being litigated before Courts of Justice. A commission was a few years ago appointed, composed of the greatest lawyers in England, to examine and report on the improvements that might be made in the transfer of real property and to settle the numerous difficulties connected with the intricate study, and these learned

men had recommended that the ancient fabric of the common law should be restored in all its purity, that like some of England's splendid cathedrals or monuments that have been erected to the honour of some of her saints and warriors, the dust and rubbish that centuries have accumulated around them, should be cleared away and they be restored in all their pristine glory and splendour.

Mr. BALDWIN—was pleased at the lucid and eloquent manner in which the Attorney General had defended the law as it now stood. He (Mr. B.) did not approve of hastily changing any law. In addition to those instances mentioned by the Attorney General of the beneficial effect of the law, he would state a case that occurred in his own practice. Two individuals had made an exchange, and one of the parties did not make an entry—one of those pests to society who go up and down Upper Canada, raking up defects in titles discovered the omission, and he purchased the right from the other party. He (Mr. B.) recommended a service of notice upon him of a *qui tam* action for the recovery of the penalties, the effect was that justice was obtained—in his experience, in no one instance has the statute been used for oppressive purposes, and it has often been applied to protect the innocent from the rapacity of the wicked—and when he found that a statute has been in force for so long a time and has been used for good purposes, he was not prepared to repeal it. He (Mr. B.) could not go so far as the Attorney General, in consenting to the repeal of the statute, unless a substitute was provided. He [Mr. B.] did not approve of the course that the hon. member for Dundas had adopted, in bringing in general resolutions and asking the House to agree to them. It was better to introduce the whole measure that is to become law, for then they would be able to judge of the propriety of the change.

The remaining orders of the day were disposed without any particular discussion arising.—[See Routine business.]

The House then adjourned.

TUESDAY, April 7, 1846.

Mr Speaker laid before the House a statement of the affairs of the St Lawrence and Atlantic Railroad Company, for the year ending 7th March, 1846.

Also the Report of the Quebec Library Association for 1845.

And a Report of the Insane and Foundling Hospital Montreal, from 1st July, 1844, to 1st January, 1846.

19 petitions were laid on the table.

The following were referred—

Of the Synod of the Presbyterian Church to the Committee on petition of G Rœ, et al, respecting the University.

Of the Talbot District Council, respecting the Niagara and Detroit Rivers Railroad, to the Committee on the Bill relating thereto.

Of D M'Dougall, et al, to same Committee.

Mr Taschereau presented a Report on the petition of Hon A G Couillard, et al, and a Bill for the preservation of certain wild fowl in the County of L'Islet. 3rd reading on Monday.

Mr Morin, from the Committee on Private Bills, reported favorably on Petitions of Rev. W. Adam, et al, Unitarians of Toronto, and R E Burns, Esq, and Wm Bowran, et al, of Beauharis.

Mr Colville referred the petition of Wm Bowran and others to the Common Private Bills.

The petition of the Library Historical Society of Quebec was ordered to be printed.

Several Bills introduced by Mr. Christie were read a second time and referred to a select committee, composed of Messrs Christie, LaBoutillier, Taché, Latérière and Halc.

The Bill for the relief of Richard E Vibel was referred to the Committee on Private Bills.

Mr. PRICE brought in a bill for the relief of the Christian Unitarians of Toronto, which was read a first time.

Mr. DRAPER enquired if this was the same body for a congregation of which in Montreal a bill was passed last session? Mr. Price replied that it was.

The bill, on motion of Mr. Price, was ordered to be read a second time on Monday next.

Address on the Affairs of King's College.

Mr. PRICE, in moving for the above address, stated that he was desirous of obtaining for the information of the house and the country a statement of the general pecuniary affairs and management of that establishment. The House would concur with him upon the importance of obtaining the fullest information upon the subject at as early a period as possible, as it was expected that the hon. and learned Ator. Gen. West would lay before the House this session a bill for the settlement of this vexed question, and he, (Mr. Price) would now ask that hon. and learned member whether it was his intention to introduce such a bill; he would pause for a reply. He, Mr. Price, had no wish to draw from the hon. member any matter which he, Mr. Draper, felt to be his duty to keep within his own breast, but as this is a very important subject and is now agitating the whole country; he (Mr. Price) could not help expressing his disappointment at the hon. member's silence. He (Mr. P.) was aware that his address would be met by the same objection that was raised by the Ator. General East last session upon a similar motion—that as the University was established by Royal Charter, the House could not interfere with its affairs. Should, however, such an objection be raised to his motion, he [Mr. Price] would move for a Committee of the House upon the subject with power to send for persons, papers, and records, and by this more inconvenient and expensive mode he would be enabled to obtain the fullest information by summoning before that committee the Professors and public Servants of the Institution. He [Mr. Price] could assure the learned member that no measure would give such general satisfaction to the people of Upper Canada as a bill to establish the University of King's College on liberal and popular principles, and nothing would tend more to make the hon. member popular than such a measure. He trusted that his motion would be agreed to.

Mr. DRAPER was afraid that there was a little artifice connected with this motion, and that the hon. mover did not care two pence about his motion, that he only wished to draw out from him [Mr. Draper] his intention with regard to the University question. There was this difficulty connected with the motion, that the Governor happened to be Chancellor of the University, but as Governor he had no more power to order the College to make certain returns, than he had to order the U. C. Bank, if he was director of that institution, to do so. He [Mr. D.] did not think it right to ask the Governor to do what he could not do, as Governor. The affairs of Oxford and Cambridge Universities had often come before the House of Commons, but no member ever suggested an address to Her Majesty with respect to these Universities. He [Mr. D.] had no wish to keep any information from the House.

Mr. BALDWIN said that some of the remarks of the Atty Gen'l may be just; and he was prepared with another motion for information, which he [Mr. B.] considered that the Governor was able to communicate to that House. The affairs of the University had excited a great deal of attention throughout the country, especially in Toronto. There it was

notorious that a bill had been filed in Chancery against one of the officers of that institution for maladministration. It had been said that one of the Professors had been making representations to the Head of the Government, and he [Mr. B.] was desirous of having this correspondence laid before the House. The Governor is Chancellor *ex officio*, and the reason of placing him in that office was his high political character. In the returns of the accounts of the College, laid before the House last Session, accounts for one year were wanting, and he was desirous of completing these returns. This information would be useful if the Government were prepared with a bill; if they were not, it would shew to the House and country the necessity for action.

Mr. DRAPER had no objection to an address for any information in the possession of the Government.

Mr. PRICE—in replying to the hon. and learned Attorney-General, said he could assure him that he had not made his motion for the purpose of drawing from the learned member his intentions with regard to the University Bill, he had no such thought when he gave the notice of his motion, but when moving it thought it a fair opportunity of putting the question never for a moment supposing that the hon. member would refuse to answer. The hon. member well knew that various schemes were proposed both in the House and out of it to settle the matter, and he [Mr. P.] amongst other things had been asked if he would consent to give £5000 a-year to some 3 or 4 denominations of Christians, and allow the Church of England to enjoy the Charter with the remainder. How could he in the absence of the information which his address called for make up his mind as to the proportion that those denominations were entitled to, whether £5000 a-year or otherwise even if he [Mr. P.] could be induced to divide the endowment? He was desirous of doing justice to the Church of England, as well as to all other churches—he had no desire to rob the church of her just rights, but how could he tell in the absence of the information he required, what those rights were, & whether any and what would remain after the abstraction of the £5000 a-year. The hon. and learned member had alluded to what he termed the clerical and ingenious manner by which he [Mr. P.] had introduced his motion—did the hon. member mean that he [Mr. P.] had followed the disingenuous conduct of the clerical gentlemen of King's College, who, in answer to an address of this House last year had forwarded any thing but satisfactory information, and had stated in respect of some matter enquired for, just what was not asked for, and what was not wanted, but which covered their wasteful extravagance, or that he [Mr. P.] had brought this matter before the House with an earnestness and devotedness that the subject did not warrant. Last Session he [Mr. P.] had moved upon the same subject, and had been met by the same objection, yet the learned Attorney General [East] had promised to obtain such information as the Governor General could command as Chancellor of the University; but that information afforded little satisfaction either to the House or country. He insisted that this House had a right to the fullest information upon the subject of this great public institution. He however, had no objection to yield to the wishes of his hon. and learned friend, and withdraw his motion upon condition that it stood as a notice for to-morrow; while his hon. friend might add any thing he wished to it.

The motion was withdrawn.

Public Accounts.

Mr. CHRISTIE moved for the appointment of a Select Committee to examine the public accounts.

Mr. BALDWIN wished to know whether the leader of the Government approved of the course pursued by the hon. member for Gaspé. He [Mr. B.] considered it to be contrary to English precedent.

Mr. DRAPER—It is the course pursued last Session.

Mr. AYLWIN said, it was true he agreed last Session to an enquiry, by a Committee of the House, into the public accounts; but he thought that with a Government properly constituted such an enquiry was perfect nonsense. This enquiry ought to take place in the Committee of the whole House. The report of the Committee last Session proved that under the Baldwin LaFontaine Administration every farthing, every stiver, had been honestly expended. By appointing such a Committee you create an *impertium in imperio*.

Mr. CHRISTIE was astonished at the hon. member for Quebec. Would he not consent to mete out to the present Administration the same measure of justice that he required for the late Ministry? It would be a pretty kind of Responsible Government if, under it, the House, by a Committee, could not examine the accounts, as it is impossible, when the House is sitting in Committee of the whole, to look into them thoroughly.

Sol. Gen. SHERWOOD was of the same opinion as the hon. member for Gaspé. If the contrary course was adopted, a Government might say, we are strong enough to prevent enquiry, and we will not allow the accounts to be examined, and thus the door would be open to the greatest corruption. It is enough that the Government must take the initiation in all money grants; but then the House would not do their duty if they did not see that these grants were faithfully expended. The present Government did not wish to stifle enquiry; and information could do no harm.

The motion was agreed to.

Militia of Lower Canada.

On Mr. CAUCHON—Making enquiry of Ministers respecting the conduct of Col. Gagy, Adjutant of Militia for Lower Canada, according to notice.

In answer Mr. Att. Gen. SMITH—Stated that when the complaints against Col Gagy, who was a public officer, are in the possession of the Government, then they would be prepared to answer the enquiry.

Mr. Att. Gen. SMITH, seconded by Mr. CAYLEY—Moved that this House do now resolve itself into Committee of the whole to consider the Acts and Ordinances of Lower Canada, establishing the Trinity Houses of Quebec and Montreal.—Carried. House then went into Committee. [Mr. Murney in the Chair.]

Mr. Att. Gen. SMITH—The laws respecting the Trinity Houses of Quebec and Montreal are about to expire, and the resolution he was going to move, was merely to the effect that it was desirable to repeal present laws, and in order that he might be enabled to introduce a bill in their stead.

Mr. AYLWIN—He considered it his duty as a Representative of the city of Quebec, to do all he could to carry out the views of the Government on this subject; and if the bill should be of such a nature as he could conscientiously vote for, he would be happy to assist in carrying it out.

Mr. JOHNSON—Moved that a humble address be presented to His Excellency the Administrator of the Government, praying for copies

of all correspondence between Col. Gagy and Col. DeHertel.

Mr. CAUCHON—Wished to ask the Ministry if they had been put in possession of the complaints of the constituents relating to Col. Gagy.

Mr. Att. Gen. SMITH—It is very unparliamentary to wander from the subject before the Chair, and to enter into a tirade against a public officer without first having laid complaints before Government; and is it not unparliamentary to ask if the Government are going to enter into an enquiry against a public officer; what right has he to ask questions of this nature of us? Does he think we are responsible for the appointments in the militia? When that question was settled, then they would justify them if required.

Mr. JOHNSTON begged leave to withdraw his motion. Granted.

Common School Bill, U. C.

Mr. DRAPER, in moving the second reading of this bill, stated that he had explained its principle features when he introduced it. He had thought it better to repeal the whole of the bill passed in 1843, embodying however in the present bill most of its clauses, as it was more convenient to have the whole school system governed by one law. The great objection to the late bill, and which he sought to remedy by the present one, was that the different parts of the system had been left too unconnected, that there was no proper system of controul from the lowest to the highest officers; in consequence of this many disputes had arisen.—He [Mr. D.] also provided for the establishment of Normal Schools. The bill was then read a second time.

A resolution was then moved and agreed. The committee then rose and reported that it had adopted a resolution.

The report was ordered to be received tomorrow.

Judge Allen, London District.

Mr. ERMATINGER—In moving this address, he would beg to state that the subject is one of great importance, it involves the conduct of one of the Judges of a large district in Upper Canada. The law of the last session has fortified them in security—they are rendered independent of every thing but of this House.—He wished that the complaints forwarded to the Government in reference to the conduct of Henry Allen, Judge of the London District, might be laid on the table of this House. A district containing upwards of 40,000 inhabitants was tyrannized over by this Judge. He would beg to lay an instance or two of his arbitrary conduct before the House. On one occasion about 100 persons were assembled in the Court House, Henry Allen, Judge of the District Court, for a frivolous pretence dismissed the court, without any business being transacted; again in reference to his decisions, they were contrary in his (Mr. E.) opinion to both law and equity; one instance he would mention—one person sued another on a note for 25s. and on a bond for 27s. The defendant swore that he never had any transaction with the plaintiff to the amount of 22s. 6d., and the plaintiff was obliged to bring up seven witnesses, and obtained but tardy justice. The defendant then turns round and sues the plaintiff for the sum of £4, and obtains judgment, and on this account was indicted for perjury, and convicted. He (Mr. E.) would beg to inform this House that the removal of Henry Allen from the office of Judge of the London District is ardently wished for both by the people, the bar and the magistrates—they were all of them dissatisfied with his conduct.

Col. PRINCE—He hoped that the hon. member for Middlesex, would not press his motion.

All the members will recollect that at the last session a bill was passed for making the Judges independent of the crown. This was following the example set to them by George the IV., who, in his first speech from the Throne, to the Parliament of Great Britain, recommended that the Judges ought to be made independent of the Crown. He (Mr. Prince) did not stand here as the counsel of Judge Allen, he did not stand here as his defender, but as the advocate of justice. Judge Allen may have adjudged a few cases contrary to the opinion of some individuals, contrary to the opinion of the hon. member for Middlesex, but is he for this to be dismissed from his office? The Judge may have erred in judgment, and we must make every allowance for him; he has for a number of years resided in the West Indies, and he may have his prejudices. Before a Judge can be removed he must be proved either grossly ignorant or grossly corrupt; now does the hon. member for Middlesex mean to charge him as being either corrupt or ignorant? Is he to be dismissed he would again ask for merely deciding a case or two perhaps wrong? As he said before, he did not stand here as the advocate of Judge Allen, no, but it was the pride of his heart to stand forth as the advocate & defender of the legal profession.

Hon. Mr. BALDWIN.—He said that he was not aware of the course that the ministry intended to take in reference to the motion; if they allowed it to pass, it would be casting a reproach on the Government; he wondered to see them sitting so long silent.

Mr. DRAPER.—Hear, hear.

Mr. BALDWIN.—The hon. Attor. Gen. said "hear, hear;" it well became him to hear; he (Mr. B.) considered it the sacred duty of the administration to keep the fountain of justice clear, there was no duty more incumbent on them than to protect the people from incompetent or corrupt judges. He held it to be the duty of the ministry if they found ignorant or corrupt judges to come down to this House with the information. If the motion was agreed to, it would imply that the Government had been guilty of a neglect of duty, in not having the complaints forwarded to them investigated. He did not think that the hon. member for Middlesex had made out a case of corruption, sufficient to call upon this House to pass the motion for an address.

Atty. Gen. DRAPER would explain that the reason why he just now said "hear, hear," was his astonishment that the hon. member for the Fourth Riding of York should take it for granted that the Government would allow the motion to pass without the proper notice. He (Mr. Atty. Gen.) would have replied immediately, upon the motion being read, had he not seen that the hon. mover was about to speak. He [the Atty. Gen.] came down to the House prepared to give the explanations required. He held it to be his duty, as it would be that of any one in his place, to do so. [Hear, hear.] The Government was bound to investigate such questions, and should not leave to the House the responsibility arising out of them. [Hear, hear.] With regard then to the case immediately before the House, he [the Atty. Gen.] had to state that complaints against the Judge who was referred to had been received, and after full deliberation the Government had resolved not to bring them before the House. They were of opinion, that although the Judge had erred, it was not to that extent to call for the interference of the House. Other charges had lately been preferred, and were under the consideration of the Government. Representations had also been made to him [the Atty. Gen.] individually, but he advised the party to submit them in the proper shape. [Hear.]

Hon. Mr. BALDWIN explained that he had presumed that no member of the Government intended to speak to the motion, from seeing the Speaker was about to put it.

Atty. Gen. DRAPER—It was from mere accident that he was not up before the speaker made the attempt.

Hon. Mr. AYLWIN, had not the honor of knowing Mr. Allen; but from what had been stated, both by the hon. member for Middlesex, and by the Attorney General, he believed him [Mr. Allen] to be an honest man.

Mr. ERMATINGER thought it due to himself, after all that had been said, to make a few remarks. He did not accuse the Judge of corruption. It was not for him to pronounce in then matter after the Government had taken the initiative. The hon. and learned member for Essex had made a beautiful appeal; but he [Mr. E.] had a plain duty to perform for those who sent him to that House,—people who were not capable of fine appeals, but who were honest, and had to earn their bread by the sweat of their brow. He [Mr. E.] had not spoken of gross corruption, but that there was gross incapacity, could not be mistaken; so thought the magistrates, the bar, and the people.

Col. PRINCE—Where is the proof of this?

Mr. ERMATINGER—I presume there is as much proof for it as for what you say. [Laughter.] He [Mr. E.] had been several years in correspondence respecting that Judge. He always pressed for his removal, with the expectation that the charges which he urged would be enquired into, and his present object was that the House might see from the correspondence he wished to be produced, that the only way to remedy the evil was by amending the law. The last letter he [Mr. E.] received, stated that the Government could not remove the Judge, because the law did not allow it; meaning if words meant any thing, that they would remove him if they could. In consequence however of the suggestions of his friends he would withdraw his motion.

Mr. Lafontaine moved, when the House adjourns on Thursday next, that it stand adjourned from Thursday to Monday next.

The Correspondence.

Mr. LAFONTAINE—would now in pursuance with the notice he had given yesterday, proceed to lay before the House, the correspondence which had taken place relative to changes in the Ministry. It was a duty that he owed to both sides of the House, as no doubt existed in the minds of the members of this House that a correspondence relating to ministerial changes had taken place. It had taken place between him and an hon. gentleman not a member of this House during the fall of last year, and was very suddenly discontinued on the 26th of November last. He had an interview with the hon. gentleman who had entered into the correspondence with him (Mr. L.) and had obtained his permission to use the correspondence when and where he should see fit. As a member of this House, it was subsequently suggested to him by some members that he should publish the correspondence, but he (Mr. L.) did not think proper to do so; the members on his side of the House had afterwards held a meeting, and in so doing they only followed the example of the members on the other side of the House, he was called upon at that meeting to declare whether he was a party to the negotiation and to shew the correspondence. He stated that he was a party, and read the correspondence, and his friends have not only authorized but requested him to state the nature of the correspondence to the House, as both they and their constituents were interested in it. He had to wait a proper time to do so, and he was not a

little surprised yesterday to receive from the hon. gentleman (Mr. Caron) a note stating that he (Mr. Caron) was determined to give publicity to the correspondence; and as the hon. gentleman has offered to publish the correspondence, he would only be following his example if he did so now, and he considered that it was a duty which he owed to his party and to himself to do so; and before publishing it he would take the liberty to read the correspondence to the House. As early as the 9th of September last, he received from the Hon. Mr. Caron, Speaker of the Legislative Council, two letters dated the 7th and 8th of September respectively which he would now read. The hon. gentleman then proceeded to read the letters in French, when

Mr. PRINCE interfered here.

Mr. PRINCE.—He rose to question of order; he would ask the hon. member to read it in English first, or at least when he comes to Mr. Draper's part of the correspondence, as he wished to make a motion.

Mr. LAFONTAINE stated that he intended to read the letters in both languages and proceeded to do so.

Mr. PRINCE rose to order. He intended to make a motion; he objected to reading of correspondence, which he thought should not be read in this House. He would ask the hon. member one question, and if he answered it, he would make a motion.

The SPEAKER called Mr. Prince to order. He did not think the hon. member (Mr. Prince) could interrupt the hon. member (Mr. Lafontaine)—in reading the letters. He considered the hon. member in order in doing so. The reading of the letters was accompanied by loud cries of (hear, hear) from the hon. gentleman's side of the House.

No. 1.

[Extract of a Letter from Hon. R. E. Caron to Hon. L. H. Lafontaine.]

TRANSLATION.

QUEBEC, Sept. 7, 1845.

MY DEAR FRIEND.—I deem it my duty, to give you in writing the substance of a conversation I had some time since in Montreal with Mr. Draper, in which he intimated to me the desire he had that some of our friends should join the Administration. The following is the substance of it.

As early as last summer, Mr. Draper, without being as explicit as he was on this occasion had given me to understand that he would be very glad to see some French Canadians form part of the Administration, other than those who already composed it. He had mentioned Morin as one of the former and at the same time that he intimated that he considered as impossible, your forming part of it owing to the personal differences existing between yourself and the Governor, he gave me to understand that there would be some means devised of removing the obstacle by providing for you otherwise. As to Mr. Baldwin he seemed to be under the impression that he would be disposed to retire unsolicited and appeared to be, indeed, possessed of some information on that subject. I considered all this at the time as merely confidential and to be kept to myself, inasmuch as he had not authorized me to communicate it. A few days before my departure for Montreal, I received from him a note recalling to my recollection the conversation alluded to and begging of me to inform him what were the difficulties that stood in the way of a reconciliation in order to ascertain whether some plan could not be devised to remove them. I answered that as I was about going to Montreal I should there see him and give him my answer. Having

accordingly met with him he after having strongly insisted upon the advantages that would result to the public in general and particularly to the French part of the population by having in the Council of the country persons knowing the wants of all, and able to provide for them; after having represented to me the injury which our isolated position inflicted upon the whole of Lower Canada but more particularly our portion of the population, he told me that there were difficulties in the way but that we ought to consider whether there were no means to overcome them. The first difficulty was to find situations for those who were to be introduced. Thereupon he told me that Mr. Viger could be easily prevailed upon to retire and that Mr. Papineau desired nothing better; that both these situations should be filled up by French Canadians; he seemed desirous that Morin should be President of the Council; but he wished at all events to see that place filled by a Canadian. He spoke of the office of Solicitor General, which, he said, ought to be filled by one of our origin and who, although not forming nominally part of the Ministry, would, nevertheless, exercise great influence in the conduct of affairs. He also spoke of an Assistant Secretaryship, the incumbent to which ought to receive handsome emoluments, and who should have, or be able to obtain a seat in Parliament. This was about all that he could for the present offer to our friends, who, when in power, might themselves strive afterwards to make their share more considerable.

Another difficulty which he pointed out was in reference to yourself. As regarded you, he said that nothing would afford him greater pleasure than to have you as a colleague, but that as the Governor and yourself could not meet, the idea of seeing you form part of the administration must be given up so long as Lord Metcalfe remained in power; but that it would be unjust to sacrifice a man of your influence and merit; that your friends would be highly censurable if they did so; but that this difficulty could easily be made to disappear by giving you an appointment with which you would be satisfied. I understood, or rather he told me the intention was to place you on the bench.

As to Mr. Baldwin, he said little about him; but I understood, as I did in my first conversation of which I have spoken, that he thought he would retire of himself. He said that there were other details, upon which he felt very sure that we could agree. All this was told me with full permission to communicate it and indeed with an earnest request that I should do all in my power to bring about a junction of parties and to induce some of our friends to accept of such seats in the Council as could, for the present, be vacated for them. I cannot forbear telling you that I am of opinion that the present state of things cannot last. What is offered is indeed little but it might be a beginning of something better. It is very possible that I may not view the matter rightly but it does seem to me that the overtures made are worthy of consideration. I communicate them to you that you may consider of them, and you are at liberty to communicate on the subject with your friends, but this must be done with discretion.

I am, &c.,

R. E. CARON.

No. 2.

[Letter from the Honorable E. R. Caron to Mr. LaFontaine.]

QUEBEC, 8th Sept. 1845.

MY DEAR FRIEND.—You will receive with this, the letter I wrote you yesterday, which although written in great haste, contains in

substance at least, a correct account of what passed between Mr. Draper and myself, and also a succinct but sincere *exposé* of my general opinions on the important subject which gave rise to it.

Whatever may be your views of the subject whether they agree with mine or not, I trust, you will do me the justice to believe that the motives by which I am actuated are honest and disinterested.

All that I intended to do was to communicate to you and Morin the overtures that had been made to me, fully determined not to urge the thing further; if you are of opinion that the proposed or any other arrangement which might place our friends in power, is under the circumstances, impossible. Should such be the case, I should sincerely regret it, but I shall submit and await more favourable circumstances.

With regard to that part of the transaction which regards you, I do not even allude to it being of opinion that in your position, you ought to look upon this matter as if it had reference to another and not to yourself personally.

It is unnecessary for me to state that my letter of yesterday's date is of a confidential nature, and is to be communicated only to Morin, and such other friends as you can rely upon, for if the proposed arrangement should be without any result, it would be better for all parties that it should remain between us. Write me immediately, and say what you think is best to be done.

R. E. CARON.

No. 3.—Translation.

[Letter from Hon. L. H. LaFontaine to Hon. R. E. Caron.]

MONTREAL, 10th Sept., 1845.

MY DEAR FRIEND.—I hasten to acknowledge the receipt of your letter of the 8th instant, as well as that which accompanied it. These letters only arrived late yesterday afternoon. According to your wish I have communicated them to our friend Morin. In replying to your communication I answer only for myself, and I do so as I should have done, had my name not been mixed up in your conversation with Mr. Draper. Although the nature and the object of these conversations, in so far as I am concerned, would justify me in abstaining from the expression of any opinion, yet, in accordance with your wish, I think it due to the friendship which I feel for you, to express my opinion frankly, but only on these points in your letter to which I think myself called on to answer. I should observe at first that I infer from the tenour of your letter, although not stated in express terms, that you are of opinion that in the circumstances of the country the majority of each Province should govern respectively in the sense, that we attach to that idea—that is to say, that Upper Canada should be represented in the administration of the day by men possessing the confidence of the political party in that section of the province which has the majority in the House of Assembly, and that it should be the same for Lower Canada. Now, if this is your opinion it appears to me that it furnishes you with the means of offering to Mr. Draper "strong and irresistible" reasons in support of any advice given in harmony with this opinion. These reasons naturally present themselves without there being any occasion to offer them in detail. The present administration, as far as regards U. C., is formed on this principle, but as regards L. C., its formation rests on an opposite principle. Why this distinction between the two sections of the Province? Is there not in this fact alone, a manifestation of

injustice, if not of oppression? The course taken by Mr. Draper, to obtain the results which he desires, appears to me to be unconstitutional. No one is responsible for the step owing to which you write me; you are not charged to reorganize either in whole or even in part the administration of which he is a member; you assume no responsibility. It was this which at first made me hesitate to give you my opinion. Had it been otherwise you would have had a right to demand from a friend that he should give you his advice upon what you would have to do, and in such case I would have deemed it my duty to reply to your appeal without omitting any part of your demands, and without fear of compromising any one. If then I answer you on some points, you must understand that it is not without some hesitation. What is proposed to you is a repudiation of the principle of responsibility in so far as applies to Lower Canada. Since Mr. Draper admits that the Lower Canadian section of the ministry does not represent Lower Canada, why maintain it? Why according to your principles not form a new administration for Lower Canada with the aid of some one constitutionally charged to do so? An administration thus formed would be strong with the influence that the support of the majority of our representatives would give it, and would make that influence legitimately prevail in the Council, and in return would give to the country all the guarantee which necessarily results from the controul which public opinion would exercise over it. It would be then and then only that you could flatter yourselves with having in an administration, to make use of your own terms persons disposed to and capable of sustaining our interests.

But it is said to you—We only wish to join to us some Canadians as French Canadians. From that moment, those who thus enter the Ministry enter it not in consequence of a constitutional right, not by the action of the opinion of their countrymen, but only by favour, by the good pleasure of a Governor. From that moment, as we learn by experience, they are without influence—they are no longer free agents; they are only instruments in the hands of the Governor, to do evil as to do good. If they have any capacity or talent, they make them serve, sooner or later, to throw division among us. On the one hand, they soon cease to feel the salutary check of the opinion of their fellow citizens; on the other side they accustom themselves only to consult their personal interests, and often even their passions. They obey only the arbitrary will of a Governor. Do you wish that I should cite you examples? Here they are:—Mr. Dominique Mondelet thought without doubt to be useful to his countrymen, when under Lord Aylmer, he accepted a place in the Executive Council. We have seen him almost immediately denying his past life and afterwards voting for the suspension of Judges Panet and Bedard, and setting himself as Advocate before that illegal tribunal, the Court-Martial? Yet he was called to the Council as a French Canadian. It was under this title that at a later and sufficiently memorable epoch, we have seen Messrs. Debartzch, Henev, Quessel, Louis Panet, take their seats in the Executive Council. They doubtless thought they would be able to promote there the interests of their fellow countrymen. They ended by voting there for the suspension of our representatives. In later times we have seen Messrs. Viger & Papineau enter the Council by the same door. They have said like the others that they could be useful there to their fellow countrymen of French origin. Yet one of their first acts

committed in broad day was to give us for Speaker a person that we may doubtless esteem, but who does not understand a single word of our language, and to oppose a French Canadian speaking both languages equally, although unanimously called by their grateful countrymen to that high office. We complain, and especially you of the District of Quebec, of the unjust division of the public monies during last session. To whom do we owe it? Under whose auspices has this division been made? Let Messrs. Viger and Papineau answer. And yet all these persons appealed to the fact of their being French Canadians as a reason for their accepting office. All of them had names better known than that of Mr. Taschereau, who, like them, only enters into the administration under the same title, and by the same door, with the best desire in the world, doubtless, to do good. The same fate awaits him. A little more division among the Canadians, with all its unfortunate effects; this is all we have to expect from a system which a Quebec journal has just sanctioned in broad day, and which I cannot describe otherwise than as a system of "office seekers."

I am I confess to you, yet to learn what good this system can produce. If there were two names that under this system it could be hoped would exercise some influence in the Council, if there were two names to which an administration owed some gratitude for their having joined it, as French Canadians, those two names were certainly those of Viger and Papineau—and yet now you learn from Mr. Draper that His Excellency is ready to give them their congé!! Is this in order to form a new administration for Lower Canada? Oh no! It is only to make a patchwork [*repatrage*] of an administration that Mr. Draper confesses does not represent Lower Canada and that it is wished to reform substituting for the names of Viger and Papineau two other French Canadian names, by the aid of which it would be hoped no doubt to create amongst us a little more division than has been created by the first named. Since it is then proposed to give the congé to Messrs. Viger and Papineau, why not also give the congé to Messrs. Daly and Smith? Is it because the latter represent Lower Canada more than the former? Messrs. Viger and Papineau might at least invoke the past in their favour whilst the others have nothing but the present, and I leave you to judge what that is. Poor Mr. Viger! If this is the treatment destined for him, treatment which it is said they are ready to administer to him, I am not surprised to see, so to speak, that the officers of the Government only speak of him with derision. Two men thus placed, thus treated, can they exercise a great influence over the deliberations of Council and cause the interests of their countrymen to be respected there? If that influence is nothing as must be presumed, after the avowal of Mr. Draper how can Mr. Taschereau who only follows in their wake, and to whom moreover the door of the Council is shut, expect to do better than them? What such a state of things would bring us to, or rather what it would perpetuate would be to accept office at any price. What French Canadians should do above every thing is to remain united and to make themselves respected in the Council, and will thence exercise the legitimate influence which is due to them, not when they are represented there only by the passive instruments of power, however numerous they may be, but when they shall be constitutionally represented there by a Lower Canadian administration formed in harmony with principles which public opinion does not

repudiate. The step taken by Mr. Draper towards you is in every respect similar with that which Mr. Sullivan took towards you and me at Quebec in July 1842. It was then acknowledged that the administration of the day which was that which Lord Sydenham bequeathed to Sir Charles Bagot did not represent Lower Canada. It was desired as now to add to it one or two French names only as French Canadians. You know all that followed, I have no occasion to remind you of it. The same scene is on the eve of being re-enacted, or I am much mistaken; unless, indeed the system of accepting places at all price should by accomplishing the wishes of the office-seekers throw our countrymen into a deadly division and weakness. Lord Metcalfe is the Lord Sydenham, and his successor will be the Sir Charles Bagot. I arrive then at a conclusion regarding which you cannot misunderstand me. It is, that as regards the Administration, Lower Canada should have what is granted to Upper Canada—noting more, but also nothing less. This is the sincere expression of my views. If I am mistaken, the error is mine. I may regret it, without doubt, but come what may, I desire above every thing, to remain at peace with my own convictions, which are my conscience.

I cannot close without saying a word upon my position with respect to my political friends. I have often said, and I again repeat it, that no personal consideration for me should prevent them from forming part of an Administration, which for Lower Canada should be organized, in accordance with the constitutional principles which ought to direct our conduct. I will never be an instrument to divide my countrymen. If an Administration should be formed which commands my confidence, I will support it with all my heart. If that Administration has not my confidence, but possesses that of the majority of my countrymen, being unable to support it, I would cheerfully withdraw from the House rather than cause division in our ranks. If, under the system of accepting office at any price, there are persons who, for a personal and momentary advantage, do not fear to break the only bond which constitutes our strength, viz., union among ourselves, I do not wish to be, and I never will be, of the number. Having no desire to keep secret my thoughts or my political views, I permit you to make whatever use of this letter you think best.

I am,
L. H. L.

No. 4.—Translation.

(Letter from Hon. R. E. Caron to the Hon. W. H. Draper.)

QUEBEC, Sept. 17, 1845.

MY DEAR SIR:—After the conversation that I had with you in Montreal last month I promised you to communicate with some influential members of the French Canadian party in order to ascertain if there were any means of coming to an arrangement the effect of which would be to engage them to take part in the administration, and to join the party now in power. My last letter will have informed you that I had endeavoured to perform this promise, and will have made you perfectly aware of the reasons which had delayed me in bringing my negotiation to a conclusion. It is only this day that I am able to inform you of the result of my undertaking, and in what I am about to say to you I will speak with that frankness that you have a right to expect from me after the confidence that you have reposed towards me. I do not recollect our conversation, after you had remarked that there was in each of the two Sections of the Province a political party, that we stated you being in

Upper Canada and that to which I belong in Lower Canada, you insisted on the advantages that would arise to the whole country from a union of those parties, the consequences of which would be a strong administration enjoying the confidence of the great majority of the entire Province. You represented to me the injury caused to the portion of the population to which I belong by the isolation in which we had been for some time back from the administration of public affairs, and you gave me the best reasons in the world for desiring the first of these things, and for endeavouring to remove the other. When we came to examine the difficulties which presented themselves in the way of such a result, we found that the following appeared to be the most serious. 1st. All the Seats in the Council being filled, how were places to be provided for those whom it was desired to introduce. 2nd. Would it be just to leave aside and abandon certain influential and respected members of the party whose aid was sought, and who yet owing to their particular position could not form part of an administration so long as the present Governor should remain in power. 3rd. There are at present in the Council certain members with whom those that it was desired to add to it, could not easily fraternize. Many other details were found of little importance, and such as we thought might be easily arranged. The above manner of viewing the subject is that under which I have presented it to those of my friends with whom I have consulted, and I must at the outset assure you that I have not met one who did not, like you and me, sincerely desire to put an end to a division which is so prejudicial to the whole country. All are agreed in the necessity of a change, and are further agreed that such change, to be lasting and satisfactory, can only be effected by the union or coalition of the two parties the most numerous, and most influential in each section of the Province, and I can inform you that I have found all parties well disposed towards that object. The expediency and necessity of the thing being once admitted, it became necessary to consider the means of making it succeed, and on that subject also there has been but one opinion. It has been assumed as a principle that the direction of affairs should be in the hands of the two prevailing parties in each section of the Province; that the administration ought not more to govern Lower Canada by means of a majority obtained in Upper Canada than it ought to govern the majority of Upper Canada by means of the aid that Lower Canada should give to it, and that no administration whatever ought to last any longer than it shall be sustained by a majority in each of the sections of the Province respectively. It is said that in the Upper section things are as they ought to be; that there the administration is sustained by the majority but that it is quite different here where the minority alone sustains the Ministry which is opposed by the majority, that notwithstanding there is no reason why things here should not be put on the same footing as they are there, that on this condition alone the majority could join the administration in an honorable manner, and in conformity with principle. No objection is made as to the composition of the administration for Upper Canada, but the same right is insisted on for Lower Canada. It is said that persons now in office ought not to be an obstacle to the contemplated arrangement as according to the system of government under which we live, they must in accepting office have expected to resign it, so soon as others according to circumstances should be more in a position than they, to direct public affairs in a manner advantageous to the country.

It is maintained that if it should be necessary to make a greater number of vacancies in the Council than those of which we spoke, the personal interest or convenience of those that this measure might reach ought not in any way to be taken into consideration. The situations must be filled by those who enjoy the confidence of the greatest number, and if this rule should be adopted the consequence will be the removal of the first difficulty that presented itself, that of finding situations for those that it might be thought expedient, and advantageous to bring into the administration.

It is thought that some individual should be charged to work out, and to settle the basis of the new arrangement, and to submit the names of those that it might be desirable to bring into it. Though it is desirable to give a majority in the Administration to the party which is in that position in this part of the Province, there is a disposition to give to the minority a reasonable share in the direction of affairs, and to have it represented in the Council in an equitable manner. Some names which have been mentioned belonging to that description of persons would in my opinion give general satisfaction. A great difficulty has been felt, and one which we both anticipated, arising from the necessity of excluding from the projected arrangement certain influential individuals who, under other circumstances, might have been advantageously admitted. Notwithstanding this, adhering to the principle enunciated above, that individuals ought not to be an obstacle to the realization of a project advantageous to the country, it has been consequently understood, that, for the present, the admission to power of those against whom objections that we cannot hope to remove are entertained will not be insisted on, in the full persuasion that those individuals will know how to appreciate the motives which have induced their friends thus to act, and that they will not consider themselves either forsaken or sacrificed because the former have been forced to yield to an imperious necessity, which they regret. With regard to one of those individuals, Mr. LaFontaine, I am authorized to state, that he will see with pleasure the formation of a Ministry which shall enjoy the confidence of the country; and that he will support with all his heart, though he should not form part of it, an Administration composed of men of whose principles he approves. I am given to understand, and can almost assure you that the second of our difficulties is very far from being insurmountable. As to the third (the presence in the Council of individuals who might prevent others whose services might be necessary, from joining it, it is resolved by the same reasons have been adduced to surmount the first, and it is said that it there are in the Council some members with whom those who are in a better position than they to serve the country cannot reasonably be expected to sit, it would be necessary that those members should yield their seats, and in doing so, they would only fulfil a condition to which they submitted when they accepted office.

You will understand from the preceding remarks that the opinion is entertained that the Administration for this part of the Province must be reconstructed,—that any change which should be made in it by substituting one or two persons for an equal number of those who are now members of it would have no effective result, would bring no strength to the Ministry, would merely isolate from their countrymen those who should accept of it, that such a measure would be of no use to the Government, at the same time that it would be very damaging, politically speaking, to those who should lend themselves to it.

I assure you that this is the opinion of all those with whom I have spoken, and being so you will either find no individual disposed to lend himself to the arrangement that you have have in view (that of re-placing the two members who should retire) or if you should find any one who should do so he would be of no use to you. Such is the information that I have been able to collect. I think it in accordance with the opinion of the great majority of those who take part in public affairs in this part of the Province. The realization of this object is not without difficulty but it is possible, and if it is the only mode that exists of re-establishing peace, tranquillity and satisfaction in the country, it should be obtained at any price. I should esteem myself very happy if I could contribute to such a result and for that end, as for every other which shall tend to the prosperity of the country, you may dispose of me at your pleasure. Hoping that you will be good enough to excuse the want of order which you will find in this letter which has been hastily written in the midst of numerous occupations, I have the honour to subscribe myself with the highest consideration, and the most perfect esteem, dear Sir, your most humble and most devoted servant,

R. E. CARON.

Hon. W. H. Draper.

No. 5.

[Letter from the Hon. W. H. Draper to the Hon. R. E. Caron.]

MONTREAL, 16th October, 1845.

MY DEAR SIR,—You may not have observed by the papers that I have been rather more than a month absent on circuit, from which I returned only yesterday, and you will, I am sure, readily excuse me that I do no more at this moment than acknowledge the receipt of yours of the 17th, and thank you most sincerely for the frank explanations it contains.

You will feel that some reflection is necessary before I can fully appreciate how far any exertions of mine are likely to be successful in bringing to a favourable result the subject of our conferences. My heart is earnestly engaged in the effort to obtain a result so beneficial,—content either to share in the task or to witness its successful accomplishment by others.

You shall hear from me as soon as I can possibly devote to the subject the time its importance demands—for no one will better understand than yourself that while individually I am ready to make any effort to attain an end I consider so desirable, & for that purpose have fully opened to you my desire to learn what prospect there was of success with those with whom you are more particularly connected, I have to secure much co-operation, as well as to enter into much consultation, with those with, as well as those under, whom I am acting ere I shall be able to reply to you in the same spirit as you have so kindly addressed me.

Believe me, my dear sir, with every sentiments of respect, sincerely yours,

W. H. DRAPER.

No. 6.

Letter from the Hon. Mr. Draper to the Hon. Mr. Caron.

(CONFIDENTIAL.)

MONTREAL, Nov. 19, 1845.

MY DEAR SIR,—You will, after the kind confidence you have placed in me, expect to hear again from me what under all circumstances I think should be attempted, in order to accomplish the single end we have proposed to ourselves, viz., to facilitate the formation of a Government which would possess the confidence of the country generally. I have reflected again and again on the

No. 7.

TRANSLATION.

[The Hon. E. Caron to the Hon. W. H. Draper.]

QUEBEC, 26th Nov. 1845.

MY DEAR SIR:—Your note of the 24th has been received this morning. In announcing to me the departure of His Excellency you tell me that you hasten to give me this information as the news may change my views regarding the last letter that you wrote me. In fact this departure cannot fail to have the result that you anticipate. In the communications that we have had together, you are aware that I have never represented myself as head of a party. I have only lent myself, and that I have done most willingly to mediate between those whom our party regards as its leaders and yourself, in order to acquaint them with the communications that you have been pleased to make me, and also to transmit to you their views and ideas on the subject which has occupied our attention. In performing this task I have not concealed from you my own opinions, but this being of only secondary importance, I have always endeavoured to make you understand, what the leaders of the party with which you wished to bring about a reconciliation would desire, and claim. I have only lent my assistance to this object because I knew that there existed temporary difficulties which prevented communications being easily made in a direct manner between the present administration, and those whom it ought to address in order to attain the desired end. The obstacles it appears to me no longer exist and ought no longer to exist, and consequently my mission must cease with the causes which gave rise to it. I should however be sorry that you should conclude from this that I refuse to aid in bringing about a reconciliation that we both appear to desire. On the contrary I am ready to do all in my power to facilitate the conclusion of it. But as you have on the spot those on whom in a great degree the success of the arrangement depends, it appears to me more expedient more easy and more expeditious to treat with them directly. Begging you not to embarrass yourself in any manner with me, and to point out to me in what way I can be useful to you.

(Signed)

Yours truly,

R. E. CARON.

MR. DRAPER rose to offer a few observations, and hoped that the rule of the House which required that a member confine his speech to the motion should not be too strictly enforced against him, (laughter.) He (the Attor. Gen.) had nothing to conceal, nothing to explain away, (hear, hear.) He fearlessly avowed that he entertained the views respecting a union of parties expressed in the correspondence; such were his views in 1841 and 1842, and he would say that he had not changed them in 1845; his sentiments in that regard were well known to every one acquainted with the history of the country since the Union, he avowed them when called upon by Lord Metcalfe to join the Administration, and if there was one cause which more than another operated against the early completion of the present Ministry, it was the difficulty of carrying out the principle of a union which he (the Attor. Gen.) contended for; and he would also add that it was not his fault if the principle was not carried out. He (the Attor. Gen.) had to state to the House that all the correspondence had not been read; there was an additional part which he would presently read. In the meantime he would observe that letters had just been read which he heard of that night, for the first time. He referred to those of the 7th and 8th Sept.; he

had received no representation whatever of the contents of those letters, excepting that contained in the letter of the 17th September, and he would ask the House whether that letter sufficiently informed him of the views of those who had been consulted by Mr. Caron. He (the Attor. Gen.) did not know till yesterday who it was that Mr. Caron corresponded with. Could it be supposed that if he knew of such a letter as that of the Hon. Mr. Lafontaine's of the 10th of September, that any further correspondence would have taken place; had he seen that letter, had he been informed of its tone and temper towards his colleagues, he would have gone no farther; he would have seen that it was impossible to bring about a reconciliation, and would have stopped all proceeding. Besides, he could not have been a party to a correspondence with the latter gentleman because the whole movement was predicated upon the impossibility of that learned gentleman becoming, under existing circumstances, connected with any new arrangement. He (the Attor. Gen.) did not know what mistakes he might have made in speaking French, as he sometimes did with the view of improving his knowledge of that language, but he knew that he never intended to say that he was willing to join the honorable member for Terrebonne in an administration—(hear, hear.) He never did say that but for the difficulty arising out of personal feeling on the part of Lord Metcalfe, such an alliance might take place,—not that he (the Attor. Gen.) declared to the contrary, either, but because he gave no opinion at all upon it. The hon. member next read the letters adverted to above, after which he reviewed the leading facts connected with the correspondence, and contended with some warmth that he had not been fairly dealt with. He complained chiefly of his letters having been shown to, and ultimately placed in the hands of a third party; of Mr. Lafontaine's letter having been concealed from him, and of permission having been given to publish the correspondence without consulting him.

No. 8.

[From Mr Draper to Mr Caron.]

(CONFIDENTIAL.)

MONTREAL, Nov. 26, 1845.

MY DEAR SIR,—The departure of Lord Metcalfe took place this morning. Although this change in no respect alters the opinion I entertain on the necessity of strengthening the local Administration, it materially alters the position in which I am and may be placed, and the powers I may have to effect any thing beneficial and satisfactory.

I felt it my duty on Monday,* the day on which I had the first official communication of His Lordship's intention, to apprize you of it, and in the same spirit I mention to you how I feel my position affected, as you have a right to expect from me the earliest intimation of everything which may influence your own opinions and actions in this matter. Believe me, &c.

W. H. DRAPER.

* Mem.—I kept no copy of this note. It contained nothing but the announcement that Lord Metcalfe was going away, and that the information was given that Mr. Caron might consider how far it would affect his proceedings.

[Hon. R. E. Caron to Hon. W. H. Draper.]

TERRA HORIZ,
19th March, 1846.

DEAR SIR,—The object I had in view in the communications which have passed between us, was,—as I have frequently told you in writing and personally,—to make you acquainted with the views and opinions of my political friends, in order to see whether it might not be possible to come to an arrangement with them.—In order to fulfil the mission I had undertaken, it was absolutely neces-

matter, with an anxious desire to effect a good understanding with the party with whom you are connected, as constituting the majority of the L. Canada Representatives in the House of Assembly. The illness of Lord Metcalfe has prevented my laying the question before him. But the result of my own views I may fully lay before you.

I feel sensibly that there are obligations, which, as a politician and a man of honor, I cannot throw aside as regards others,—while, on the other hand, I feel free to expect from others, that which, on public grounds, I feel proud to do.—Now I am, as I told you, ready to make way as regards my own office. I do not value public life enough to *ding* to it, or to take any course but that which I can justify, to remain in it. So much for myself.

I have felt our Council required to be strengthened, and that the offices of Speaker of the Legislative Council and President of the Executive Council, might be united as a public saving in furtherance of my design.

The position of Mr. Viger, I feel entitles him to every possible consideration on my part.—Every regard to his feelings and his wishes, should, and must be (as I am sure you will feel) shown by me. But I will not conceal from you, nor indeed have I, that I have long viewed his retirement from the position he occupies as essential to the strengthening of the Government. The mode of effecting it, is another consideration.

As to my other Lower Canada colleagues, Messrs. Daly, Papineau and Smith, I can state to you what I believe to be their feelings, especially the two former. They are not anxious to stick to office, to embarrass the present or any future Governor in forming his Council. With Mr. Papineau I have often held conversation, from which I feel certain that he would not hesitate a moment between retiring to benefit his country, and remaining to create difficulty. With regard to Mr. Smith, I have held no conversation with him on the possible question of his retirement.

I can answer for Mr. Morris, and Mr. Cayley, —as for myself, that our holding office is dependent on our doing so on terms which will not compromise our character as individuals, and will be of public service. If either of these grounds fail, we would retire. No difficulty can arise with either of us in making any arrangements for a good government.

This being premised, I wish now to put to you this question to prevent all misunderstanding hereafter, and to enable me to act fairly in the matter towards those with whom and through whom I have to act,—as I intimated to you in my last,—“What Offices would require to be vacated, or what changes made in the present administration, in order to satisfy the just expectations of the French Canadians generally, and secure their support?” I do not ask you to name—as the time for such a proposition has not arrived, nor would this be the way to make it. But, if I can state distinctly what is expected as the *sine qua non*—I am in a position to lay the case fairly before the proper parties, and to consult with them all as to what will advise. You will, I am sure, see I cannot otherwise act an honourable part to my colleagues.

Hitherto our communications have been of a character confined to ourselves. From my esteem for your character, and my confidence in your judgment, and from the high position you hold, I sought an explanation that I might,—opening my own views,—ascertain (if you felt right to communicate yours) what prospect there was of a *rapprochement*. So far our confidence I believe has been mutual. Your last letter contains a frank and interesting exposé of the general view of yourself and political friends. I can now go forward the moment I have your answer; but as my course forward is to lay the question before the Governor and my colleagues I cannot do this, involving your name without your full consent, and added to it the expression of your opinion on the question I have put as to the necessary changes.

Believe me, &c.

W. H. DRAPER.

sary to consult the leaders of the party with whom I had to negotiate.—As many of them lived at a distance, I adopted, as the easiest and most open mode of communication, the plan of sending to them both your letters and my own, as they were exchanged between us. It thus happens that the important part of our correspondence is now in the possession of the friends to whom I sent it.—I am not aware what use they intend to make or can make of these documents, but anticipating the possibility of their using them and making them public, I think it my duty to mention the fact to you, in order that if our correspondence should become public you may know under what circumstances the thing took place, and how and why the papers that compose it passed out of my hands.

I am, as ever,

Dear Sir, yours,

R. E. CARON.

No. 9.

[From Mr Draper to Mr Caron.]

[PRIVATE.]

MONTREAL, 19th March, 1846.

MY DEAR SIR,—I have just received your note of this date, informing me that in reference to certain communications, partly verbal and partly written, which had passed between us in relation to the administration of public affairs in this Province, and the introduction into office of gentlemen, like yourself, of French Canadian origin, that you had, from the necessity of consulting with the chiefs of the party with whom you were connected, transmitted to them my letters addressed to you; that these letters are now actually in the possession of your friends, to whom you had sent them; that you are ignorant what use they may intend to make of them, but, anticipating that they may possibly make them public, you felt it your duty to communicate the fact to me, in case our correspondence should become public, I might know under what circumstances it had passed out of your hands.

Our communications began by a conversation, sought for on my part with you, in which I expressed my desire to ascertain (if you thought fit to place that confidence in me) whether the obstacles in the way of bringing into office gentlemen such as yourself were not to be surmounted, and I said that unless gentlemen of opposite parties should place sufficient reliance on each other's honour and character, to converse frankly and confidentially on such a subject, there could be no means of ascertaining their respective opinions, or whether any "rapprochement" between them was possible. I understood you to assent to this proposition, and I then discussed with you my views as to the state of political parties and the possibility of bringing the French Canadian party into a position by which they would exercise a just share in administering public affairs. You made me aware that you must confer with others before you could inform me what probability there was that any result could be attained. To such conference, however, I was no party—to this moment I do not know the names of the parties with whom it was to be held—nor, so far as you informed me, was my name to be made use of.

The letters which I addressed to you, in furtherance of our conversation, were, on my part, certainly written in the same spirit of confidence which as I understood was to govern our conversation. They were all, if I mistake not, marked in a manner unequivocally to shew this,—in fact, a strongly as is consistent with a proper regard of what is due, and should be left, to the honour of a gentleman.

The course which your friends, in whose hands you had placed these letters, may take in forcing you into the position of being a party to making them public, which was confidential, and communicated in reliance on your character, is a matter in respect to which I do not feel I have anything to say. It is, of course, rests between you and them. As regards myself, I must observe that I never supposed, nor did you, until your note of this morning, ever intimate to me that you had placed the letters, which I addressed to you, out of

your own control, or even that you had put it into the power of any third party to violate the confidence we had placed in each other. On my part, I can assure you, I had invariably taken care, in all communications with others to which the subject matter of our correspondence gave rise, to secure that your name should not be brought into question.

I have felt it due to myself to make this reply to your note, that the opinion I entertain of the character of our communications may be known to you as soon as possible after I am apprised of the position in which you are placed, with your own friends, in regard to it.

Believe me, &c.

No. 10.

[Hon. R. E. Caron to Hon. W. H. Draper.]

MONDAY, April 6, 1846.

DEAR SIR,—The correspondence which passed between us, and, as a necessary consequence, between me and some of my friends to whom I was obliged to communicate it, has lately given rise to some debates in your house; the newspapers have taken up the subject, and it has become the theme of public discussions in which it is represented as altogether different from what it really is.

I have always thought that the publication of this correspondence would be of no advantage, and have done all I could to prevent it;—but from the turn the business has taken and the state in which things now are, it seems to me preferable that the matter should appear in its true light, and should be judged of and appreciated according to its true merits and at what it is really worth, and not according to reports which must be more or less false and erroneous.

I am therefore now of opinion, that it would be an act of justice to me, and for the interest of all those who have taken part in this correspondence that it should be at once published,—and that it should be so at my instance rather than in any other way. I flatter myself that you will coincide in opinion with me, and that you will give your consent to a proceeding which I had not anticipated and sincerely regret, but to which I am driven by circumstances.

In effecting the publication I propose to leave out all that does not bear upon the principal matter;—I have looked upon many of your notes as destined for my eye alone; they have never been shewn, and have never gone out of my hands. These will be omitted, unless you express your wish to the contrary, of which you will please to inform me.

Waiting your answer, I have the honor to subscribe myself,

Dear Sir,

Your very devoted servant,

R. E. CARON.

No. 11.

[From Mr Draper to Mr Caron.]

MONTREAL, 6th April, 1846.

MY DEAR SIR,—I delayed answering your note of this morning, from the necessity of consulting some friends as to the course I ought to take. A new feature has just presented itself. Mr. Lafontaine has a few minutes ago given notice that tomorrow he will communicate the correspondence he has to the House. I do not know what portion of the correspondence between you and myself is in his hands. I assume all that has been written is not. My consent to publication is now quite unnecessary—and I am, on the contrary, obliged to ask you to allow me to make public anything you or I have interchanged, which Mr. Lafontaine either may not choose, or may not be able, from not possessing it—to communicate. I am told that it has been asserted that some letter of Mr. Lafontaine to you was sent or communicated to me, and that I answered it. I wish your authority for stating that your answer communicated to me either Mr. Lafontaine's letter, or that of any other person, relating to the matter otherwise than your letter of the 17th September last, may be considered a communication of them. Your answer before the House meets tomorrow, will greatly oblige,

Yours, my dear sir,

No. 12.

MONTREAL, 7th April, 1846.

DEAR SIR,—Before replying to your note of yesterday evening, I must inform you that at the same time that I wrote to you in the morning to inform you of my wish to publish our correspondence, I wrote also to Mr. Lafontaine, not for the purpose of asking his consent, for I knew that he wished for such publication, but to let him know that I had decided, under the new circumstances of the case, to do of my own accord, what I had before declined to permit.

In a note received from Mr. Lafontaine in answer to mine, he has given me to understand, that my determination myself to publish it, was regarded as an abandonment of my opposition to the publication of the correspondence by others. It is, in all probability, in consequence of this mode of looking at the matter, that Mr. Lafontaine now considers himself at liberty to do that which he was not at liberty to do before, and it is for this reason, I suppose, that he has given the notice of which you inform me in your note.—However this may be, I have thought it right to put you in possession of the facts, and to acquaint you that I have no participation in this proceeding.

I pass now to the contents of your letter.

The portion of your correspondence which is in Mr. Lafontaine's possession, consists, if I mistake not in the following documents:—

- 1st.—Two letters written by me to that gentleman, and dated respectively, the 7th and 8th of September, containing the substance of our conversation at Montreal, in the preceding August.
- 2dly.—Your letter of the 16th October in answer to mine of the 17th September.
- 3dly.—My own letter of the 17th September.
- 4thly.—Your other letter of the 19th November, being a further reply to mine of the 17th Sept.
- 5thly.—The letter I wrote you on the 26th November.

The rest of my correspondence which is out of my possession, consists of several letters written by me on the subject in question to Messrs. Lafontaine and Morin, or which I have received from them. Those letters have in fact formed the basis, in part, of the communications I have made to you, and these gentlemen were the friends of whom I spoke in my letters to you; but you never saw the letters or mine to them, and their names were never mentioned to you, except that of Mr. Lafontaine in my letter of the 7th of September.

I therefore willing give you the authority you ask for, to contradict in my name, any report which may tend to induce a belief, "that some of Mr. Lafontaine's letters were sent or communicated to you, and that you replied to them." The letter of the 17th September contains all the information derived from them, which has been communicated by me to you. That letter speaks for itself.

You are also authorized to make public such portions of our correspondence as you may think proper, and which Mr. Lafontaine may not wish or may not have it in his power to publish.

Hoping that this answer will be satisfactory to you, I subscribe myself,

Dear Sir,

Your very devoted servant,

ED. CARON.

Hon. Mr. LAFONTAINE explained—he had nothing to do with the communication between the Attorney General and the Hon. Mr. Caron, but he felt assured that the conduct of the latter gentleman was strictly honourable. He desired however, to explain that although at one time the hon. gentleman referred to, had objected to the publication of the correspondence, he had consented to his making use of it in his place in Parliament in accordance with constitutional usages, using however, a judicious discretion. Such was the position of the affair, when he yesterday received a note from the hon. gentleman announcing his intention of immediately publishing the correspondence. He accordingly felt it his duty immediately to lay it before Parliament.

Mr. VIGER—After having spoken at some length in French, said that he now wanted to say a few words in English; he was not a good English speaker, but he could speak a little English in his own way. The Hon. Member opposite had broken a rule of honor in reading the correspondence; there was no constitutional law or practice that required any member to do such a thing, no power could dispense with the laws of honor, and he would defy the Hon. Member to produce a single analogous case to the present one. An Hon. Member some time ago made a motion praying for an address to His Excellency the Administrator of the Government for copies of correspondence, and he (Mr. V.) would have been happy if he had obtained the address, and he would have obtained it if he had done it in a proper manner. He [Mr. Viger] had been acquainted with the whole matter, and he was quite willing to resign if the proposed arrangement had been effected. He had been taunted with being ambitious and guilty of other crimes. Hon. gentlemen might insult him, they had destroyed his character with his countrymen [hear, hear from the opposition] but he trusted to Providence for justice. [Cheers from the Ministerial benches.]

Mr. AYLWY—He was a plain spoken man, and he would say to Members, after the expose that he [Mr. Viger] had made to-day, after what had taken place, that if that Hon. Member represented any part of the country, he [Mr. A.] did not; he called upon the whole of the Canadian Members present, and he [Mr. A.] was sorry that he was not a French Canadian himself [laughter] yes, he would call upon them to declare if the Hon. Member opposite represented any portion of the Lower Canadian population [loud cries of no, no.]

Mr. DRAPER—would ask the hon. member for Terrebonne what steps were taken by the Hon. Mr. Caron to prevent the publication of the correspondence?

Mr. LAFONTAINE—In an interview which he (Mr. L.) had with Mr. Caron, he (Mr. Caron) refused to allow the correspondence to be published, but afterwards he consented that it should be used for constitutional purposes.

Mr. PRINCE—expressed regret at the course the hon. member for Terrebonne had adopted. This subject seems to have excited a great interest, as even the ladies were drawn from their houses to be present at this debate. He (Mr. P.) would ask, what is to be the result of this great discussion? Is it to lead to the public good? No. It is a personal persecution of a man who is an honour to Upper Canada. [Hear, hear.] The mountain has been in labour, and lo! it has brought forth a mouse. We ought not to have allowed communications, that were written in strict confidence, to have been read. This House ought to set an example to the country of strict honour and integrity. He (Mr. P.) did not charge the hon. member for Terrebonne with a breach of confidence, but he did charge him with a want of taste. Though he (Mr. P.) had objected to the reading of this correspondence, he was too happy to find that it had been read—it shewed him that the object was to embarrass the Government—that the leaders of the French Canadians had been guilty of base ingratitude—the hand of friendship had been held out to them and they had rejected it—all attempt to conciliate them, upon British principles, had failed—the principle they seem to have acted upon was *aut Cesar aut nullus*; unless the British inhabitants would bow their necks and allow themselves to be trampled, the French Canadians would not join them in promoting good government. He (Mr. P.) thought the proceedings of the hon. member for Terrebonne had excited the disgust of the majority

of this House. (Yes—No.) Why do not the opposition come manfully forward and move a vote of want of confidence? He (Mr. P.) only hoped he might be present in order that he might behold how miserably such a motion would fail. For the sake of the character of the French Canadians, which he respected, he deeply regretted what had occurred. If the principle of monarchy be honour as Sir Francis Bond Head said it was, the principle and practice of legislation ought to be the same.

Hon. Mr. BALDWIN—One of the objections advanced by the hon. and learned Member for Essex, was to the manner of the proceeding adopted by the learned Member for Terrebonne. Any one acquainted with Parliamentary practice, with Parliamentary history, must know that the course taken by his hon. friend was perfectly correct. He [Mr. B.] observed that the hon. President of the Council shook his head, he feared that the hon. gentleman's memory in the present, as well as other instances, failed him. The occasion of such debates in the British Parliament generally was on a motion of adjournment, or on the issuing of a new writ. As far then as regarded the time and manner of the discussion, there was not the slightest informality. It was also correct, as had been stated by the speaker, that the correspondence would form no part of the Journals, it was a mere matter of explanation. In referring to the more important question before the House, he [Mr. B.] would first say that he was not prepared to join with the Att. Gen. West in condemning an hon. gentleman who held a high place in another branch of the Legislature, because that distinguished individual was not there to explain how far misunderstanding might, according to the suggestion of the learned Attorney General himself, have arisen from a difference of language. But, he (Mr. B.) had no doubt as to the propriety of the course pursued by the hon. and learned Member for Terrebonne; he was prepared to, and did, in the fullest manner, justify that course; he maintained that his learned friend had been guilty of no breach of confidence, he was bound in justice to constitutional principles, in justice to his party, to those who gave him, and would continue to give him, a firm and honest, and hearty support—[Loud cheers.] He was bound in justice to his own high character to act in the way he had, and in no other. He [Mr. B.] was willing to bear his share, ay, to bear the whole of the responsibility of the part performed by his learned friend. [Cheers.] He observed that hon. members opposite smiled; he was not surprised that some of those gentlemen smiled, those who were known only for their disregard of British principles, or who like the learned Member for Essex, [Col. Prince] had British principles ever on their tongue, but never in their heart [cheers and laughter] and whose whole lives have been spent in resisting the establishment of such principles, but he did wonder at others who had themselves drank at the fountain of English freedom, it did astonish him to hear them decry a practice that had been followed by a Chatham, a Pitt and others of equal eminence; he did not know what the President of the Council might recollect in the way of precedent, but he would appeal to the Hon. Attorney General West, did he not recollect the celebrated attempt in 1812 to form a Ministry, the long negotiations that took place, when all attempts failed, and yet the fullest explanations were given: Was it imputed to the parties concerned in that affair that they had acted inconsistently with the principles of honor and good faith? He [Mr. B.] had occasion to say before in that House, what he would then repeat, that the

exclusive responsibility of such negotiations as those in question did not belong to the party on the Ministerial side; the member of the opposition was bound to reveal fully to his party the part he had taken, that they might judge how far he had attended to their interests. —Applying this principle then to the present case, he would ask, how the hon. member for Terrebonne could have satisfied his friends that his conduct was consistent with his position, without disclosing all that had occurred on both sides. In the first place, he was requested to do all in his power to bring about a junction of parties. He receives a letter to that effect, in which he is requested to consult his friends. Rumours get abroad, and he is called upon for explanation, and is he then not to show the actual letter upon which he acted? If not, the natural consequence would be a suspicion of forgery. He did not say that such a charge would be made, but the doctrine laid down, by members opposite might lead to that result. He (Mr. Baldwin) could imagine a case of a letter being received which ought not to be made public, one, for instance, in which the party receiving it would be told that the subject of the letter should not be disclosed to a third party. But the present was not such a case. Here a letter is written involving a direct necessity to consult others. "If it were stated in the letter received by the hon. member for Terrebonne that it should not pass into other hands, the immediate answer of the hon. gentleman would be, "I cannot proceed as you desire; I cannot act upon your recommendations, because you do not permit me to use what would be my authority for acting." He [Mr. Baldwin] would repeat that he considered the conduct of his learned friend had been strictly that of a man of honor. With respect to the correspondence which had been read, it remained to be seen what it would produce; he did not know whether the hon. member for Three Rivers felt very thankful to the hon. Attor. Gen. West.

Mr. VIGER.—I do thank him.

Mr. BALDWIN.—Well then all he [Mr. B.] would say was that the hon. member was thankful for small favours—(much laughter). He [Mr. Baldwin] would make one more remark. The hon. members on his side of the House had heard the declaration of the hon. member for Essex [Col. Prince] that it was impossible to satisfy the Lower Canadians, and they had heard the cheers with which that assertion was received by the other side—[hear.] He hoped then that his friends would reflect upon the feeling thus shown; he [Mr. B.] had no doubt that the opposite side would gladly take the votes of his hon. friends, but he doubted whether they would give much in return.

Mr. DRAPER—The hon. member [Mr. Baldwin] has tho't proper to make reflections upon my sincerity, and I am called upon to answer them. He [Mr. D.] challenged the Hon. Member for North York, with all his knowledge of parliamentary practice, to state a single instance in which a Communication marked Confidential was communicated to Parliament without the writer's consent?

Mr. BALDWIN—Was not aware of any instance.

Mr. DRAPER—Then the analogy of the Hon. Member is entirely at fault. If proposals had been made and refused, then the parties would have been bound to have made them known to those with whom they usually acted, and to Parliament. His [Mr. D.'s] propositions were made in perfect sincerity of heart, and with a full intention of carrying them out. If he [Mr. D.] had the support he was represent-

ed, he was proud of it, and he trusted that his conduct would always be such, as would entitle him to the hearty support of his party. He [Mr. D.] felt proud of his position as being at the head of a body of independent men.

Mr. AYLWIN—As member for London.

Mr. DRAPER—Thought that his position was at least as good as a certain gentleman, who had been called the representative of the Returning Officer for Portneuf. He [Mr. D.] had adopted no new views with respect to admitting the French Canadians to a just share in the Government. He confessed that he heard with some surprise the taunts that were thrown out against him for want of sincerity. He [Mr. D.] did not wish to rake up old sores, and there are many members present who remember the explanations that he made during the last Parliament—he considered that he had then sufficiently explained his conduct. He would state now what he stated before, in reply to the Hon. Member for the North Riding of York, who inquired why he did not resign with him, when Lord Sydenham would not do justice to the French Canadians. It was hard to expect him to join him in his resignation, when he gave me no information of his intentions to resign.

Mr. PRINCE—he was going to move an amendment; he had been taunted by the hon. member for the Fourth Riding of York, with having always British principles upon his tongue, and not having them in his heart; he had always doubted if ever he (Mr. B.) had them in his heart, and he was certain now that he had not, he is not a Briton and there was nothing British about him. He (Mr. P.) pronounced him to be the most impracticable minister the country ever had, and the members opposite had been sacrificed to his impracticability. He moved an amendment seconded by Mr. Johnston, that when the House adjourn on Thursday, that it stand adjourned until Tuesday next instead of Monday.—(Laughter.)

Mr. BALDWIN wished to offer a word or two in explanation, in consequence of what had fallen from the Hon. Attorney General. He [Mr. B.] had certainly expressed surprise that the hon. and learned gentleman, entertaining such an anxious desire to obtain justice for the French Canadians, had not supported him in 1841, when he resigned expressly for that purpose; but he [Mr. B.] did not mean to convey the idea that the Attorney General was bound to him [Mr. B.] in any way.

Mr. WATTS did not think that the discussion had taken a proper turn. This correspondence ought to be considered in its general bearings upon the interests of Lower Canada in particular.—(hear, hear;)—it was of secondary importance whether the hon. member for Terrebonne was justified in making it public or not. In all probability the conduct of the hon. and learned member for Terrebonne will be censured or applauded according to the political bias of the persons who pass judgment on it. The hon. and learned member for Essex [Col. Prince] had stated that the conduct of the hon. member for Terrebonne was calculated to excite disgust. Be that as it may, it was his [Mr. W.] opinion that the hon. member for Terrebonne would be in power before twelve months had passed over, and that he would then find the hon. and learned member, for Essex, as firm a supporter as he had been before, and as he had been to every ministry since he came to the country. What is the subject of debate at present? [Hear, hear.] It appears that there has been a secret correspondence commenced without the knowledge of his colleagues or his supporters, between

the leader of the Ministry and a leading gentleman of opposite politics, for the purpose of strengthening the Ministry by the adhesion of the great body of the Lower Canadians, and turning out his colleagues to fill their places from the opposition benches. He (Mr. W.) did not approve of this correspondence. The ministry were placed in their seats by the votes of the majority of this House, and they, the L. C. section of this majority, had given them a steady and hearty support, and had never once allowed them to be placed in a minority from the commencement of the present Parliament up to the present. They had, therefore, no right to sell a portion of that majority—to adopt a course that would kick a number of members into the opposition. He [Mr. W.] denied that the Attorney General West had a right to cabal with the leaders of the opposition without the knowledge of his colleagues. He would ask the hon. members for Missisquoi, Three Rivers, Ottawa, and Megantic, who form the Lower Canada section of the Ministry, whether they were made acquainted with the existence of this correspondence when it commenced or not. [Loud cries of hear, hear, hear.]—He [Mr. W.] was under the impression that they were not, and for the members of the party which has supported the Government, how were they made aware of this correspondence? Was it communicated to them by the hon. Atty. Gen. or his colleagues, or has not its existence been made known to them by the members of the opposition. [Hear, hear.]—If two Generals in the charge of adverse armies, were, without the knowledge and consent of their respective governments, caught in secret correspondence to betray the troops under their command, we all know the punishment they would receive for their treachery, and he (Mr. W.) would ask whether there was such a wide distinction between military and political honour, that what would be ruin in the one, case was to be applauded in the other. But to come to a nearer parallel—if Sir R. Peel, without the knowledge of the Duke of Wellington and his colleagues, were caught tampering in a secret correspondence with Lord John Russell, with a view to changes in the Ministry, would not his conduct be reproached by the whole British Parliament and people? If such would be the case, he [Mr. W.] considered that the Attorney General had acted decidedly wrong in commencing these negotiations without the knowledge of his colleagues and his party, and he [Mr. W.] as an independent member of this House, felt it his duty to his constituents to protest against their being victimized by the Attorney General for Upper Canada, whose sole object seemed to be to strengthen his own hands at the expense of the British population of Lower Canada.

Mr. PRINCE—He should not have troubled the House again if he had not been taunted by the Hon. Member for Drummond, with having supported the late Ministry, he did not deny it, and he opposed them now because they opposed the principles that they then supported. There was no difference between the present Ministry as to principle. The opposition arises merely for place and not for principle, he defied them to point out any inconsistency in his [Mr. P.] conduct. [Ironical cheers.]

The amendment was then put and lost.

The motion that the House when it adjourns on Thursday stand adjourned to Monday next, was then carried.

The House then adjourned.

LEGISLATIVE COUNCIL.

TUESDAY, 7th April, 1846.

Sundry petitions were presented.

The order of the day was the reading of the Vanzandt's relief bill.

The SPEAKER read a brief of the bill.

Hon. JAMES MORRIS said, that after the compendious statement of the bill just read by the Speaker little remained for him to say. This was a decided improvement in the practice of the House. The facts were these, a Mr. Duncan died in the year 1810, intestate, and leaving no heirs, the property was therefore escheated to the Crown. He had, however, a sister of the half blood; she could not, however, inherit the property. In the year 1834 a statute was passed by which persons of the half blood were allowed to inherit property. [The speaker was here interrupted by a message from the Legislative Assembly, stating that they had passed a bill to facilitate the conveyance of real estate in Upper Canada.] He continued, he was remarking that a person of half blood could not take advantage of that act, as the property had been for several years escheated to the Crown. Mrs. Vanzandt, half sister of Mr. Duncan, accordingly petitioned His Excellency the Governor General, requesting the she might be confirmed in the said estate. An answer was returned, to the effect that His Excellency could not comply with the request, owing to the law preventing him from doing so; stating, however, that an act might be passed to confer that power on him. It was for this purpose that the bill had been introduced. The Government will take care, he supposed, that Mrs. Vanzandt shall prove that she was the half sister of the late Mr. Duncan. (Mr. MORRIS—was here again interrupted by another message from the Legislative Assembly stating that they had passed a bill to repeal so much of an act as gave power to borrow a sum of money for the town of Bytown.) that she was the next of kin to Mr. D. In reference to the fee of £20, he had had communication with the clerk of the other House who stated to him that the fee would be required by the Legislative Assembly before the second reading, although it had been paid in this House.

Hon. JAMES MORRIS then moved the second reading of the bill.

Hon. Mr. GORDON would like to be informed whether, if this bill passed, the Governor would be considered as compelled to issue the Letters Patent, and whether the property was not in the possession of other persons.

Mr. SPEAKER—In reference to the first question, he would beg to state, that it would be by no means compulsory.

Hon. Mr. MCGILL said, he believed he had bought a portion of the land, but was unable to get the deeds. He believed, however, that the Government would see that the persons in whose possession it was were indemnified.

Hon. JAMES MORRIS said, he knew nothing of the facts of the case. The petition praying for the passing of the bill states that some land has been sold, but that deeds could not be granted.

The bill was then read a second time, and ordered to be read a third time to-morrow.

A bill to facilitate the conveyance of real estate in Lower Canada was read for a first time and ordered to be read a second time on Thursday next.

A bill to repeal so much of an act as gave power to borrow a sum of money for the town of Bytown, was read a first, and ordered to be read a second time to-morrow.

The House then adjourned.

WEDNESDAY, April 8, 1846.

The Hon. Mr. GOODHUE, took his seat.
Sundry petitions were presented.

The Committee to whom the Bill to authorise the devisees of the Hon. Charles Jones to convey a town lot in Brockville to the Board of Police of that city, reported an amendment.

The report was ordered to be taken into consideration to-morrow.

The first order of the day was the third reading of Vanzandt's Relief Bill. The Bill was ordered to be read a third time.

Hon. Mr. MORRIS—He would beg to call the attention of the Hon. Member opposite to this circumstance, viz: Would he feel himself secure in his titles to the property which he had purchased from either—from the late Captain Duncan, or his heirs. It was not to be expected that the Government were to enquire into the various and conflicting claims of purchasers of this property. It would be well for this House to be satisfied whether the persons mentioned were persons who were either willing or in the circumstances to confirm the titles. He thought that the House would not be doing justice if it were to pass the Bill in its present state. He thought that a board of trustees ought to be appointed to see that persons now in the possession were protected.

Hon. Mr. GORDON—Made some remarks, but from the peculiar tone of his voice, his manner of utterance, and his back being turned to us, we could not distinguish what he said.

Hon. JAMES MORRIS—He had no objection to refer the Bill to a Select Committee. He however, regretted that the Hon. Member had not made his objection before the Bill had been read the second time. In reference to the Bill, he considered that the Government had induced Mr. Vanzandt to petition this House for the passing of a Bill like this, as the Governor in Council had returned for answer to the petition forwarded to them, that the Governor could not grant letters of preference, till an Act of Parliament had been passed, authorising the Governor to issue such letters. In reference to creating a Board of Trustees, he did not see his way clear in that matter, he was not a professional man, he would, however, take Counsel in the matter. He moved that the Bill be referred to a Committee.

Hon. Mr. MCGILL—the hon. member had better move that the order of the day be discharged, and that the bill be referred to a select Committee.

Hon. Mr. SPEAKER—he would beg to say a few words before the motion was put, that the Committee might take them into consideration. He did not conceive that there could be any difficulty in passing this bill, it did not compel the Government to issue letters of preference, nor did it impose any greater duty on the Executive than was often imposed on other Executive Governments, indeed he [the Speaker] considered that the Executive ought to consider it an act of justice incumbent on them to perform such a duty. If there was any difficulty in reference to the titles or deeds of persons in possession, he considered that the Government could easily confirm those persons in their possession, by granting letters of preference only for such portion of the real estate as was not in the occupation of any person, he considered that the appointing of a board of trustees, would be an act of injustice. [Hear, hear.] Either the Government were real owners of the property in question, or Mrs. Vanzandt was; if the Government were the proprietors then, whoever heard of a board of trustees being appointed for the management of Government land, if Mrs. Vanzandt was, then she ought to be con-

firmed in her title; no board of trustees ought to be appointed to harass her. If, said the Speaker, one member however, has any doubts in his own mind in reference to the bill, it ought to be referred to the Committee. He hoped that the Committee would take what he had said, into their consideration.

Hon. Mr. GORDON—again made a few remarks in reference to the bill.

Hon. Mr. FERRIE—he would like to know whether there is any proof that she is the heir or the nearest of kin to the late Captain Duncan. [The Speaker said that he supposed the Government would see to that.] If the Government will see to that point, and there will be no responsibility resting on this House by passing the bill, then he had no objection.

Hon. James Morris then moved that the order of the day be discharged, and the bill be referred to a Committee of three members, to consist of the Honourables Messrs. Gordon, Bruneau and the mover.

The next order of the day was the second reading of bill to define the side lines of lots in the Gore of the Township of Gloucester.

Hon. Mr. McKAY—said, that the petition on which this bill had been founded, was signed by all the proprietors and inhabitants of the property, whose side lines were to be settled; there were disputes as to the boundaries of the lots, and it was necessary that they should be settled. It was to do this that the bill had been introduced.

The bill was then read a second time and ordered to be referred to a Committee to consist of the Honourable's Messrs. Knowlton, Hamilton, and the mover.

The third order of the day was the second reading of Schools sites bill.

Hon. Mr. MORRIS—when he heard that the Government had introduced a new school bill, he thought that the bill might be unnecessary, but such was not the case, the bill was as much required as ever. The bill authorized certain individuals on a private school being formed, and a site got, to form themselves into a Corporation. The bill allowed them to possess ten acres.

The bill was then read a second time and ordered to be engrossed and read a third time to-morrow.

The last order of the day was the second reading of the Niagara debt bill.

Hon. Mr. HAMILTON—said, that this merely repealed an act for the payment of a debt in the District of Niagara. The Wardens and Councillors on the 30th of March last found the debt paid, and they had petitioned for the repeal of the act.

The bill was then read a second time, ordered to be engrossed, and read a third time to-morrow.

The House then adjourned.

WEDNESDAY, April 8, 1846.

Assessment Bill U. C.

On the order of the day for the second reading of Assessment Bill U. C. being brought up.

Mr. Attorney General DRAVER.—He was anxious to know if the hon. members opposite would contest the bill. The bill was essentially different from the former one in many respects, and he had received many suggestions from different parts of the country; respecting it if the hon. members were not opposed to the principle of the bill he would move that the House go into Committee upon it, when any amendments not contrary to the principles of the Bill might be made. When the House went into Committee he would enter fully into the question. He would now move the second reading.

Mr. PRICE.—He hoped that when the House went into Committee the hon. gentleman would take into consideration if it would not be advisable to tax capital and leave the farmer alone;

he was afraid that the Bill as it now stood would tax the farmers chiefly. A man who had his farm mortgaged would have to pay tax on the whole value of the property while the capitalist who had perhaps a greater amount vested in the farm than the owner escaped free; he objected to one class being heavier taxed than another, especially that class which contributed so much to the prosperity of the country, he hoped that the hon. gentleman when the House went into Committee would take this into consideration. He liked the Bill.

Mr. MYERS objected to the Bill unless it was extended to both parts of the Province.

Mr. DRAVER.—The hon. gentleman has overlooked that the municipalities in Lower Canada had power to impose taxes for local purposes; he (Mr. D.) was not introducing a new system of taxation but was only endeavouring to improve the old one which had existed for so many years.

Mr. HALL said that on a former occasion he had been misunderstood in this House, and unintentionally mis-reported. He was reported to have said that he was opposed to all taxation.—

Now what he really did say was, that while the country had a surplus revenue—while it raised enough by indirect taxation to carry on the expenses of Government and leave a large balance—it was not only unnecessary to resort to direct taxation, but was both unjust and impolitic. He was answered that a country could not thrive without taxation, and was pointed to the United States for a proof of this assertion. However, the hon. member who had made that remark was mistaken in his facts, for in the United States the customs collected at the various ports went to support the expenses of the Federal Government, and the direct taxation to the particular State. Since the evening upon which the bill was introduced, however, the circumstances had been entirely changed, from the announcement which had been made by a member of the Government that the administration of justice was to be charged on the Provincial Revenue. Thus this tax would be levied for the future only to supply the necessities of the locality where ~~they~~ are levied.

Mr. PRICE objected to members entering into a discussion of the bill now; if hon. members have no material objection to the bill, they should let it be read now, and when the House went into committee upon it, they might discuss it then. He put it to the House whether it was not unparliamentary to go into the merits of the bill now, unless hon. members were opposed to the principle of the bill.

Mr. ROBIN mentioned several objections he had against the bill, especially with regard to the appointment of assessors, and to the manner of assessing personal property, which, he said, he merely threw out as hints, in order that they might consider them before the House went into committee on the bill.

Mr. McDONALD of Cornwall, rose and said, this is the most important measure of the session, and he could not remain silent, while such an important measure was under discussion. As the measure related solely to Upper Canada, he hoped to see the members for that section of the Province come forward *en masse* and express their opinion on the bill. He for one was not prepared to support the measure. He would beg to ask whether such a measure should be passed without the opinion of the people being expressed on it, he was not prepared to legislate till that opinion had been expressed, they had not petitioned for such a measure. He had no objection to authority being given to Municipal Councils to tax their Districts for local improvements but he did not think that a compulsory measure, ought to be passed. He would vote against the bill.

Sol. Gen. SHERWOOD.—He considered that this was the proper time to discuss the principles of the bill; when the principles are established at the second reading, the House goes into committee of the whole, and the details of the bill are then settled. He believed the principle of the bill to be this: real property shall be taxed according to its real value, and not according to its arbitrary value. Is, said he, a person who

owns property to the value of £1500 to pay no more than a person who owns to the value of £200? Is a person who lives in a two story house to pay no more than the poor man who lives in his one story house? He considered that the country should be taxed *ad valorem*. This principle had been introduced in the city of Toronto, and had been found to operate beneficially; he considered that this principle would be pronounced the most equitable and just that could be adopted. The honorable member for the West Riding of York had asked him to corroborate his statement that a great deal of the property in Toronto was, although nominally owned by the possessors, in reality owned by the wealthy capitalist, who held mortgages. He was aware that such was the case, but he drew quite different conclusions from those of the honorable member; if the mortgages were to be taxed, and the nominal owner only to pay according to the actual amount he owed of the property, then the mortgagee would be compelled to pay all the taxes; it would be an inducement to mortgage the property. The mortgagee would be paying all the taxes; the actual owner would be enjoying all the benefit. It has been said that the bill is confined only to a few descriptions of property; if you agree with the principle of the bill, vote for the second reading, and when it is committed you can make amendments to it. The principle adopted in the bill has been approved of, both in Great Britain and the United States. It had been objected to the appointing of the assessors: now, he thought that hon. member had misunderstood the subject; the bill gave power to appoint assessors for each township, and if they deemed fit, to unite two townships. Again, it has been objected to the bill that it is compulsory, and the people have not called for it. He would beg to state that it was not a compulsory measure; it only gave power to the District Councillors to tax their respective Districts if they saw fit, and he felt convinced hon. gentlemen will admit that the District Councillors are legitimately the people. It had also been objected that the bill did not include Lower Canada, but Lower Canada had their Municipal Councils, who were empowered to tax. If the people of Lower Canada did not choose to levy taxes for local improvements, then let them remain as they are; but the people of Upper Canada knew the benefit of taxation, and he was confident that they would gladly avail themselves of this bill to levy taxes for local improvements. He had no desire to force on Lower Canada a taxation which they did not want. The hon. member for Prince Edward has objected to the bill, because it repeated two clauses of the Boundary Act. Now, he would beg to ask that hon. gentleman what other course could have been adopted? Was the assessment Bill to be incorporated in the Boundary Law Act, or *vice versa*? He thought the House ought now to decide on the principle of the bill; the details could be settled in committee.

Mr. THOMPSON was disappointed in this bill, it did not go far enough, all property ought to be taxed according to its value. If the Administration went upon the principle that they must have the bill, the whole bill and nothing but the bill he would oppose it, but with the understanding that amendments might be made to its details he would vote for the second reading. He (Mr. T.) considered it to be oppressive on the poor,—it taxed what was in the possession of every poor man, viz, a cow, while many articles that the rich usually possess are exempted. The bill says nothing of taxing Mills, Merchants Shops and Monopolies.

Sol. General SHERWOOD.—Merchants Shops were an omission.

Mr. THOMPSON was glad to hear it.

Mr. MERRITT was opposed to this bill in principle and detail. In principle because, under the altered circumstances of the country, it was unjust to throw the whole of the taxation upon the agricultural community. This bill will not be received with satisfaction in Upper Canada.

Mr. ROBINSON, would ask the member for South Lincoln (Mr. Merritt) what bill he would support if not the present one, as it did not im-

pose any new taxes but only equalized the present system. His constituents were anxious that alterations would be made, similar to those provided for in this bill.

Mr. GOWAN [congratulated the proposers of this bill on the feelings that now prevailed with regard to it. He (Mr. G.) considered it, to be the very best bill that could have been introduced; and that it would give satisfaction to all classes of the community. The hon. member for the South Riding of York had complained that Merchants and Lawyers were not to be taxed. He (Mr. G.) believed that the hon. member was a lawyer, and he would ask him, if he would consent to have his brains taxed. Lawyers generally reside in the large corporate towns, where their property is amply taxed—they have to pay the county rates and a tax to the corporations besides. This bill places in the hands of the different Municipal Councils the appointment of the assessors, one of the most important officers in the country. He (Mr. G.) looked upon this as one of the most important improvements, because it imposes the responsibility upon a few persons, whose proceedings, are reported in the newspapers, and are vigilantly watched. The Assessors are appointed by the Councils in most Corporations, and if this is found necessary where the people are generally educated, how much more necessary is it in the several parts of the country, where they are more scattered and less educated. The system of assessment at present adopted, is to value all wild lands at four shillings an acre, and improved lands at £1 an acre—thus the rich man who had his lot near a town or village, worth perhaps £50 or £100 an acre, paid no more than the poor farmer living fifty or a hundred miles from market and whose farm was not worth more than £4 or £5 an acre. It has been said that this bill does not go far enough—he (Mr. G.) thought it better to try the people of Upper Canada with a partial measure, and then if they were in favour of it, a more full and complete system could be adopted.

Mr. WILLIAMS was in favour of this bill, because it will relieve the farmer. He (Mr. W.) could mention an instance of an individual who now pays only sixpence to the Council who will, under this bill, be obliged to pay £60, and thus the poor farmer at a distance from towns and villages will be exempt in a great degree from taxation.

Mr. CAMERON, before giving his support to the bill, wished to say a few words; he was astonished at the opposition made to the bill. The principle of the bill was merely with regard to the manner of raising the assessment; it does not impose any new tax. The bill, he thought, would relieve the poorer part of the people and divide the assessment among the rich; he did not see any thing very objectionable in the bill, and he was bound to support it upon principle; he had supported the same principle in 1843, and with the understanding that further amendments would be allowed when the House went into committee he would go heartily with the measure; he felt assured that if the bill was carried out, it would be acceptable to the country; he thought that the persons lending money on mortgages should be assessed for the amount of the mortgage, and that the bill should also extend to persons investing money on debentures; he was not opposed to taxation, for he thought it tended to bring out the energy of the people; and he did not think the country would be against the bill; but if persons who had large fortunes were taxed at equal rate with others, it would be sure to become disagreeable to the country. The appointment of the District Council to levy the assessment he thought to be the best way that could be devised. He gave the bill his highest support upon the supposition that amendments would be allowed when the House went into committee on the bill.

The question being put whether the bill should be read a second time, it was declared to be carried; but Messrs. Johnson and Macdonell (Dundas) insisted insisted in calling for a division, which took place, when the votes were found to be—Yeas, 57; Nays, 3; Majority, 54.

Mr. DRAPER moved that the House do go into

Committee of the whole to-morrow on this bill. He hoped that the members would prepare themselves to go into discussion of the bill, at least the members who intended to propose amendments, in order that he (Mr. D.) might have time to see the precise effect these amendments would have on the bill. He believed the practice in England was to inscribe notice of any amendment intended to be proposed by any member in a book kept for that special purpose. He did not wish to insist upon their following this practice, but merely would request them to prepare themselves, for the reason he had just stated.

Mr. BALDWIN said, that this had been the practice to some extent in this country, but not to so great an extent as it should have been. There was a practice followed by the late Ministry which he thought was a more convenient one, and which he would recommend to their attention. The practice was to move that the Committee rise and report progress after the bill had been discussed, with the view that the person who had the charge of the measure might have an opportunity of seeing whether anything had been overlooked or not, in order that he might have an opportunity of having any defect amended when the Committee should sit again. The motion that the House do go into Committee of whole on the bill to-morrow was then carried.

The second reading of the Militia Bill was only postponed till to-morrow, in consequence of it appearing that the French copies of the bill had just been distributed amongst the members.

CLERGY RESERVES

Mr. HALL—in giving notice that he would to-morrow enquire of the Administration, why the sales of the Clergy Reserves have been stopt said, that he hoped that full information would be given on the subject, as he would frankly tell the ministry, that they could do nothing to damage their influence so much as by interfering with the law as it now stood; the people of his section of the country felt very much interested in this subject.

REBELLION LOSSES IN LOWER CANADA.

Mr. SCOTT moved that an address be presented to His Excellency for all correspondence between the Government and the Commissioners appointed to examine into these losses.

Mr. COLVILLE—was happy to have an opportunity of saying a few words on this subject. He would ask the Ministry why the claims that had been adjudicated upon in 1838 and 1839, had not been settled? He (Mr. C.) thought it was not right that the payment of these persons should be delayed until all the claims were decided upon.

Mr. SCOTT—was desirous that the instructions given by the Government to these Commissioners should be laid before the House, as he understood that these instructions are not such as they ought to be. Individuals have presented large claims which cannot be substantiated—he (Mr. S.) thought they ought to have been obliged to go before a magistrate and swear to the correctness of them. The Commissioners will probably report that £150,000 is claimed, when only £100,000 is really due for losses.

Mr. MEYERS—had seen in the papers, that a discussion had arisen before the Commissioners with respect to those who would be allowed to present their claims, and that they had decided to allow those who had taken up arms against the Government, and whose property was in consequence destroyed, to file their claims. He (Mr. M.) must, in the name of the people of Upper Canada, protest against paying the losses of any rebels.

Mr. MORIN—The people of Lower Canada had been calumniated long enough. They had been obliged to submit to illegal courts, and now it was attempted, notwithstanding all the professions of oblivion of what was passed, to have their loyalty tried before commissioners.

Mr. HALL.—Though we are willing to cast the shade of oblivion over the past, we are not prepared to pay rebels for their losses.

Mr. ARMSTRONG, did more to pacify the inhabitants of the section of the country in which he resided, than gentlemen opposite, and yet he had been called a disloyal man. If a person happened to differ from his neighbours, and his house was attacked, and he defended it, he was then called a rebel. Motion agreed to.

Winter Roads—Lower Canada.

Mr. LAURIN moved that the bill to repeal Winter Road Ordinances as respects Quebec, be read a second time.

Mr. DEBLEURY requested the mover to postpone the second reading for a few days, as he (Mr. D.) intended to bring in a bill on Monday or Tuesday next to regulate Winter Roads throughout Lower Canada, and this measure might be included in it.

Mr. LAURIN objected to do so, as this had been done last session, and the bill was past.

Mr. AYLWIN thought that winter roads were not a proper subject for legislation. An Ordinance similar to the late Special Council Ordinance, was passed in 1788, but the feelings of the people were so much opposed to it, that it became a dead letter, and was repealed two or three years afterwards. These laws are more apt to retard the desired improvement than to forward it.

Mr. MOFFATT—Unless something is done to enable the people of the Eastern Townships to come to Montreal, with their double sleighs, they would continue to be put to great inconvenience, and it would virtually be sending them to Boston as their market.

Mr. CHAROT—The roads are worse in the district of Quebec than in Montreal, and the bill has reference to Quebec.

Mr. MCCONNELL'S constituents were very much interested in this subject, as when they started from their houses for Montreal, with a double team, they were obliged, when they came to the seigniories, to unyoke their horses and place them one before another; and every one knew that horses could not in this way draw as much as when they were placed abreast. He (Mr. McC.) did not think the French Canadians were such unreasonable men as to object to adopt means to obtain good roads for themselves and for their neighbours.

Mr. COLVILLE recommended that every municipality should have a snow plough.

Mr. SCOTT said, while the people of Upper Canada and the United States had good roads they had execrable ones. The only time in which they had good winter roads, fit for rational creatures, was the two years after the Ordinance of the Special Council was passed; and he was sorry, after the people had been put to great expense to obtain new sleighs, that the beneficial parts of the ordinance had been repealed.

House then adjourned.

ROUTINE BUSINESS.

WEDNESDAY, April 8.

Petitions read:—

Of Francis Small et al, of county of Halton, that no division be made of the Clergy Reserve Lands.

Of George S. Alton et al, that duties on agricultural produce coming into Canada, may be continued.

Of P. Besse et al, of Chambly, praying for amendments to winter road act.

Of Donald Mathieson et al, Presbyterians of Richmond, that the Bill of last session, relative to King's College, may not pass.

Of Patrick Wallace et al, of Cohourg, praying to be incorporated as the "Cohourg manufacturing Company 8," for manufacturing paper.

Of Hon G Roy et al, of La Côte St. Laurent, for the extension of the Ordinance 3rd Vic. chap. 31, to embrace a certain piece of Road within the jurisdiction of the Road Trustees.

Of Jas Kirby et al, of the District of Niagara, that the district Town may be removed to Berthie.

Of Thos O Parry et al, and of Lemuel Birdsall et al, of Niagara District, for the removal of the county Town, but not to St Catherine's, and of Ozias Buckner, et al, that it may be removed to Port Robinson.

Of Wm Edwards et al, of Ottawa District, against the sectarian character of the ministry

of King's College, and that chairs for Agriculture, Chemistry and political economy be established.

Of J Taylor, Esq., et al, and of John Burrowdale, et al, of Diocese of Quebec, that the share of Clergy Reserves due the Church of England may be given to the Church Society.

Of Calvin Gates et al, of Talbot District, for the construction of a Harbor at Sander's Creek.

Of Geo Gibbs Riout, Esq, et al, of the Toronto Mechanics' Institute, for an act of incorporation.

Of E P Wilguiss et al, of the parish of St. Michael's, for amendments to School Act of Lower Canada.

Of John S. Monargy, Esq, et al, of Percé, for an act for proving and registering certain marriages.

Of the Rev Wm McMurray et al, of Dundas of Mr Gowan et al, of Townships of Uxbridge Brook; of Geo Hornick et al, of Killy; of Wm Graham et al of Escott; of Rev E T Atkinson et al, of Grantham; of Rev Wm McMurray et al, of Ancoster; of Gensham Cutlan et al, of Lansdowne—all members of the Church of England, of the Diocese of Toronto, praying that the share of the Clergy Reserves falling to that Church may be vested to the Church Society.

Of Richard D Fraser, Esq, of Edwaidburgh, for remuneration for services rendered his country.

Of Benj Coffin et al, of District of Gaspé, for the registering of marriages, &c, in said district, by dissenting Clergymen and Justices of the Peace.

Of Louise Armand dit Flamme, of Longueuil, for a pension.

Of Paschal Lechapelle et al, of Hochelaga, in the Parish of Montreal, that said Parish be divided into five municipalities.

Of John G Weir et al, of Kent, that that County may be created into a separate district.

Of Thos Saunders, Esq et al, of Wellington, that each denomination may have the control of its portion of the Clergy Reserves.

Of Geo J Grange et al, of Wellington, that no measure be passed to destroy the religious character or to invade the chartered rights of the University of King's College.

Of DD Calvire et al, of Wolfe Island, to be exempted from the act relating to Ferries.

Of John Burwell, of Port Burwell, for payment for his stock in Port Burwell Harbor, surrendered to the government.

Of Luc Michel Cresse, Esq, of St Jean Baptiste de Nicolet, for a law to enable him to dispose of his as he is about to leave the Province.

Of Chas G Cody et al, of Durham, that the Clergy Reserves may not be placed under any Ecclesiastical Corporation.

Of Thos McGoldrick, Esq et al, of Lottirriere, for amendments to sleigh ordinance.

Of Jas H Comins, of St Catherine's, for remuneration for services during the last war with the United States.

Of Saml Wood et al, Agriculturists, that a Professor's Chair in Chemistry, in its application to Agriculture, be placed in the University of King's College, and for the establishment of model farms.

Of Jas C Addison et al, of the District of St Francis, for certain amendments to the charter of the University of King's College.

Of Moses Young et al, of Dumfries, that no partition be made of the endowment to King's College.

Of John Burwell, of Port Burwell, against the incorporating "the Woodstock and Port Rowan Railroad Co.

Of Thomas Steele et al, of the county of

Sherbrooke, for aid to build a bridge over the River St Francis, on which a rail road may be laid.

Of Joel D Parmenter et al, of Ganoque, Leeds and Lansdown, for amendments to the Division Court act.

Of James Taylor, of Chatham, for the amount due him by the Board of Works.

Of Christopher Lyster et al, of the Township of Kingsley, &c., for aid to continue the Québec road to the present road at the village of Stanstead.

Of Lt Col Cox, et al, of Windsor and other townships, for aid to re-build two bridges.

Of H J Jameson, of Quebec, for the removal of certain disabilities, under which he labors as a bankrupt.

Of Jean Louis Ploygart, Esq., of Durham, in the County of Drummond, for indemnity for loss through the fault of a public officer.

Of David Riout et al, of the District of Gore, praying that Clergy Reserves be not divided, but given for general education.

Of John Parsen et al, residing in the district of Ottawa, for aid to build bridges.

Of Jeremiah Cowan, et al, of the county of Oxford, that the Clergy Reserves may not be placed under the control of any ecclesiastical corporation.

Of N B Desmarreaux et al, of Montreal, for amendments to the Turnpike act.

Of G H Ryland, Esq., Registrar for Montreal, complaining that Government has not performed certain engagements entered into with him, and praying relief.

Of J Maddock et al of Reslinsh; and of S Vining et al, of the District of Block; of A Burch et al, of Oxford, praying that the Clergy Reserves may not be placed under the control of any ecclesiastical corporation.

Of Murdoch M-Kenzie, of Quebec, for indemnification for loss of his house, which was blown up by the authorities, during the late fire in Quebec.

Of the Rev F J Lundy, of McGill College, complaining that he has been illegally dismissed, and forcibly ejected from the said College by certain Governors thereof.

Of Samuel Daniels, Esq., et al, for amendments to the Municipal Council act.

Of the Rev P H Harkin et al, of the District of St Francis, that more adequate provision be made for the insane in the province.

The following petitions were referred:—
Of Gabriel Roy, to Committee on petition of E Guy.

Of J Kingsmill et al.
Of inhabitants of Niagara District, and of the Niagara and Detroit Rivers Railroad Company, to the Committee on the Niagara and Detroit Rivers Railroad Bill.

Several petitions for a division of Clergy Reserves.

Of J Hutchison et al, of Port Burwell.
Several petitions against a division of the Clergy Reserves.

Of B Coffin et al, to Committee on Gaspé Marriages Registration Bill.

Of DD Calvin et al.
Of the Niagara District Council, relative to assessments.

Of G H Ryland, Esquire.
Of Victoria District Council, relative to the payment of Councilors.

Of the same respecting the road from Belleville to the Ottawa.

Of Toronto and Lake Huron Railroad Company; and

Of R D Fraser, Esquire.
Mr. Bruce presented a bill for the relief of John Macara, Esq., with a report on his petition.
2nd reading Monday.

On motion of Mr. CHRISTIE—The report on the petition of J. Cornier and Watts was referred to a Committee of the whole House on to-morrow.

On motion of Mr. Scott, an address was ordered for copy of all correspondence between the gentlemen and the Commissioners respecting the losses by the late rebellion, with the instructions to the Commissioners.

On motion of Mr. Cameron, 1000 copies of the report of the Chairman of the Board of Works were ordered to be printed.

A message was sent to the Council, asking leave for Charles DeLery, Esq, one of their Clerks Assistant, to appear before a Committee of the House.

A Resolution that it is expedient to amend and consolidate the laws establishing the Trinity Houses of Quebec and Montreal, and to make other provision relating to Pilotage, was reported and agreed to.

Mr. Att. Gen. Smith presented a Bill in accordance therewith, in relation to the Trinity House, Quebec, &c. 2nd reading on Friday week.

Also, a similar Bill relating to the Trinity House Montreal. 2nd reading same day.

A Resolution, that it is expedient to revise and amend the act incorporating the Coburg Railroad Company, was reported and agreed to. Mr. Meyers presented a bill in accordance therewith. 2nd reading on this day week.

The Bill to repeal the laws relating to Winter Roads, so far as respects the District of Quebec, Gaspé, and Portneuf, was read 2nd time, Committee reported without amendment, and ordered to be engrossed.

The Bill to amend the Agricultural Act of Lower Canada, was read 2nd time, and ordered to be engrossed.

The 1st report of the Committee on Printing was adopted.

The Bill to regulate Assessments in Upper Canada, was read 2nd time in a division, 57 to 3, McDonald, of Stormont, Johnston, and McDonald, of Dundas being the nays.

The Bill was referred to a Committee of the whole to-morrow.

The Bill to provide for the regulation of Common Schools in Upper Canada, was read 2nd time—to be committed on Tuesday.

The Militia Bill and several other bills were postponed till to-morrow.

The Bill to amend the Schedule of the District Court Act, was read 2nd time—to be committed to-morrow.

The House went into Committee on the Bill to provide a more ample mode of Assurance in lieu of fires, &c.

Reported amendment, and ordered to be engrossed.

Bill to declare the power of the Court of Chancery over Idiots, &c., was committed, and ordered to be engrossed.

LEGISLATIVE COUNCIL.

THURSDAY, 9th April, 1846.

Sundry petitions were presented.

A message was brought down from the Legislative Assembly, requesting leave for Chas. DeLery, Assistant Clerk, to attend a Committee. Leave was granted.

The committee to whom were referred the bill to define the side lines of lots in the Gore in the Township of Gloucester, reported the bill without any further amendment. The report was concurred in.

The bill was ordered to be engrossed, and read for a third time on Monday next.

The committee to whom were referred the bill for the relief of Juliet Vanzandt, reported the bill with several amendments.

The report was ordered to be taken into consideration on Monday next.

The first order of the day was the third reading of the School Sites bill.

The bill was read a third time and passed.

The second order was the third reading of the Niagara District Debt bill.

The bill was read a third time and passed.

The SPEAKER read a brief of the bill.

Hon. W. MORRIS said, that the bill was very important, although it was short. On account of its importance, he intended to refer it to a select committee for their consideration.

The bill was then read a second time, and referred to a select committee of five members, to consist of the Hon'bles Messrs. McGill, Hamilton, Goodhue, Gordon, and the mover.

The last order of the day was the consideration of the report of the committee on Jones' Trustee bill.

Hon. JAMES MORRIS moved, that the report be concurred in. Passed.

The bill, as amended, was ordered to be engrossed and read a third time on Monday next.

The House then adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, April 9, 1846.

Medical Bill.

Attorney General SMITH introduced a bill to regulate the study of Medicine; he said it was a very important measure and trusted that as he had obtained the valuable assistance of hon. members of the Medical Profession and others in support of a similar bill last year the same consideration would be extended to him in the present instance; he was prevented by circumstances from carrying through the measure of last session but hoped that the bill now submitted would become law.

Mr. BALDWIN should like to have time to communicate with some of the faculty in Toronto.

Attorney General SMITH was willing to allow any time that the learned member might require; he (the Attorney General) would fix Friday next for the second reading and if further delay was necessary he would of course assent to it.

Usury Laws.

Solicitor General SHERWOOD obtained leave to bring in a bill to amend the Usury Laws.

Mr. BALDWIN was somewhat surprised to find such a measure coming from the Ministerial side because he well remembered that the President of the Council gave him (Mr. B.) his powerful aid in resisting a similar measure on a former occasion.

Solicitor General SHERWOOD.—The bill was brought in entirely on his own responsibility.

Mr. BALDWIN.—It being a Government day and the bill coming forward with a Ministerial prestige he was led to suppose that it had emanated from the Ministry at large; he, however, did not regret that he was mistaken; it gave him hope that the venerable President of the Council would again assist him in his efforts to resist the measure or, should the learned member prefer to take the lead, he (Mr. B.) would become his humble follower.

Mr. VIGER had not yet read the bill, but it was quite possible that the hon. and learned member and himself might act together on the present as they did on a former occasion.

Stopping the Sale of the Clergy Reserves.

Mr. HALL asked the members of the Administration why the Sale of the Clergy Reserves had been stopped.

Attorney General DRAFER.—The reason was that it appeared from the investigation now going on respecting the Crown Lands Department that the valuation made of a large proportion of these Lands was considerably, he would say perhaps one third less, than the true value and it was therefore determined that no more Sales should take place until further information was obtained; that determination

was not, however, meant to apply to applications that had been received before its adoption. (Hear, hear.)

Clergy Reserves.

Mr. Sol. Gen. SHERWOOD moved that the Select Committees to whom the petitions on the Clergy Reserves had been referred be dissolved, and a new committee be then struck by the House. The hon. member observed there were then two committees appointed by the House to examine and report on that subject. He (Mr. S.) considered this was contrary to English precedent. His object was to have one committee appointed by all parties, who would thoroughly examine the whole matter and make such a report as would guide the House in their decision on that important question.

Mr. BALDWIN would resist the motion. He (Mr. B.) would not say that there was precedent for the appointment of two committees on the same subject, but he considered that it was quite proper that there should be, when petitions were presented praying for exactly opposite measures. The rule was that no person who had expressed himself against a measure should be appointed on the Committee to examine that measure,—on the same principle as it was said that a child should not be placed in the hands of a nurse that cared not for it. A large proportion of that House, even on the Government side, were opposed to the measure prayed for by the Church Society, and he (Mr. B.) would not be a good nurse to it, as he desired to strangle it, and dash out its brains. If, therefore, petitions ask for diametrically opposite things there must be different committees, to whom they should be referred; but he (Mr. B.) did not see that any good object would be gained by referring these petitions to a committee. Most of them were presented to the House merely as an expression of public opinion, and as such similar petitions were regarded in England. In that country they never thought it necessary to refer petitions on the great questions of the day to any committee. It was an exceedingly inconvenient practice of referring almost every petition to a committee. If the object was to investigate facts, then undoubtedly it was expedient to do so, but not in such cases as the one before them.

Mr. CHALMERS was very much pleased with the observations from the talented and consistent member for the North Riding of York—(Mr. Baldwin); and he (Mr. C.) perfectly concurred in them all. He (Mr. C.) would tell the Sol. Gen. that if he was aware of the public feeling in the country he would never dare to attempt to interfere with the present arrangement. If they should consent to vest these lands in the various ecclesiastical bodies, they would be branded with eternal infamy.

Mr. AYLWIN differed with the hon. member for the North Riding of York. He (Mr. A.) considered that the answer given that day by the Atty. Gen. on that subject showed the necessity of investigation. It appeared to him extraordinary that hon. members could not approach that subject calmly and dispassionately, discarding the popular clamour that had been raised respecting it. He (Mr. A.) did not think it ought to be a Government measure for it was a matter the Provincial Legislature could not touch, relating, as it did, to an Imperial Act. He (Mr. A.) knew very little about Upper Canada. His official duties obliged him very unwillingly, for a short time to reside in Kingston, and he was never higher up the country than Belleville; he was not, therefore, acquainted with the feelings of that part of the Province on that subject. Disputes in L.C.

have been hitherto entirely of a political nature—one race had been set in opposition to another; but they had never been cursed with religious disputes, and he hoped that they were not now to be introduced among them. Why could they not all give and take? He (Mr. A.) wished to give all denominations their just rights—to place them upon a perfect equality—and to make a fair division of the Clergy lands. He (Mr. A.) was sorry to see a statement in a petition which he held in his hand, signed by certain reverend gentlemen with whom he was unacquainted, and whose labours on behalf of education were evinced in the splendid college in St. Antoine Suburbs, in this city, to which he would be very happy to lend his aid to obtain Parliamentary assistance, as he had done to Victoria College. It was said that the possession of these lands would form a splendid endowment for one denomination at the public expense, and there is great reason to fear that the endowed Church would soon seek to be established. He (Mr. A.) thought that these assertions were perfectly unfounded. Could any one fear an established Church, or that priestcraft would ever prevail in that Province? (No—yes.)

Mr. Sol. Gen. SHERWOOD said, it had been imputed to him by the hon. member opposite, (Mr. Baldwin) that his object was to obtain a report favourable to his view of the subject upon which the House had been petitioned. It was neither correct nor Parliamentary to attribute such a motive to him. He certainly would be pleased at a report favourable to the clergy, being made; but it was wrong to say of him, that that was his only reason for pressing the motion. What he desired was that a Committee should be selected from the whole House, by which a careful enquiry would be made, and some one report furnished, and not that they should imitate the abominable practice in the neighbouring States, of having a majority and a minority report. It was known to that House that the Clergy Reserves was a question of long standing, and one out of which had arisen a great deal of difficulty and contention. When the union of the provinces first took place it was enacted by the Constitutional Act, that a certain portion of the land in Upper Canada was set apart for the Protestant clergy. The clergy of the Church of England contended that this provision was meant alone for them. He (the Sol. General) never joined in that demand, but was always of opinion that the law referred to the Protestant clergy generally. The dispute, however, went on from year to year, until at length, in the first Session of Lord Sydenham's Parliament in Upper Canada, a bill was introduced by his learned friend the present Atty. Gen. West, for the settlement of the question. The bill did not become law, but it was soon afterwards made the basis of an Imperial Act, by which the Reserves were divided among all the religious denominations, not even excepting the Catholics. According to this law, then, the clergy of the Church of England find that they have an acknowledged right to a certain portion of these lands; but it also happens that under an arrangement, by which the Government is bound to sell the lands, the proceeds are being greatly reduced. The Government sent persons about to value the different lots, and the expense attending this and the other proceedings necessary amounts to not less than 40 per cent. They (the clergy) finding then that the magnificent endowment of England is being frittered away, came to that House to ask that they themselves might obtain the charge of it, in order that by economical management it may be rendered a real and not a

nominal, benefit. And in asking this, they also express their willingness to bind themselves, if it were thought necessary, to dispose of all the lands in a given time, say four or five years; and they are further willing that present occupants should have the right of pre-emption. This is the reasonable request of the Church of England, not alone for herself, but for Catholics, Methodists, Presbyterians, &c. She is desirous that all should have the full benefit of what the Act entitles them to. The hon. member again deprecated as anomalous the plan of two committees, and urged, as before, that they should be broken up, and one general committee appointed. But should the House not agree with him, he was willing to go on. His great object was to preserve order, and, therefore, was he anxious to avoid the confusion of two committees.

Mr. BALDWIN.—The question should, properly, not go to a committee at all.

Sol. Gen. SHERWOOD would beg the hon. gentleman's pardon. The appointment of a committee was the right course. It had been said that it ought to have been a Government measure; the Government had nothing to do with it; they found a statute settling the matter and were willing to leave it to those interested to seek a change or not. Some of the parties so concerned have, then, applied to have their share placed under their own control in order to prevent its being eaten up under the present arrangement; it was to apply to the Imperial Government to set that arrangement aside that he [the Sol. Gen.] was desirous, and he saw no reason against such a course, except perhaps a mere frivolous jealousy of the Church of England. He [the Sol. Gen.] was delighted with the liberal sentiments expressed by the hon. and learned member for Quebec, and he trusted that other hon. members who usually acted with that gentleman participated in his views of the present question; he trusted that the Roman Catholic members of the House would sustain him in undertaking to obtain a right that was felt to be so beneficial in their own Church, and which merely went to secure to the clergy of the Church of England an advantage that was given on the face of the statute.

Mr. CAMERON.—The subject of the Clergy Reserves had for years agitated the Province, and it was an outcry against liberal men, that they made it a political hobby, and that they never desired a settlement of it, and altho' the House of Assembly year after year expressed unanimous opinions against appropriating one-seventh of the Province to the support of one or more churches, yet, during the administration of Sir George Arthur, by means, influence and representations, he would not now allude to, the question was referred to the imperial authorities, and although on a census obtained by fraud and deception, and utterly false as to several bodies in this province, an appropriation even then inconsistent with their own decision given by the judges, was made, yet he [Mr. C.] was one of those who desired to acquiesce in it and for the sake of peace, wished never to hear of it again. But who are the agitators now? Who got up petitions at Toronto, and sent them to every rectory and congregation in the Province? Who, he said, would subvert the Imperial statute, impeach even a tory Commissioner of Crown Lands, and heap charges against Government. And he [Mr. C.] must add that the statements out of doors, and the arguments used here are altogether apart from the fact, and evidently have some other object in view than that which is pretended to actuate the movers. It is pretended that the

expenses of the Crown Land office for the sale of these lands amount to 40 per cent, and that great abuses exist, and under valuations by the Agents. Now had any hungry radical made this direct and serious attack on the Government, he [Mr. C.] should not have wondered, and he would have been attacked on all hands as a factious and troublesome man. But for the Sol. Gen. [West] to make such an attack, was quite unparalleled. He [Mr. C.] would like to know from the Commissioner of Crown Lands if his department charges the Clergy Reserve funds 40 per cent for sales.

Mr. PAPINEAU.—Explained that 40 per cent of the expenses of the office was charged to the fund, and that was relieved by an amount varying from 25 to 40 on the purchaser.

Mr. CAMERON.—He should like to be informed what per centage that is on sales.

Mr. PAPINEAU.—Was not prepared to explain.

Mr. CAMERON.—then said he did not suppose it was 7 per cent in all cases. The appointment of independent men, one of whom was an episcopalian, to value the reserves, he had always looked upon as one of the best acts of the late Administration, and those who know the difficulties that existed in determining the rights of squatters, the conflicting claims of four or five parties to the same land and the falsehoods, yes, even perjuries that were committed to secure titles would at once admit that there was no other way of getting at the truth but by personal visitation, and his opinion was the lands were valued high enough—he was perfectly willing to make any alterations or amendments in the management that might secure to the Church all they were entitled to, but he would never consent to give these lands over to the management of different religious bodies; there was trouble enough now, and the sales were interrupted, but if the gentlemen on the Treasury benches knew the feelings of the inhabitants of Canada West on this subject, they would hardly propose in addition to hand over the settlers to different Salesless Corporations, which would have one office at Quebec, one at Three Rivers, another at Sandwich, and one at Gaspé as well as every intermediate place where a sect had a footing. He (Mr. C.) warned them to let the act of the Imperial Government take its course, let the land be sold and the different churches get the proceeds in strict accordance thereto; he was of opinion that the present motion would only result in a party report that would involve further difficulties.

Mr. ROBINSON was in favour of the appointment of a new Committee.

Mr. WILLIAMS.—He thought it desirable that the Committee should be appointed by the House, if it was in accordance with parliamentary practice. He had no objection to give the lands over to the Ecclesiastical Corporations, provided the objections from the other side were fairly met, and these objections must be entertained, for many of them were valid. He (Mr. W.) wished that the lands should be given over to the Ecclesiastical Corporations, and that a provision be made in the law that they should be bound to sell them by a certain time, in order that no vast accumulation shall remain in their hands, but they shall be sold in order that they may be cultivated and settled. Much had been said about these lands being too highly valued. No doubt much depended on the valuers. Those who disliked the Church, and were opposed to endowments, would value them low, whereas those in favor of the Church would value them too high. He (Mr. W.) must say that in the county which he represented, he thought the

valuation had been fair—indeed there were many complaints that it was too high.

Mr. MURPHY—Said that the Government had received reports of the persons appointed to value the lands; and after twelve months had been allowed to them, to see if the lands had been truly valued, a Proclamation had been issued from Government, predicated upon this report, allowing the land to be sold at the valuation of the Commissioners, with ten years' credit. And that Proclamation as the Government well knew had been received with great satisfaction by the people; and in face of this, out comes an order stopping the sale of the lands, on the ground that they had been valued too low. He (Mr. M.) had heard many persons express their opinions about the valuation. Some had said that they were valued too high, and some that the valuation was too low; but in his county he thought they were valued about what they were really worth. He thought the Government bound to take that valuation; if they now ordered a new valuation to be made before it was finished, a new Administration might be in power, and it might order another valuation, and in this way delay the sale of the lands for a very long period.

Mr. HALL—Was opposed to the motion, because he considered it to be the object of the hon. and learned mover to procure a report favorable to his view of the question involved. He (Mr. H.) would vote against such a Report were it presented; he was opposed to any portion of the Clergy Reserves being re-invested in the hands of the Clergy, because it would then be impossible to divide the lands at all satisfactorily. There would be constant complaining of favoritism. Much had been said about the expense of the present mode of disposing of the reserves. He (Mr. H.) would ask why not reform that mode? Whose fault was it that 40 per cent was exacted? And who suffered this loss? He had paid six dollars for the inspection of some Clergy land, and he apprehended that these six dollars formed part of the 40 per cent; and thus it would appear that it was upon the poor men who occupied the land, and not upon the Clergy, that this tax of 40 per cent fell. He (Mr. H.) would repeat that he was opposed to such a report being obtained as that sought for by the Sol. General. He was opposed to the Clergy getting into their hands the management of the lands; and he would say that the sooner the question was properly settled the better. The Crown Lands Department with all its Clerks was still unable to do the business of the country,—it appeared that the more clerks they had, the worse they got on. He (Mr. Hall) would undertake to get three persons in Upper Canada who would do the business, and give more satisfaction.

Mr. PRICE—If the result of this motion was to have the effect of investing the lands in the Clergy, he might oppose it, but the object was merely to refer certain petitions from a large and respectable body of men, to a Committee selected by the House. He, as a Protestant, felt grieved at the divisions that existed among them, for the unanimity of the Catholics was their strong hold. He (Mr. P.) desired very much a settlement of this question, and he admired the spirit that the hon. member for Quebec (Mr. Aylwin) had evinced on this occasion. The moment a person mentions the name of Clergy Reserves, it excites angry feeling; it appeared to be a sort of Pandora's box from which sprung all sorts of disease and pestilence.

Mr. GOWAN intended to support the motion of the Solicitor General, but not because he

was in favour of the prayer of the Church Society. He [Mr. G.] wished such a committee to be named as would report adverse to this prayer. He [Mr. G.] considered that the country was opposed to placing these lands in the possession of the clergy. The members of this House ought to remember the agitation, turmoil and contention that existed in Upper Canada for so many years, on this subject, and therefore he hoped that it was not again to become the source of trouble—that the impression would not go abroad that the country was to continue blocked up by these reserves. He [Mr. G.] was opposed to allowing any ecclesiastical corporations to hold much property. It was in opposition to our interests as the inhabitants of a new country to build up the clergy of any denomination. If these lands were given to the Church Society, they would not sell them but lease them out to different individuals, and thus a numerous body would become dependent upon this corporation. He [Mr. G.] was not desirous of building up in this country the landlord and tenant system; he wished to see every occupant of a farm the proprietor of that farm, and thus an honest and independent yeomanry would be raised up in the country, and the country itself enriched, as it is well known that the tenant for the time being took the life blood from the land and made the most of it during the time he had it in his possession. [Laughter from Mr. Riddell.] Mr. Gowan hoped the hon. member for Oxford would tell the House what he [Mr. R.] objected to in his [Mr. Gowan's] statements, and not interrupt him thus.

Mr. RIDDELL must beg to call the attention of the hon. member for Leeds to the fact that when persons let farms, it was generally covenanted that a rotation of crops should take place, and that the fences should be kept up.

Mr. GOWAN hoped the hon. member would not think them such idiots as not to know that. He [Mr. G.] did not think this the most proper time to debate this question, but he wished to give his opinions before voting on the motion, for he was afraid that they would be misrepresented.

Mr. MOFFATT—When he rose before to address the House, he intended to have called its attention to the real question before it: it was whether it were more expedient to appoint one committee chosen indiscriminately from the members of the House, or two committees, to one of which we would refer the petitions in favor of the division of the Clergy Reserves, and to the other petitions against the division. Both the committees would, he was sure, bring in different reports. The present discussion was anticipating that which would properly come before the House when the committee had reported; indeed, the present discussion was anticipating the report of the committee.

Mr. ROBLIN—The hon. member for Leeds had made some remarks, which ought to be taken into the serious consideration of all members of this House. He recollected the time when the Clergy Reserves was made a test question; he had the honor of having a seat in the Upper Canada Parliament, when this question was agitated both in the country and in Parliament, and at the Hustings it was particularly the test question. Episcopalians were elected, and the people had then found out their mistake. The people of Upper Canada would be very wrong in electing persons who would vote for the conveyance of the Clergy Reserves to a corporate Church Society, which was irresponsible. It was said that the Radical party could not live without having the Clergy Reserve question or the University

Bill to agitate: well, the question had been settled, and who now are the agitators but the High-Church party, altho' in the division got the lion's share. [No, no.] Hon. gentlemen cry no, no, but he would say, yes, yes; let the petitions daily laid on the table answer who are the agitators. Who are now agitating the country from one end to the other? The Clergy Reserves had been for some time back called for to be placed in the market, at last on the 10th March, they were put up for sale; the farmers were anxious to purchase, and sold their wheat and other grain to effect their purchases, but now when they are ready to buy, the sale is stopped. In reference to the prices, he considered that they were fair on the whole; it was true that a petition from 3 individuals was intrusted to him, complaining that their lots were valued too high. He considered that it was a very unjust course of procedure to stop the sales now; the expense has been incurred in valuing them, &c., and is that to be gone over again? He fully agreed with the remarks made by the member for Leeds, that every farmer ought to have his property in fee simple, by that means we will be able to raise up a bold and sturdy yeomanry. The Clergy Reserves must be sold, and let the Church of England have every farthing she is entitled to, but do not give her the lands. Mr. R. concluded by saying, that there had not yet been one petition praying for the division of the Clergy Reserves, except from the Church of Eng'd.

Mr. MORIN spoke in French at some length. He could not believe it was the intention of the Episcopalian clergy to place those lands fairly in the market after having had them in their controul. In fact, all their proceedings—this year and before, and with the Legislature or otherwise—plainly indicated a contrary course. Dependent lessees, and not freehold owners, were to be the occupants intended.—He suspected much that the recent stoppage of the sales of those reserves had something to do with the pressure exercised in that sense. But there was one part of the subject which appeared entirely overlooked in the discussion. It was the miseries to which were subjected the actual settlers on all adjoining lands, and who were obliged to make roads across those reserves, drain them; make all ditches and fences without having any one to apply to for those obligations. This had been severely felt in Lower Canada, independent of the value which those lots acquired by the labour and sweat of industrious men who had bought their lands,—that one-seventh had been purposely intermixed in small lots with all disposable lands. He then commented further on the manner in which those reserves and those formerly called the crown reserves had been appropriated and set apart.

Mr. PRICE—The hon. member for Essex had gravely asked "what have we to do with this question?" he [Mr. P.] was surprised to hear such an opinion from the Mentor of the House [laughter] he thought the question one of vital importance to that House for although the motion only referred to the formation of a Committee still was it pregnant with the most serious consequences. The Solicitor General West had asked why he [Mr. Price] had cheered when he [the Solicitor General] was speaking,—it was because he thought that while the learned gentleman was describing the extravagant manner in which the Clergy Reserves are now managed he was casting a serious reflection upon the Government, they being alone answerable for that management. [Hear, hear.] He [Mr. P.] thought the motion before the House should be calmly considered; it was all important to know what

kind of a Committee is to be struck, as from it is to emanate the decision whether the Reserves are to be kept in the charge of the Government without reference to demands to the contrary from any denomination of the Clergy, and whether the latter are to keep their hands clear from worldly traffic and devote themselves "without distraction" to the service of their master. He [Mr. P.] thought that the only way to dispose of the present question would be for a strong Government to come down to the House with a bill to settle it decidedly and for ever, and say, as had been said in the last session by the Attorney General West in reference to another memorable question "by this bill I stand or fall." [Hear, hear and laughter.] It had been said that the Clergy Reserves were originally held to belong and did belong exclusively to the Church of England. He [Mr. P.] should like to inform some of the members of the Lower Province of the real history of the question and particularly did he desire to enlighten the hon. member for Quebec whose knowledge of the matter was, as dark as according to his own admission, was his geographical acquaintance with U. Canada. [Laughter.] He [Mr. P.] would challenge his opponents to say whether the Legislature of Upper Canada until the last session ever passed a law endowing the Clergy with these lands. No! The same conclusion was always come to whether by Tory or Liberal Parliaments viz that they would not corrupt the Clergy, that they would allow them to go on in their holy office free from the corrupting influence of endowments. This was ever the case till the last session when Lord Sydenham by means of the grossest corruption secured a majority to pass a bill dividing the Reserves among four denominations; this bill passed and was sent home, but did not become law, nor had it, as he [Mr. P.] believed, any thing to do with the passing of the Clergy Reserve Act in the Imperial Legislature. He [Mr. P.] was informed by a gentleman who was then in England that that measure was passed in order to secure the carrying of the Union Bill, Sir R. Peel requiring, at the instance of the Archbishop of Canterbury, the passing of the former measure as his price for enabling the Whigs to enact the latter. Neither was the division of the lands made by the Provincial Legislature, bad as it was, anything like so unjust as that sanctioned by the Imperial Act. He [Mr. Price] would vote against the motion. The Solicitor General knew full well that there are religious denominations in Upper Canada who if the lands were sold would never receive a portion of the money, who would not take it. He [Mr. P.] for one would not belong to a Church that would receive money from the state; other churches that are named, as entitled to a share, would not get it for years. He [Mr. P.] was surprised that the hon. member for Leeds would support the motion after the eloquent speech he had made against the demands of the Clergy.

Mr. Boulton.—The members opposite are wonderfully patriotic on this subject. They were afraid that if they did not keep this and the University question before the country, they had no hopes of regaining power. He [Mr. B.] asserted that all of the Clergy Reserves did belong to the Church of England, but as a portion had been taken from them by the Imperial Statute, he was desirous of making the most of what remained, and not to have them frittered away in expenses.

Mr. Dugas.—He felt convinced that it was far more desirable to have one Committee, than two which would bring in two different reports. He considered that the best way to settle the

question was to dispose of the Clergy Reserves; if, however, the division of them was decided on, it was unfair to suppose that the right of preemption would not be respected by the Church Society. He considered that a great deal of the excitement, and objection to the division, was got up by politicians, for the purpose of making political capital out of it, or by greedy speculators, for the purpose of enriching themselves when the market had been glutted. He considered that the very fact of the issuing of the order to stop the sale shewed that there was something wrong; if there are grievances, why should this House refuse to investigate them, by the appointment of a committee, chosen indiscriminately by the House. He held that it would be injustice to the petitioners to refuse to appoint the Committee; he would like if it was appointed, to have all the evidence that could be got brought before the Crown Land Office.

Mr. Merritt.—A great deal of interest is taken in these Clergy Reserves, while no one seems to care about the general lands of the Province, which are the patrimony of the whole people. He (Mr. M.) had no hope that the Government will ever make these lands permanently useful to the Province. When the Clergy Reserves bill was before the Upper Canadian Parliament, he [Mr. M.] had introduced a clause providing that the proceeds of the land should be invested in the Province, so as to keep the capital in the country; but, in the Imperial Act, this provision had been altered, and it would be seen by a reference to the Public Accounts that a great portion was invested at 3 per cent, although 6 per cent, might have been obtained here.

The House then divided. For Mr. Sherwood's motion, 31; against it, 40.

Yeas.—Messrs. Boulton, Cuyley, Christie, Colville, Daly, Dickson, Duggan, Ernatinger, Foster, Gowen, Hale, Jessup, Johnston, LeBoutillier, Macdonald (Cornwall) Macdonnell (Dundas) M'Connell, Meyers, Moffatt, Monro, Papineau, Prince, Riddell, Robinson, Scott, Sherwood (Brockville), Sherwood, (Toronto), Smith, (Frontenac), Vigor, Williams, Woods.—31.

Nays.—Messrs. Armstrong, Baldwin, Berthelot, Bertrand, Boutilier, Brooks, Cameron, Cauchon, Chabot, Chalmers, Chauveau, Desauter, DeWitt, Guillet, Hall, Jobin, LaFontaine, Lantier, LaTerriere, Lemoine, Leslie, Macdonald (Kingston) Macdonnell (Stormont) Merritt, Me-thot, Morin, Nelson, P. trie, Price, Roblin, Rousseau, Seymour, Smith (Missisquoi), Smith (Wentworth), Stewart (Bytown), Stewart (Prescott), Tatche, Thompson, Webster.—40.

Registry Law—Upper Canada.

On the motion of Mr. Sol. Gen. Sherwood, the House went into Committee of the whole on Bill to amend Registry Laws of Upper Canada. (Mr. McDonald of Cornwall in chair).

Mr. Sol. Gen. Sherwood.—by the present Registry laws all deeds may be registered by memorial, but by the bill now before the House he proposed that all deeds should be registered at full length; if the House agreed to this he would go through the bill now, but if the House thought it better that deeds should be allowed to be registered by memorial, then he would move that the Committee rise, report progress and ask leave to sit again, in order that he might have time to make such alterations as the bill required, if the House decided that deeds might be registered by memorial. The hon. member for the Fourth Riding had objected to the registration of the deed at full length; it was his (Mr. S's.) opinion and also that of his colleagues that the deeds should be registered at full length. The objection of the hon. member is principally this, that by the reading of titles at full length on registry books, it would throw them open to unprincipled persons who might search out for defects in them, and who might afterwards prevail upon the grantors to give them a good title for a small considera-

tion, and thus enable them to oust the real purchaser, and that this had been already done where deeds had been registered by memorial, and that it would be worse if they were registered at length; he (Mr. S.) did not think that registering them at full length would increase this evil. And besides, the registry law was not for the purpose of securing persons having defective titles, but for the benefit of purchasers who would, by the proposed law, be better able to see the title the person they were purchasing from had; it appeared to him that it would not interfere with deeds already passed, and it will have the effect of making people more careful about titles when purchasing, and thus remedy many of the defects now existing; a good reason for having deeds registered at length was, that in case of the destruction of deeds by accident, the parties could get a duplicate of the original deed in the Registry office: he knew cases where parties had lost suits, they could not prove a single covenant in a deed which had been lost, although it had been registered by memorial for the memorial did not contain the covenants in the deed: he could not see that when a man buys a defective title the law should protect him. The object of the registry laws was to shew the nature of the title, and every thing about the title should appear in the registry office, in order that the whole community might know its nature, so as to prevent persons purchasing, from being deceived as to its validity.

Mr. Baldwin.—with great deference to the opinion of both the hon. Sol. General and his colleagues, he must say that he was of the same opinion which he had formerly expressed, in favour of registration by memorial instead of the deed at full length. There are two classes in which titles are bad—one, when titles are had in common justice between the parties, and the other, when they are had merely in consequence of some technical defect. In all cases of the first kind, the danger of acquiring titles by length of time was exceedingly small, as there were generally enough of parties interested who would bring the matter before a Court of justice—in the second class of cases all must admit it was exceedingly undesirable to spread out on the face of the register these defects and all the covenants in the deed, not only to the parties interested, but also to those pests of society, land sharks as they have been well called, who go about robbing their neighbours of their property—this is a great evil and greatly overbalances the good that may arise in a few cases. With respect to this system making the people more careful, he (Mr. B.) thought that as property became more valuable, proprietors will have their conveyances more strictly drawn up. In England the great landed proprietors carefully guard their titles, they are kept in the archives of the proprietor or his legal adviser. The Duke of Bedford will not let his title be seen by any one but his legal adviser, who is sworn to secrecy, not even by those who are purchasing leases from him. Another serious objection to registering the whole deed is, that it will materially increase the expense. It is true that the Attorney General's bill respecting the conveying of land will obviate this objection, in some degree, but not altogether—the expense of searches will also be greater, having to examine all the covenants. He (Mr. B.) objected to making a copy from the Registry office *prima facie* evidence of the title when it is lost.

Mr. Draper.—The principal objection of the hon. member (Mr. Baldwin) was, that deeds being registered at full length, they would be open to the inspection of every person; and that some persons might take advantage of any defect they might find in a title to wrest the land from the owner; he reminded the hon. gentleman that his objection failed, with regard to wills at least, for parties were obliged to make probate of all wills devising real estate both in England and in Upper Canada. Undoubtedly the objection of the learned member in reference to technical errors was entitled to serious consideration, and it was probably correct that titles were in many instances kept back on that account; he (Mr. Draper) could not say that he was much acquainted with the practice of land holders in En-

gland in that respect, but with regard to the Bedford house, history told something of its estates which he (Mr. D.) would not then particularize but which might perhaps, account for the caution referred to by the hon. member for the Fourth Riding. He (Mr. D.) thought however, that the memorial under the present system, disclosed as much any defects in a deed, as if the deed was registered at full length. With respect to the objection about the greater expences that had been said, would arise from requiring deeds to be registered at full length, he thought the expences would be about equal to those incurred under the present system; he was certain there would not be more than a sixpence of difference in the great majority of cases. In cases of lengthy deeds containing family settlements, or where a very valuable property was sold it might be more, but it would not cost more in the generality of cases.

Mr. PRINCE was in favour of registering Deeds at full length—for many deeds which profess to pass property in fee simple, may contain covenants which lessen the value a great deal. Why should not an honest vendor be willing to have his whole title made known to the purchaser? As to the property of the Russell family, it was well known that a great deal of it was acquired at the reformation, and hence perhaps the objections to show the titles.

Mr. WILLIAMS—He did not intend to go over all the arguments, used by the members who had spoken on the question, but he would make one remark about making it compulsory to register titles at full length. Could there be a stronger proof that it would meet with the disapprobation of the whole people of Upper Canada, than this? The Registry Law has been in operation about 50 years, and during that period not one in five hundred deeds had been registered at full length, and could they ask for a better proof of their repugnance to this mode of registering? He knew what the whole people of Upper Canada would say about this question, and they would say that it was done for the benefit of the lawyers, and them alone.

Mr. HALL—Of law matters and registering of deeds the people at large know very little; but this they do know, that they must register their deeds, and he was convinced that they would be well satisfied with this bill.

Mr. ERMATINGER—He thought that this clause was exceedingly arbitrary; it would be the cause of increasing the expense of enregistering deeds.

Sol. Gen. SHERWOOD.—The hon. member for Middlesex has said that this bill would increase the expense of registration, now he did not believe that it would do so, but to prevent all likelihood of such being the case, he was willing to insert a proviso that the fee should not exceed a certain sum. He believed that this bill would cause a saving in conveyancing, because it would save from 5s. to 10s. for a memorial. His sole object in introducing this clause was to create a confidence in sheriffs' sales, by having the whole of the title before them in the registry office. Honorable members talk of the profession taking advantage of the title being set forth in full, to hunt up for defective titles, but bad as the lawyers were supposed to be by certain parties, he did not believe that the profession at large would be guilty of such conduct. It had again been said that this bill was framed for the aggrandisement of the lawyers, but the fact was, it would be a dead loss to them, for instead of drawing a deed and memorial, as before, they would now only draw a deed without a memorial. Would this be to their advantage?

Mr. BALDWIN moved in amendment: that the section making it compulsory to register deeds at length be amended, so as to leave it optional to enregister either in full length, or by memorial. The amendment being put, was carried. Ayes 34, nays 18—majority 16.

The committee then rose.

Report of committee to be received on Tuesday next.

Upper Canada Assessment Bill.

On the motion of Mr. Attor. Gen. DRAPER, the House went into committee of the whole on

the Assessment Bill of Upper Canada. (Mr. Hall in the chair.)

1st section of Bill was agreed to.

On coming to the second section, Mr. Att. Gen. DRAPER said that at present there was an assessor for each township appointed at Township meetings, but he intended that the bill should empower District Councils to form larger assessment districts by joining two or more townships together for the purposes of this bill, and to nominate an Assessor for each of these districts; no township however to be divided into two parts; that is to say, one part of it put into one Assessment District and another into another district: and no such district shall be less than one township.

Mr. MERRITT—He had an objection to the placing the appointment of the Assessors into the hands of District Councils. He thought the best way was to allow the townships, to choose their own assessors, and then the assessors would be men who would be sure to know something about the property they had to value, for it was all in their own township; but by this bill you unite two or three townships together and send men to value property of which they know nothing.

Mr. SMITH (of Frontenac).—He was in favour of allowing District Councils to appoint Assessors, for they would be sure to see fit persons appointed. He thought the two offices of Assessor and Collector might be vested in one person.

Mr. BALDWIN.—The arguments of the hon. member for Lincoln were calculated to strengthen him in his opinion against the principle sought to be introduced; he did not see any necessity for making such a great change, and must therefore oppose the clause.

Mr. SUGRWOOD (of Brockville) said that the Townships often appointed very improper persons as assessors. He thought the bill would remedy this evil, and it appeared to him would work much better than the old system, as the District Council would be likely to appoint much better educated men.

Mr. WILLIAMS.—The duties of assessors under the bill were most important and responsible, and it would be better for their appointment to proceed from the District Councils than from township meetings; and he was opposed to confining an assessor to a single township.

Mr. ROBLIN.—He did not think that this clause would be an improvement. District councils were often influenced by party feeling, and worse men would be appointed by them than by townships. He was opposed to the clause.

Mr. MYERS, objected to the appointment of assessors being placed in the hands of the District Councils. He thought the townships were best qualified to appoint their own assessors.

Mr. THOMPSON.—He was in favour of District Councils having power to appoint Assessors, but was against assessors having jurisdiction over more than one township.

Mr. GOWAN.—He still held the same opinions as he expressed last night. He thought the office of assessor the most important of all their municipal offices. It was important that the office should be well filled, not only to the municipality, but to the province, and to the administration of justice, for the Jury Lists were made out from the assessor's books. He thought it desirable that a higher class of persons should be appointed assessors now, as their duties would be more important. At township meetings very little attention was paid to the election of proper officers: he thought it should be vested in the District Council.

Mr. McDONALD, of Cornwall, was in favour of the appointment of Assessors being made by the District Councils.

Mr. ERMATINGER—He had heard no objection from the people against the old system, it would lead to no improvement to change it. The District Council have quite enough of business to do already without giving them more to do. People did pay attention at their township meetings to the appointment of proper officers.

Mr. PETER—made some observations, but in so low a tone as to be inaudible in the Reporters Box.

Mr. RIDDELL—He thought that Township meetings should be abolished. He thought that the District Council should appoint the Assessors, and he thought there should be only two or three for the District in order that there should be as great an equality in the assessment as possible.

Mr. McDONNELL of Stormont said, the measure then before the Committee was one that purposed to make a thorough change in the assessment laws of Upper Canada, and to deprive the people of the townships in that part of Canada, of the power of electing their Assessors and Collectors, and of uniting two, three or more townships of a District into one assessment division. He (Mr. McD.) was not prepared to deprive the people in Western Canada of the choice of their Township officers, and was inclined to think that they would exercise that privilege with caution. By the bill then before the House, it was contemplated to place the appointment of Assessor and Collector in the District Councils; it was probable that the selections would be judiciously made by that body, but from his (Mr. McDonnell's) experience in District matters, he did not see any sufficient ground to induce him to preclude the people at their township meetings from making the selection, and particularly as this bill contemplates placing an extensive power in the hands of Assessors viz., the valuation of landed property, a power that in his opinion ought to be exercised with the utmost caution. It was true the bill contemplates a check on the Assessors's valuation, but when such power was vested in any one man, it was his (Mr. McD's) firm opinion, that that man should be the choice of the people at their township meetings which would also tend to prevent a family influence predominating in District Councils. It had been stated by hon. members that township meetings are confused and turbulent; it may be so in some instances, but in many cases they are conducted with great order—confusion and disorder was in his opinion caused by the meetings being held in places which are too confined. From all he (Mr. McD.) had heard he was not disposed to take the power from the people of selecting their Assessors and Collectors.

Col. PRINCE said, he was one of those persons who had voted for the establishment of District Councils, and he was now sorry that he had done so. He was against placing any more power in their hands than they now possessed, because they were utterly incompetent to perform the duties already imposed upon them. They were elected for party purposes only, and had neither brains nor principles; and they only went to the Council Chamber for the purpose of badgering each other. He had no confidence in District Councils. He (Col. Prince) referred particularly to the Council of the Western District, with whose proceedings he was more particularly acquainted. So grossly ignorant was that Council of its duties, that when the Clerk was petitioned against, although it was notorious that he was a highly disreputable character, they would not even allow the petition to be read.

Mr. BOLTUN and Mr. DUGGAN—Were in favour of placing the appointment of Assessors in the hands of the Councils.

Mr. CAMERON—Contradicted the statements of the hon. member for Essex, which contained gross misrepresentations of the people of the Western District, and he called upon the hon. member for Kent to defend those whom he represented, from the calumnies that had been so boldly uttered.

Mr. DUGGAN.—Order, order.

Mr. CAMERON—If it be according to order for you to sit here and listen to men being grossly calumniated, it ought to be in order to listen to a defence.

Mr. CHALMERS—Thought the mass of the people would object to the power of appointing Assessors being taken from them. If the people of the Western District are so bad as the hon. member for Essex represented, he (Mr. C.) could not see how such a corrupt people could send to that House a jewel so pure as the hon. member—(laughter).

Col. PRINCE explained that he did not mean to condemn all the people of the Western District; and he would say that it was not by the bad por-

tion that he was returned,—it was not by the Port-Sarnia men. The hon. member reverted to his charges against the clerk, and challenged the hon. member for Lanark, or any other, to contradict them if they could.

Mr. CAMERON said, that he must again contradict the statements made by the honourable member for Essex. The men sent by the Northern Townships of Kent were generally men worthy a seat in this House; he would name Capt. Vidal, now in town; Mr. Durand, the present representative of Sarnia; Mr. Hill, Mr. Inglis, Mr. Fisher, Mr. Johnson, Mr. Smith, Mr. Gisner, Mr. Duck; he asserted that the petition alluded to was too indecent to be read, and that the character of the clerk was as good as that of the hon. member for Essex himself, and he again demanded of the member for Kent to aid and defend not only his constituents but his native district from aspersions so false and foul, and would only make one remark that he [Mr. C.] could conceive nothing so damatory to any man's character as an admission that he was at war with all his neighbours! The hon. member for Essex took pains to represent himself in this position, and it was he thought correct.

Mr. WOODS—Had voted against the Municipal Bill in 1841, but since that time he had never said a word against the Councils, and had done all he could to promote their prosperity. The Council of the Western District had done good, though they had also committed some errors, as all legislative bodies do, and he did not think they were so bad as hon. member for Essex had stated; there are men in the Council with whom he (Mr. W.) was proud to associate, and who would be an honor to any society. With the character of the Clerk, he (Mr. W.) was not acquainted, and would leave that question to be settled between the accused and accuser. He (Mr. W.) approved of the clause under discussion.

Mr. DRAPER—Briefly replied to some of the objections that had been urged against the second clause. He considered that as they were adopting a new system of valuation, they required a new mode of appointment of Assessors to carry this system into effect. He (Mr. D.) thought that the Councils being deliberative bodies, would be now likely to appoint proper Assessors, than the people at their primary assemblies, and that it was not inconsistent with the popular principle to place the appointment in the hands of the Council, as they were elected every year, and if the people objected to their proceedings they could elect new Councillors in the coming year. He (Mr. D.) would not abandon the bill because all the clauses were not carried.

Mr. ROBINSON was in favour of having assessors appointed by the District Council; but he thought there should be one assessor for each Township.

The question was then put whether the second section of the bill should pass, when it was decided that it should not. Ayes, 21; nays, 33.

The Committee then rose and reported progress.

The Militia Bill was read a second time without discussion, there being no opposition to the principle of the bill, with the understanding that amendments were to be allowed when the House went into Committee on the bill, on Friday next week, the 17th inst.

The remaining orders of the day were postponed. The House then adjourned, as before agreed on, till Monday.

ROUTINE BUSINESS.

THURSDAY, April 9.

The Bill repealing the Ordinance relative to Winter Roads in Quebec, Gaspé, and Portneuf, was passed.

The Bill to amend the Agricultural Act in Lower Canada, was read 3rd time.

Mr. Lantier moved a Ryder, which was carried, and the Bill passed.

A number of petitions were read, and the following referred—of Caleb Hopkins, Esq., et. al., and of Joseph Ireland and others.

Several petitions against the division of the Clergy Reserves:

Of John Burwell, to Committee on private Bills.
Of S. B. Harrison, et. al., to the same Committee.

Several petitions for vesting a portion of the Clergy Reserves in Church Society of Toronto.

Of Niagara District Council, relative to Assessments, to Committee of the whole on Assessment Bill.

Mr. Smith, of Wentworth, reported favourably on petition for Mr. Hamilton of Barton, and presented a Bill to convey to him a certain road allowance.—2nd reading on Wednesday.

Mr. Roblin reported the 1st report on contingencies—to be considered on Monday.

Mr. Morin from the Committee on Private Bills, reported the bill for the relief of T W Dempsey with certain amendments.

Time was extended for receiving Private Bills to Saturday, 15th April, instant.

Mr. Attorney General Smith brought in a Bill to regulate the practice of Physic, &c.

A message was brought down from the Legislative Council, stating the passage of an act to provide for vesting in Trustees the sites for Schools in Upper Canada—to which they desire the concurrence of the Assembly.

Also, a Bill passed the Assembly for retrieving the Niagara District from a certain debt, which they have passed without amendment.

The first men ioned Bill was read a first time.

Solicitor General Sherwood brought in a Bill to exempt certain mercantile transactions from the operations of the law of Usury.—second reading on Friday, the 17th instant.

Solicitor General Sherwood brought in a Bill to amend the act incorporating the city of Toronto and Lake Huron Railroad Company—2nd reading 16th instant.

Solicitor General Sherwood moved that the Select Committee to which was referred the Church Society of the Diocese of Toronto—and the Committee, to which was referred the petition of George Roe et al, be dissolved, and that the House do proceed to name a Committee of five members, to which the subject matter of the said petition shall be referred.

200 copies of the petition of Robert F. Gourly were ordered to be printed.

The accounts of the Trustees of the Montreal Turnpike Road, was referred to the Select Committee on the petition of E. Guy, Esq., et al.

Attorney General Draper laid before the House a message from His Excellency, relating to a reserved Bill granting certain powers to the Ordnance Department.

Mr. Taché was added to the Committee on the petition of the Mayor and Councillors of Quebec.

The House went into Committee on the Bill to amend the Registry Laws of Upper Canada. The Chairman reported progress—to sit again on Tuesday.

The Bill to incorporate the Albion Road Company, was read and committed to the Standing Committee on private Bills.

The House went into Committee on the report and petition of Joseph Corniers, Esq., of the Magdalen Islands, in the county of Gaspé. Resolutions reported, viz:—

Resolved,—That an humble address be presented to His Excellency the Administrator of the Government, requesting His Excellency to be pleased to interpose his good offices with the Home Government, in behalf of the inhabitants of the Magdalen Islands, for the most part Acadians of French Origin, descendants of the Colonists of L'Acadie, (now the Province of Nova Scotia,) originally colonized by France, whose religion, language, usages, and interests are identified with those of a majority of the inhabitants of Lower Canada, to prevent the annexation of those Islands to the Government of Prince Edward's Island.

Resolved.—That the above resolution be communicated to the Legislative Council for their concurrence.

LEGISLATIVE COUNCIL.

MONDAY, April 13.

A message was brought from the Legislative Assembly, stating that they had passed a Bill, intitled an act to repeal so much of the act in reference to Winter Roads, in so far as relate to the Districts of Quebec, &c.

The above Bill was read for the first time, and ordered to be read a second time to-morrow.

The first order of the day was the third reading of the Bill to define the side lines of lots in the Gore of the township of Gloucester. The Bill was read a third time, and passed.

The next order of the day was the third reading of Vanzandt's Relief Bill.

The Bill was read a third time and passed.

The last order of the day was the third reading of Jones' Trustee Bill.

The Bill was read a third time and passed. The Council then adjourned.

HOUSE OF ASSEMBLY.

MONDAY, April 13.

The Bill to remove doubts as to the jurisdiction of the Court of Chancery, in Upper Canada, in matters relating to idiots, lunatics, &c., was read the third time and passed.

The Bill to substitute a more simple mode of assurance, in Leu of fines, was read the third time and passed.

67 petitions were brought up.

The following petitions were read:

Of Wm. Dawson and others, for aid to complete the road from Point Levi to Kennebec.

Of J. O. Chouffais and others, for the construction of bridges over the Rivers Yamaska, St. Francis, and Nicolet.

Of A. Thompson and others, of Stamford, for a removal of the County Town of Lincoln from Niagara to any more central place, except St. Catharines.

Of James K. Andrews and others, of Dumfries, for establishment of a new line of road, and the conveyance of the old road to J. K. Andrews, Esq., in lieu thereof.

Of W. Gibson and others, of Edwardsburgh, for a communication of the town line from the rear of the 5th Concession to the rear of the Township, in accordance with the map filed in the Surveyor General's Office.

Of the Circuit Judges of the District of Quebec, for an allowance for their past and future travelling expenses.

Of James Carpenter and others, of Demorestville, praying for a reduction of the number of scholars required to be taught in the Grammar School at that place.

Of Thos. Morgan, praying that the Judge of the Prince Edward District may be appointed a Commissioner for adjusting claims for loss by erroneous surveys therein.

Of the Municipal Council of St. Hyacinthe, for repeal of the law relating to sleighs.

Of John Haze and others, leather manufacturers and dealers, of Montreal, against any reduction of the rate of duty on leather and leather manufactures.

Of Lodicarius Beisang and others of Waterloo, &c., praying that the term be allowed them for obtaining their naturalization,—and for some general provisions for naturalizing aliens.

Petitions from members of Church of England in Emily and Colchester, praying that a proportion of the Clergy Reserves may be vested in the Church Society of Toronto.

Of ditto, ditto in the Diocese of Quebec, for ditto ditto to be vested in the Church Society of Quebec.

Of Jas. P. Gage and others, of Nelson, and A. McNaughton and others of Nasagawaga, that the funds of King's College may not be divided, but that the system of management, &c., may be altered.

Of H. F. Graham and others, for the construction of a swing bridge over the Burlington Bay Canal.

Of A. McCann and others, of Massagawaga, against vesting any of the Clergy Reserves in the Church Society of Toronto.

Of Rev. Messire Lamarre and others, of the Parish of S^c. Jeanne de l'Isle Perrot, praying aid for certain improvements.

Of the Ladies of the Sisters of Charity of the General Hospital of Montreal (*Sœur Grises*) for authority to sell portions of their property.

Of Rev. Messire Ducharme and others, for removal of the Registry Office for Terrebonne, to S^c. Thérèse de Blainville.

Of R. Hiddle, Esq., and others, of the Talbot District, praying that the 4th section of the Naturalization Act of 1841 may be revised.

Of W. F. Wallace and others, of Bayham, &c., for aid to improve the Port Burwell Harbor, and to construct a plank road leading thereto.

Of John Clares and W. Clares, of Niagara, for an inquiry into a certain surrender of a tract of land on the Grand River, to the late Hon. W. Clares (of whom they are heirs) by the Six Nations Indians.

Of F. Risley and others, praying that the Act of last session, regulating Ferries, may not apply to the River Niagara, or any other River, not entirely within the Province.

Of G. W. Brooks and others, of Sherbrooke, praying that the intentions of the Legislature, with regard to the construction of a branch road to the main road of the Eastern Townships, may be fully carried out.

After the reading of the petitions had been gone through, Sir Allan Napier rose from the Chair, and read the following paper:—

"I beg to be permitted to address a few words to the House.

"This House is probably aware, that at a great sacrifice of private feeling, I came down to the meeting of Parliament, in order to discharge to the best of my humble abilities, the duties of an important public office; and it has now become my painful duty to state, that an impending domestic calamity, arising from the dangerous, and I fear hopeless, state of the health of Lady M^{rs} Napier, obliges me to request that I may, for a season, be relieved from my duties as the Speaker of this House.

"I trust it is unnecessary for me to assure honorable gentlemen, that from the moment I was placed in the chair, my greatest desire has been to obtain the confidence of this House, by the faithful discharge of my duties, and the impartiality of my conduct. If, in the pursuit of this object, I should at any time have failed to distinguish correctly between what was due to private feelings and public service, or to have overlooked the many instances I have experienced of the kindness and partiality of my friends, I trust that this House will not place the error to the account of a presumptuous reliance on my own abilities. It may have happened that either from hastiness of temper, or pain of indisposition, I have shewn inattention or feelings of irritation towards members of this House—to all such I beg to express sincere regret for its occasion, and most humbly apologise for it.

"Having had some experience in the office of Speaker, I am not unacquainted with the difficulties of the station I have had the honor to fill—difficulties which are frequently increased by the unexpected urgency with which they present themselves for elucidation and removal. The same experience has, however taught me that in all such cases, whoever has the honor to fill the Chair of this House, can at all times confidently rely upon the support and the indulgence of the House.

"If, therefore, it should be the pleasure of the House, owing to the melancholy position in which I am placed, to relieve me for the present from my duties as their Speaker, they may rest assured that I shall not fail to use every exertion to resume my duties whenever I may be released from the discharge of those sacred obligations of my domestic circle, which this House will permit me to say I cannot but feel are paramount to every other consideration."

Mr. Daly laid before the House two messages from His Excellency, as follows:—

CATHCART.

The Administrator of the Government recommends to the consideration of the Legislative Assembly, the accompanying application from the Hon. L. J. Papineau, for arrears of salary amounting to £4,500 currency, and not drawn by him as Speaker of the Legislative Assembly of Lower Canada.

The Administrator of the Government is advised that this debt is due in point of law, and if the House

concur in this opinion, and shall be pleased to make provisions for the payment of it, the Administrator of the Government is authorized in such case, to signify his willingness on behalf of Her Majesty's Government, to accede to Mr. Papineau's application.
Government House,
11th April, 1846. }

CATHCART.

The Administrator of the Government recommends to the Legislative Assembly the consideration of the necessity of adopting measures to authorize the administrator in council to select and acquire suitable lots of ground in the city of Montreal, for the erection of a residence for the Governor of the Province, of a Parliament House and Public Offices, and to provide the means of carrying these objects into execution.
Government House,
13th April, 1846. }

Mr Caron's Pamphlet.

The following are the letters which have been published by Mr. Caron in connection with those received by Messrs. LaFontaine and Draper in the House.

No. 1.

QUEBEC, 8th September, 1845,

MY DEAR SIR,—I have always put off writing to you, because I did not wish to write without having something certain to tell you as to the result of the mission I took upon myself at your request. Although I am not very far advanced in the business, I must nevertheless write to you now, least my longer silence should make you think that I had failed to attend to a matter, which is certainly far too important to be neglected.—Since my return from Montreal, I have thought much of the conversation we had together; and I began by convincing myself that the difficulties in the way of an understanding, though great, were not insurmountable;—and desiring, as I do, to put an end to a state of things which cannot last without serious injury to the country generally, and to Lower Canada in particular, and more especially to that portion of the population to which I belong,—I immediately determined to place myself in communication with those persons whom I regarded as able and willing to assist me in promoting the object we had in view. But one of those persons, and the one on whom I most relied, has been absent since my return and came back only within the last few days; another to whom it was necessary that I should write answered me only yesterday, and from a third I have yet had no reply. Notwithstanding this, I should probably be now able to give you a decisive answer, but that those on whom the success of our plan mainly depends reside in the District of Montreal,—it is necessary to communicate with them by letter, and you know how slow and disagreeable this method of treating any difficult and delicate business always is. I should certainly have gone to Montreal, had I not been so much occupied that the journey was almost impossible for me.

What I have written is intended to explain to you the reason why, even now, I have nothing decisive to inform you of upon a business which has nevertheless much occupied me. Things are nevertheless in progress, and though I can hardly say what will be the final result of an undertaking in which I take deep interest,—I am happy to inform you, that the few persons with whom I have had any communication on the subject, see matters in the same point of view as I do, and are disposed to lend their aid in removing the difficulties in the way of an arrangement which they seem sincerely to desire. I have received promises of support, and I have been written to, that it was right to assist me. Things are therefore in progress, and in a little while I hope to be able to tell you more. But whatever be the result, I promise you that I will be sincere, and that I will let you know the obstacles which may have prevented success.

Men's minds here, moreover, appear to be much better disposed, and there is no doubt that a change or re-action is gradually taken place, from

which I hope much for the arrangement and realization of our plan. If, as I believe, the new Solicitor General succeeds in his election, this success will have a good effect and will be a proof of the re-action of which I have spoken.

I must close my communication for to-day,—and will write to you as soon as I have anything worth while to tell you.

In the meantime be assured that I will not lose sight of the matter,—and that I am with much esteem and the highest consideration,

Dear Sir,

Your very devoted servant,

E. CARON.

[From the Hon. L. H. LaFontaine to the Hon. R. E. Caron.]

TRANSLATION.

MONTREAL, 20th October, 1845.

MY DEAR FRIEND,—You promised to send me a copy of your letter to Mr. Draper, I have not yet received it. I should like to see it in order not to expose myself in conversation, to saying anything which might make the contents known.

Mr. Draper has been in town since the beginning of last week.

If you have no objection, I should much like you to communicate to Mr. Aylwin the nature of this correspondence, at least of my answer. Although I should have nothing to do with the re-organization of the Ministry, if that takes place, and that consequently, I am free from all responsibility in that respect, yet I think it is right that Mr. Aylwin should know my views on the subject. I assure you I should like also to have them communicated to Messrs. Tasché, Chauveau and Cauchon. I must, however, leave that to your decision.

Mr. Draper ought to insist on the entire reconstruction of the Ministry for Lower Canada, or resign; otherwise his step is a blunder.

Yours,

(Signed,) L. H. LAFONTAINE.

No. 2.

(From the Hon. R. E. Caron to the Hon. L. H. LaFontaine.)

QUEBEC, 24th October, 1845.

MY DEAR FRIEND,—The public meeting held here yesterday, on the subject of a rail-road between Halifax and Quebec, having lasted longer than I expected, it was out of my power to write to you, as I had said in my note of the day before that I would. I acquit myself to-day of this promise, as well as of that which I made you some time ago, of transmitting to you a copy of the letter which I wrote to Mr. Draper, in answer to the communication which he had made to me, and which I have already imparted to you. If I have not sent you this copy sooner, it is that I have seen in the *Pilot* and the *Mirror* something which made me think that our correspondence had got wind, and that there were more persons in the secret than those of whom you spoke to me in the first instance. I did not take offence at this, because I see nothing that can be found fault with in what I have done; but as I was of opinion that it was better for the success of the undertaking, that the plan should be matured before it came too public, I have thought it right to retain the letter until the arrival of Morin, who has been expected here for some time, and to whom I wished to speak of the affair, and deliver the letter according to the explanation which he might give me; but Morin not coming, and your note of the 20th calling upon me to keep my promise, I do it very willingly, relying entirely upon you as to the use you will make of this letter.

Since Mr. Draper's arrival at Montreal, I have received from him a note, in which he acknowledges the receipt of my letter, which had reached him only after his return—he thanks me for the frankness with which I have spoken to him; without expressing an opinion, he tells me that the subject is of the highest importance, and requires the most serious consideration; that before replying with the unreservedness I had used towards him; he must take advice and reflect; that as soon as these consultations and reflections shall have taken place, I shall have a com-

munication from him, which I will immediately transmit to you.

I shall have pleasure in communicating to Aylwin, at the first good opportunity, our correspondence, and that which I have had with Mr. Draper; I have not yet spoken to him on the subject, because it appeared to me that it would come better from you, to whom I had addressed myself, as to the chief of the former administration, and chief of the party with which there appeared to be a desire to form an alliance. But since you wish it, I will see Aylwin; I wished to see him yesterday, but could not meet him.

As for Messrs. Tache, Chauveau and Cauchon, whom you mention in your note, it is from you or from Morin that the announcement ought to come; when that shall have been done, you may refer them to me, I will give them all the information I possess, but I object to taking the first steps; I am of opinion that the thing ought not to be concealed from them, it would be very wrong to do so; but I have my reasons for thinking that the communication ought to be made to them by you, or at least by Morin.

My letter to Mr. Draper will show you that, like yourself, I am of opinion that the administration for this part of the Province, ought to be re-constructed, and that Mr. Draper ought to insist upon the thing.

Your's,
E. CARON.

No. 3.

(From the Hon. L. H. Lafontaine to the Hon. R. E. Caron.)

MONTREAL, 26th October, 1846.

MY DEAR FRIEND,—I have received your letter, dated the day before yesterday, and the copy of that which you addressed to Mr. Draper on the 17th of last month.

Morin, who will hand you this letter, will tell you that it is not our correspondence which has given rise to the articles in the *Pilot* and the *Mirac*, to which you allude.

The negotiation with which you have been entrusted by Mr. Draper has reached a point at which it ceases to concern me personally. I do not regret it, for it relieves me from all responsibility, and as my exclusion from a new organization of the Ministry thwarts neither my views nor my tastes, I have given my consent to it only the more readily.

There are, however, two points, in your letter to Mr. Draper, on which I must make some remarks.

Firstly.—On account of the generality of your expressions in some parts of your letter, some persons might, perhaps, give it a meaning different from that which you have no doubt intended to attach to it—they might, perhaps, interpret your letter as admitting in principle that a political party, under our present form of Government, ought to sacrifice one of its members when the caprice of a Governor demands it. If such an opinion should be entertained by some persons of our party, I wish to seize this opportunity to declare that that opinion is not mine. A political party may demand sacrifices from one of its members, but it ought never to immolate him to the rancour or caprices of a Governor.

Secondly.—The part of the same letter in which you speak of the equity of calling the minority to the direction of affairs, seems to require explanation. From its wording, it appears to me to contradict, in some degree, what you had already said on the same subject in another part of your letter. Morin will communicate to you the objection which I made to the wording of this passage.

Your Friend,
(Signed) L. H. LAFONTAINE.

No. 4.

[From Hon. A. N. Morin to Hon. R. E. Caron.]
TRANSLATION.

MONTREAL, 24th Nov. 1846.
DEAR SIR, AND FRIEND,—Our friend to whom your last letter was addressed, does not intend to take upon himself to reply to it, and that not from any motive of a personal nature towards you, for you know to the contrary, but because in the present aspect of affairs, he thinks it pro-

per for him to abstain from taking an active part in the business; and he tells me that he intimated as much to you in his last letter. His advice, however, I am assured, will not be withheld from us, and it is only after a long conversation with him that I write to you.

My first intention was to write you a long letter, containing the result of that conversation; but you know that for a letter of any length, I am obliged to employ another hand; I do so even in this instance, suffering from rheumatism at this moment.

We thought afterwards that a letter would afford a very imperfect means of communication. For this reason, in spite of the advanced season, it is perhaps of the highest importance that you should come to Montreal, more, even, for the purpose of having a clear understanding with your principal correspondent than to learn what we ourselves think—if you cannot come, I shall be under the necessity of writing the letter I intended to write. But we think that in any event an interview with your correspondent would obviate many of the dangers which attend writing, and would afford you the means of discussing the subject more thoroughly and more amply.

Our principal remark on the whole is that your correspondent has changed his ground, that he has almost resumed, although on a larger scale, the position which he held before your letter; that he wishes to make us responsible for a portion of the subject with which we do not interfere, and that he proceeds still by names and exceptions, instead of placing the two contracting parties on a footing of equality, and of admitting that the position to be held by each results from the support they respectively receive from their friends.

This is the best I can say to you in brief and in this form. If you will be so good as to let me know your determination, I will give it effect with all speed, and in all sincerity. If, as implied in the last letter of your correspondent, you are to be the principal in this affair, we shall rejoice in it.

Believe me, very sincerely, your friend,
(Signed) A. N. MORIN.

No. 5.

[From the Hon. A. N. Morin to the Hon. R. E. Caron.]

MONTREAL, 24th November, 1845.

DEAR SIR & FRIEND.—Since the enclosed has been written and sealed, some one has conveyed to Mr. Lafontaine the following lines:

"Mr. _____'s compliments to Mr. Lafontaine, and begs to inform him that His Excellency the Governor General has received dispatches last evening ordering him home—he leaves on Wednesday."

Thus, it is, perhaps, prudent on your part to temporize, by restoring your man to the position in which you placed him. Perhaps, also, on his side, he will think proper to postpone the subject. In any case, we persist in thinking that your presence at Montreal is very much to be desired. I forgot to inform you that the rumour of the departure of the Governor was known from another source at the office of the *Pilot* this morning. Is it the War, or a conviction that affairs cannot go on any longer, even in ordinary times?

Your Friend,
(Signed) A. N. MORIN.

No. 6.

[From the Hon. W. H. Draper to the Hon. R. E. Caron.]

MONDAY, 24th November, 1845.

PRIVATE.

My Dear Sir,—I have just returned from Montserrat. Her Majesty has been pleased to give Lord Metcalfe authority to give up the administration of the affairs of the Province into the hands of Earl Cathcart; temporarily, until a successor can be appointed. His Excellency means to avail himself of the permission, and to leave for England on Wednesday. This may affect

your view of my note to you, and I think it right to give you prompt intimation.

Your's faithfully and sincerely,
W. H. DRAPER.

The last mail brings news of several thousand pounds for the Quebec sufferers.

No. 7.

(From Hon. R. E. Caron to Hon. A. N. Morin.)
QUEBEC, 25th November, 1845.

MY DEAR SIR AND FRIEND,—I have received your two letters dated yesterday; they informed me of the departure of the Governor on to-morrow. This event, which I expected, and which could not have been delayed, confirms me in the line of conduct which I had proposed to myself to follow. I have told you from the beginning, and I think I have written it, that all I intended to do in receiving the communications which were made to me, was to transmit them to those whom I considered most likely to know the opinions of the party which it was desired to win back, and to which overtures were made. I willingly undertook the office of a mediator between the recognized leaders of that party and the administration, or rather one of the members of the administration because I thought I perceived temporary difficulties which prevented these communications from being made directly. I never understood that I was charged with the formation of an administration, and in fact I have never been charged with it, either directly or indirectly; and I think

so I told you that if the thing were proposed to me, I should refuse it, and certainly I should have done so. On receiving the last letter from Draper, I immediately transmitted it without comment to Lafontaine, in order to know from him, and from you what answer was to be given to it; but as I foresaw what has happened, the departure of the Governor. I was quite determined not to go any further in the business for the moment, sure that the reasons which had caused me to figure in it were soon about to disappear, and that the present administration could very soon treat without any difficulty with the persons who alone are competent to make the necessary changes in it, I allude to Lafontaine, to you, and to the rest of your former colleagues to whom the satisfaction is due, and to whom it belongs to say how it should be made. For me to remain longer on the scene would be to retard and complicate your operations, it is you, now, who must be applied to, and I am so convinced of that being the course to be pursued, that I shall write immediately to Mr. Draper to that effect. I act thus in justice to you, assuring you at the same time that if you think my assistance can be of use to you in any way, it shall not fail you, and that you will always find me ready to help you by all the means in my power.

According to these views, you see that my presence in Montreal would be useless, and besides I could not leave this before two or three days; you see also, by what precedes, that you have no cause to fear my spoiling things by going too fast or too far.

In the steps which you will have to adopt, it will perhaps be some use to you to know that in the letters which I have written, and in those which I have transmitted or communicated to you, is found all that has passed between Mr. Draper and myself on the subject which has occupied us.

In the first of our letters you ask me to make known to you my determination, I will tell you that I had not formed any; that that which I might have formed would no longer be suitable, and that now I do not think it necessary to form any.

I thank you for the confidence you show me when you say that if I am to be the principal in this affair you will rejoice at it, and it is without flattery, and in all sincerity, that I tell you that the thing can only go on well if conducted by you and Lafontaine, and that it is this conviction which has brought me to the determination not to meddle with it in any way, unless it be to assist you if it be in my power.

I am, &c., yours,
E. CARON.

No. 8.

(From the Hon. R. E. Caron to the Hon. L. H. Lafontaine.)

TRANSLATION.

QUEBEC, 6th February, 1846.

MY DEAR FRIEND,—I now acquit myself of my promise to send you copies of the letters which were wanting to complete the correspondence which has taken place between you and me and between Mr. Draper and me.

I rely on your discretion as to the use you will make of a correspondence commenced with the understanding that it should be confidential. I do not intend, however, to deprive you of the advantage which it might procure you, and I do not at all shrink from the responsibility of what I have written, and suggested; but I have a right to expect that you will not make of all this a subject of discussion in the newspapers.

I am, dear friend, yours,
(Signed,) E. CARON.

(From the Hon. R. E. Caron to the Hon. L. H. Lafontaine.)

TRANSLATION.

MONTREAL, 10th March, 1846.

MY DEAR FRIEND,—I am on the point of going into the country, from which I shall not return until Thursday evening. Thinking that perhaps you would like to have, before that time, my answer on the subject which occupied us on Sunday, I write you these lines, which contain what I think of the proposal you then made me to give publicity, either in my own name or otherwise, to the entire correspondence between Mr. Draper and me, and between you and me, since the month of September last.

I have given much attention to this proposal, and I have done so with a sincere desire to be able to come to the conclusion which you seem to wish, namely, that of giving my consent to such publication; but I regret to say that I have not yet been able to convince myself of the propriety of such a step, and of the advantages which might result from it. As to doing the thing in my name, I see nothing which could, on my part, justify such an action; as to ever giving my consent to it, the circumstances and the understanding in which this correspondence was begun and continued, make me think that I cannot do so with propriety.

I have not failed to reflect on the preface which you put forth, that the correspondence in question having been conducted by me as an intermediate party only, was rather yours than mine, and that you have, therefore, a right to make such use of it as you think proper. I must admit that I would find this unanswerable if, in opening this correspondence with me, you had not yielded, tacitly at first and afterwards expressly to the condition imposed by me, that in case of failure the matter should remain between ourselves. Notwithstanding this, you may be right, and I leave you to judge. If your position is correct, you have no need of my consent; if you make the publication in virtue of the right you pretend to have, I reserve to myself that of saying that you have acted without my sanction and against my advice. If you decide on publishing, there are in my letters several parts which should be left out, your excellent judgment will point out these to you. Whatever may be the determination to which you come, I flatter myself our mutual friendship and esteem will not suffer in the least, and that you will consider me as heretofore.

Your devoted confrère and friend,

ED. CARON.

(Hon. L. H. Lafontaine to the Hon. R. E. Caron.)

TRANSLATION.

MONTREAL, 11th March, 1846.

MY DEAR FRIEND,—Your letter of yesterday's date, was not handed to me until quite late the same day, that is to say, after the adjournment of the Court of Appeals, where I had the pleasure of seeing you.

Before answering this letter at length, in the event of my thinking proper to do so, as well for the purpose of rectifying some inaccuracies, as for that of asserting a claim to that justice

which is due to my friends and to myself, permit me to request you to inform me, if your refusal to consent to what you call the *publicity* of the correspondence in question, extends to all possible cases in which I might, in accordance with constitutional usages, especially in my capacity of Member of the House of Assembly, be called upon to speak of this correspondence, and if, in a case of that kind, you think you have a right to require that I should preserve silence as to the contents of this correspondence, so absolutely as to have no discretion to exercise in this respect, either in my own personal interest, or in that of the party to which I belong.

Your's

L. H. LAFONTAINE.

TRANSLATION.

(Hon. R. E. Caron to the Hon. L. H. Lafontaine.)
MONTREAL, 16th March, 1846.

MY DEAR FRIEND,—After the conference we had on Sunday last, I think we understand each other perfectly, as to the use which you may make of our correspondence; therefore it is scarcely necessary to inform you, in reply to your letter of the 11th, called forth by mine of the day before, that the refusal on my part, contained in the letter, to consent to what I might have called *publication* instead of *publicity* of the correspondence in question, does not extend to the possible cases in which you might, according to constitutional usages, and especially in your capacity of Member of the House of Assembly, be called upon to speak of this correspondence, but that it is distinctly understood that in such a case I by no means claim the right to exact that you should preserve silence as to the contents of this correspondence, that on the contrary you have full liberty to exercise in this respect a judicious discretion as well in your own interest as in that of the party to which you belong.

Your's

ED. CARON.

(Hon. L. H. Lafontaine, to the Hon. R. E. Caron.)

SUNDAY, 22d March, 8, p. m.

MY DEAR FRIEND,—I called at your hotel—you were not in—I leave with you a *summary* which I have just drawn. I have not read it a second time, expecting to read it with you. Do me the favour to return it to-morrow morning early, and to state whether this mode suits you. I believe it is the best.

Your's truly,

L. H. LAFONTAINE.

(From the Hon. R. E. Caron to the Hon. L. H. Lafontaine.)

TRANSLATION.

MONDAY MORNING, 23d March, 1846.

MY DEAR FRIEND,—Your abstract of my two first letters does not please me at all; the form which you give to these communications is too solemn—too little in accordance with the tone of mind in which they were written.

I repeat it, I shall regret the necessity which will have forced you to put before the public a correspondence conducted, on my part, without the least thought of its being destined for publication; but if, in the judicious discretion that you have to exercise on the subject, you think proper to make my letters public, I prefer that they should be shown such as I wrote them, although in point of style they may not be what I would wish, and although they contain things which they would not have contained if they had not been addressed to an intimate friend, out of whose hands I did not expect they would pass.

These things, which you will easily distinguish, you will perhaps do me the justice to omit, not because I think I have written what is not true, but because all truths are not to be spoken at all times.

I am, dear Sir, yours,
(Signed,) R. E. CARON.

R. E. CARON.

No. 14.

(From the Hon. R. E. Caron to the Hon. L. H. Lafontaine.)

TRANSLATION.

MONTREAL, 6th April, 1846.

MY DEAR SIR,—In returning you the papers

which you had the kindness to lend me yesterday I must inform you of the determination to which I have come of publishing myself and in my name the correspondence in question.

What has passed within these few days causes me to look upon this step as indispensable, both as regards myself and in the interest of those who have taken part in it.

I would not have adopted this determination without consulting you and obtaining, before putting it into execution, your consent and that of Mr. Morin, if the opinions of both of you on this subject were not perfectly well known to me.

In making this publication I shall confine myself, of course, to the serious and important part of our correspondence, leaving out the private and familiar notes exchanged between us; unless indeed there should be some that you would like to make known, and which in that case I beg you to point out to me.

I would submit to you also the propriety of leaving out of your first letter the part in which you cite, in support of the principles you put forth, the example of several individuals occupying elevated stations in society and for whom it might be disagreeable to be thus dragged before the public, and that without any great necessity, since your principles are sufficiently incontestable to have no need of being sustained by the examples which you cite. I will do, however, as you please in this respect.—I will publish the whole if you do not authorize me to leave out the part in question.

I am very sincerely,

Your's,

E. CARON.

(From the Hon. L. H. Lafontaine to the Hon. R. E. Caron.)

TRANSLATION.

MONTREAL, 6th April, 1846.

MY DEAR SIR,—Your letter of this day's date relieves me from a great embarrassment. Although the correspondence in question appears to me more than ever of a parliamentary public nature, I saw with much regret that you had latterly looked upon it in another point of view. If I have differed from your view, notwithstanding all that has taken place in Parliament and out of Parliament, among the friends of the party to which I belong, * * * * *

You admit, now, the principle on which I had proposed to myself to act; you even claim a right to do it independently yourself—a right which I do not deny you. I think, then, that it is not fitting to multiply details as to the way in which you may give effect to your way of thinking, and leaving you entirely free, I note the fact that by your own admission I become equally so on my part, even if I was not so before.

I am, very sincerely,

Your devoted Servant,

L. H. LAFONTAINE.

(From the Hon. R. E. Caron to the Hon. L. H. Lafontaine.)

TRANSLATION.

TUESDAY MORNING, 7th April, 1846.

MY DEAR SIR,—I acknowledge the receipt of your letter of yesterday, only for the purpose of preventing your inferring from my silence that I acquiesce in the doctrine it contains.—I am, on the contrary, of opinion that you give to my letter of Monday an interpretation of which it is not susceptible, and that you claim the benefit of an imaginary admission which is not to be found in that letter.

This is not the first time we have differed in opinion, I wish most sincerely that it may be the last.

In this hope I subscribe myself,

Yours,

R. E. CARON.

LEGISLATIVE COUNCIL.

TUESDAY, April 14.

Today, at 3 o'clock, p.m. the Gov. Gen. came down in state to the Chamber of the Legislative Council. Having ordered the attendance of

the Legislative Assembly, the House came up, and the Hon. A. N. MORIN spoke as follows:— (See Routine.)

To which His Excellency the Governor General, through the Speaker of the Legislative Council, made the following reply:—(See Routine.)

The Governor then retired.

A message from the Legislative Assembly stating that they had passed a bill to institute more simple modes of assurance in regard to fines, and recovery. Also a bill to remove doubts as to the jurisdiction of the Court of Chancery in respect to lunatics.

A message from the Legislative Assembly, communicating an address they had passed to the Home Government respecting the Magdeleine Islands.

A message, from the Legislative Assembly, stating that they had passed a bill to amend the Agricultural Act.

Hon. Mr. KNOWLTON, from the committee to whom was referred the bill to provide for the partition of certain lands in Lower Canada, reported the bill without amendment. The bill was ordered to be committed to a Committee of the whole on tomorrow.

The bill for the substitution of a bill to institute a more simple modes of Assurance was read a first time, and ordered to be read a second time tomorrow.

The bill for defining the jurisdiction of the Court of Chancery, in relation to lunatics, was read a first time, and ordered to be read a second time tomorrow.

The bill to amend the Agricultural Act was read a first time, and ordered to be read a second time tomorrow.

Hon. Mr. BRUNEAU moved that the petition of Mrs. E. Armour be referred to a committee on contingencies.

The resolutions embodied in one of the messages were read, and ordered to be referred to a committee of the whole to-morrow.

The first order of the day was the second reading of the Quebec winter roads bill.

Mr. BRUNEAU.—He did not intend to either oppose or support the bill, but as there was another bill in the Lower House in which the exceptions were made in favour of Quebec, &c., he thought it advisable to suspend our proceedings for a few days; we are yet, said he, at the commencement of the session, and we can afford to wait a few days. He would wish the petitions on this subject to be referred to the same committee, with this bill. He would oppose the passing of the bill if Quebec objects to it. He would therefore move that the bill do lie on the table for a few days.

Hon. Mr. NEILSON, knew nothing of the proceedings of the Lower House, but he would meet the views of the hon. member by referring it to a committee, understanding that the committee shall wait a few days before they report.

Hon. Mr. MORRIS.—It ought to be referred to a committee of the whole, there is no use for a select committee.

Hon. Mr. NEILSON.—That course would not accomplish the desired object.

Hon. Mr. MORRIS.—The committee of the whole would sit, rise, report progress, and ask leave to sit again.

Hon. Mr. BRUNEAU, was obliged to take notice of the proceedings of the Lower House; if, however, the bill does not come on in a reasonable time, he had no objections to proceed.

Hon. Mr. NEILSON.—It was not parliamentary, not respectful to throw a bill aside in this manner.

The bill was referred to a committee of 5, consisting of the Hon. Messrs. Taché, Bru-

neau, A. Dionne, J. Morris, and Neilson, Hon. Mr. BrunEAU moved that the petition on this subject be referred to the same committee.

HOUSE OF ASSEMBLY.

TUESDAY, APRIL 14.

Bankrupt Law.

Attorney General SMITH introduced a bill for the continuation and amendment of the Bankrupt Law.

Mr. AYLWIN would take the opportunity of stating his opinion that the Bankrupt Law was an abominable one and ought to be abolished; he was surprised that any Minister would undertake the odious task of perpetuating it.

Mr. CAMERON could not agree in a wholesale condemnation of the law; he thought it was often a relief to the honest debtor, and afforded facilities to trade; but he should admit that he had heard universal complaints of the law as it now stood as affording great temptation to roguery; he, therefore, hoped that the Attorney General's measure would remedy the defects complained of.

Attorney General SMITH.—The present law expires this session, and his (the Atty. Gen's) object was not to revive it in its present form. Guarantees against the frauds now complained of would be introduced; and new regulations would be made respecting the granting of certificates to Bankrupts. At present it was a matter of much doubt and difficulty with the Commissioners to pronounce upon the statements furnished by Bankrupts. Instead of the present mode the Bill then before the House required that proper books of accounts be produced before a certificate would be granted.

Mr. MOFFATT thought the great cause of fraud was the want of attention on the part of creditors.

Mr. DEWITT would prefer a new bill altogether; none of the present law should be retained such was its tendency to crime and fraud. As to books, he thought they could be no security. After a man had been white-washed too or three times it would be easy for him to make books.

Mr. MOFFATT, in answer to a question from Mr. LaFontaine, said, that the Board of Trade of Montreal had applied for an alteration of the Bankrupt Law.

Mr. LAFONTAINE would remark respecting the printing of the present bill what he often before had occasion to say, viz., that he trusted it would not be delayed till the last hour. No matter to what length the second reading was deferred—whether a week or a month, the Bill never reached the hands of members before the very time they were called upon to discuss it.

Mr. CHABOT—Enquired of the Ministry whether it was their intention to appoint another Circuit Judge for the District of Quebec, in the place of W. K. McCord, Esq., who had appointed Police Magistrate for Quebec?

Mr. Att. Gen. SMITH—It was not their intention to do so; as they were not aware that the public welfare required it, if it could be shown that the public welfare demanded it, they might appoint another Judge, but under the present circumstances, they were not prepared to do so.

Mr. GOWAN'S—Motion for an address to His Excellency, on expenditure of £58,000, for deepening Lake St. Peter, was postponed till Monday next.

Mr. Att. Gen. SMITH—In answer to the enquiry of Mr. Munro, whether it was their intention to make Oshawa a port of entry, said that the matter had only been under consideration to-day.

Mr. Atty. Gen. SMITH—In answer to en-

quiry of Mr. Murney, if it was intention of the Ministry to make provision for losses sustained by the overflow of the Trent, said that he would be able to answer the enquiry to-morrow.

Supervisor of Callers at Quebec.

Upon the presentation of a petition from the Supervisor of Callers at Quebec praying for an increase of salary,

Mr. CAUCHON—said he thought that the Government should declare their views of the petition, as it involved a money question.

Att. Gen. SMITH—It would be seen by the Act, that the salary of the petitioner was not paid out of the Provincial funds but was obtained by fees, neither was any surplus that might arise to go into the public chest, but in such case the Government were empowered to reduce the fees so as to meet the expenditure.

Mr. AYLWIN—had, last year, set his face entirely against the increase of salary now sought for, but since that time he found out that the present salary was less than that often given by a merchant to his chief clerk. When the bill establishing the present salary was first introduced, in a former Parliament, he (Mr. Aylwin) was suspicious of a job being in contemplation—he spoke with the best feeling towards the hon. member for Lanark—and he was therefore not very favorable to it; but he now saw reason to change his views, and he considered that the officer was not sufficiently paid; it also appeared that although the time of the petitioner was not exclusively occupied, yet he was prevented by his tenure of office from doing anything else. Among the reasons which induced him (Mr. Aylwin) to support the application was, his having seen a petition in favour of it signed by a large number of merchants known to him to be of the highest respectability. It should, however, be plainly understood that the salary would be now fixed, and that the door should be closed against all further increase.

Mr. MOFFATT—was favorable to the increase but thought the subject ought to be referred to a Committee of the whole House.

Mr. MYERS—having been entrusted with a petition in favour of the present application, would observe that he heard all parties praise the manner in which the petitioner performed his duties.

Mr. CAMERON—was glad that his views in reference to the salary in question were at length adopted; he thought from the beginning that £500 ought to be the amount. It was also a satisfaction to him to find that when parties discovered that they had acted from vindictive, or other unworthy feelings, they were ready to act in the proper way, and to express suitable regret.

Mr. AYLWIN—denied that he had acted from vindictive feeling.

Location Tickets.

Mr. AYLWIN moved that an address be presented to His Excellency the Administrator of the Governor for statements of Location Tickets for mining purposes in Upper Canada. He had been informed, whether correctly or not, he could not say, that the Government had granted tickets to certain persons for mining, on this understanding that they should survey the country at their own expense, the quantity of land not to exceed 21 miles square; now, if he would say, if he was rightly informed, that the Government had done so, they had done that which they had no right to do; they have committed an injustice to him, yes, and to the whole of Canada. If a portion of Canada was rich in minerals, he was determined that there should be no jobbing about it, but that it should be put up to public competition.

Mr. FRENCH—If the hon. member had contented himself, with merely making the a-

sion, and not alluded to him by name, he would not have spoken on the present occasion, as there was no disposition on the part of the Government to refuse any information on this subject. He (Mr. P.) was astonished that a person so well skilled in parliamentary practice, and in proceedings before courts of law, as his hon. friend (Mr. Aylwin) should have allowed himself to have been led astray by the chimeras of his brain. He (Mr. P.) would endeavour to remove the wool that has been drawn over his hon. friend's eyes, and the sand that has been cast into them by other individuals; for he (Mr. Aylwin) was profoundly ignorant of the subject before them. He (Mr. P.) agreed with the hon. member for Quebec that the Government is not entitled to give any preference to one part of Her Majesty's subjects over another; but he did think that it was their duty to encourage the enterprise of the people, that the hidden resources of the country might be developed. He (Mr. P.) did not see any partiality in allowing a person who discovers a hidden treasure or mine, that requires many thousand pounds to work it, to work it at his own expense. With respect to the copper mines on the north shore of Lake Superior, he (Mr. P.) and a few friends, had been graciously permitted, under the great Seal of the Province, to spend as much of their own money as they pleased in exploring the country, and if we did discover a mine, we were to have the liberty of working it at our own expense, upon such terms as the Government might see fit to impose. He (Mr. P.) did not thank the Administration for these favours, for if the people of Canada had half the enterprise of the Americans, many of them would have gone into the region possessed of mineral wealth, and squatted there, without the permission of the Government. Large fortunes have been made from the copper mines on the southern shore of Lake Superior, while our mineral wealth lies dormant. He (Mr. P.) would repeat what he stated in moving the address to His Excellency in answer to the speech from the Throne, that a government to be strong, must be liberal to those who are willing to develop the resources of the country.

The motion was agreed to.

Mr. CAYLEY moved that the House do go into committee on the law relating to stills. The House then went into committee.

Mr. CAYLEY moved the amendment of laws relating to duties on still. He remarked that he would not now go into the subject; he merely wished to obtain the sanction of the House to the principle of taxing per gallon instead of the contents of the still. He considered it the more equitable way.

Mr. CAMERON said, he was happy to give his support to the motion. It was decidedly the more equitable mode to lay the tax on the gallon. It would also increase the revenue. He (Mr. C.) however, hoped there would be no attempt to introduce the English system of excise.

Mr. ERMATINGER said, he considered it the fairest way to lay the tax on the mash tub according to size. He objected to the other principle on the ground that there would be such difficulty to levy it.

Mr. Atty. Gen. SMITH said, he would beg to state that it was not the intention of the Government to create any excise; it was perfectly clear that there must be some restriction.

Mr. WEBSTER.—He considered the proposed system the most equitable; it, however, could not be carried out without an excise. However, it were far better to fall back on the old system.

The motion was then carried, and the Committee rose.

Sol. Gen. TACHÉREAU introduced a bill to enforce the attendance of witnesses before Magistrates in Lower Canada.

The bill was read the first, ordered to be read a second time on Tuesday next.

Also, a bill to amend the laws in cases of forgery.

To be read a second time on Tuesday next.

Mr. MOFFATT moved for an address to His Excellency for communications respecting the Royal Institution. Passed.

Mr. MOFFATT introduced a bill to amend the act incorporating the Saint Lawrence and Atlantic Rail Road Company. He said that the bill was merely introduced to amend those portions of the bill of last session, that were adverted to in the despatch from the Colonial Secretary. The first point the 38th clause in reference to Tolls, &c.; and the next in reference to the obstructions of navigable streams.

Mr. BALDWIN—He did not intend to oppose the passing of the bill, but we have appointed a committee, they have reported several bills, but the specific objects for which they were appointed are not mentioned. He considered that no rail-way bill should be proceeded with till we have that report.

Mr. ROBINSON—As chairman of the Committee, would beg to state, that as the documents are very lengthy, the several members of the committee had not yet had time to look over them. The bills that had been reported however, it was understood, should be subject to whatever might be considered necessary hereafter.

The bill was ordered to be read a second time on Monday next.

Mr. ROBLIN moved, seconded by Mr. SMITH of Wentworth, That M. Cameron, Esq., be excused from his attendance from Saturday next. Passed.

Mr. CAUCHON moved for an address to His Excellency for correspondence relative to John Simpson, a Pilot. Passed.

Mr. LANTIER made an enquiry of the Ministry respecting the act relative to public works.

Mr. Att. Gen. SMITH said, it was the intention of the Government to introduce a bill.

Mr. LANTIER moved for an address to His Excellency on lease of tolls at the Cascades.

Mr. CHABOT moved an enquiry of the Ministry relative to the foundings in the District of Quebec.

Mr. Atty. Gen. SMITH—Wait till the estimates are laid on the table.

Mr. AYLWIN moved for an address to His Excellency for a statement respecting timber licenses in the County of Saguenay. Passed.

Re-Building the Montreal Court House.

Att. Gen. SMITH—moved that the House go into Committee to adopt a Resolution empowering the Government to re-build the Montreal Court House and to acquire the ground for that purpose, and in reply to a question from Mr. Johnson stated that it was the intention to raise the necessary funds by increase of tax upon law proceedings as had been done in one instance before by the Parliament of Lower Canada.

Mr. AYLWIN—would offer no objection to the general resolution then submitted, but would on the proper occasion, enter upon the question of "ways and means." A tax upon law proceedings was the most odious of all taxes; it was wrong, from the most wretched class of the people. The hon. member deprecated at much length the proposed tax as a

further infringement on the Union Act according to which, the Judiciary in Lower Canada was to remain as before—all expenses attending it having been paid out of the public chest.

Mr. LAFONTAINE—asked what was meant by the word "acquiring" in the resolution.

Att. Gen. SMITH—The object of the Government was to acquire ground other than the present site, upon which to erect the new building. The question would come up at the proper time.

Mr. BALDWIN—thought that if any difference of opinion existed about a site, it was desirable that the resolution should not be so worded as to pledge the House to any certain course. He would suggest the striking out of the word acquiring, and the substituting of some more general term. This suggestion was adopted and the resolution accordingly carried.

Supplies.

On the order of the day for the House going into Committee of the whole on supply being brought up. The House, on the motion of Mr. Cayley, went into Committee of the whole on the subject, Mr. Colville in the chair.

Mr. Cayley said it was not his intention to make any demand now for any special purpose, but merely to move a resolution that it is expedient that a supply be granted to Her Majesty, and then to move that the Committee rise, report progress, and ask leave to sit again.

Mr. Aylwin hoped that the members would take into consideration what had been said at the Free Trade meeting the other day, so that when the question came to be discussed in the house, they might be well prepared upon the subject.

The resolution that a supply be granted to Her Majesty was then carried.

The committee then rose and reported resolution. To sit again on Tuesday next.

Clergy Reserves.

Mr. Chalmers moved that an address be presented to His Excellency for all communications between His Excellency and the Colonial Secretary with respect to the Clergy Reserves.

Mr. CHALMERS—said he was placed in an awkward predicament with respect to this important subject. He (Mr. C.) had had the honour of presenting a number of petitions to this House on the subject of the Clergy Reserves; he (Mr. C.) did not know why he had been made the medium of communication with this House, unless it was because kindred spirit mingled together. He (Mr. C.) was intimately acquainted with many of the signers of these petitions, and he thought that their prayer ought to be listened to with attention by this House. He (Mr. C.) did not wish to intrude and to embarrass the Government, but he desired that justice should be done to the people of the country.

Rail Roads.

Mr. McDONALD (of Kingston)—introduced a bill to incorporate the Wolf Island, Kingston and Toronto Railroad Company. To be read a second time on Monday next.

Mr. AYLWIN—hoped that the House would not allow any bills for the establishment of any Railroad to be introduced until the Committee appointed on Railroads had made a report, laying before the House such rules and regulations as the Committee might consider proper for the government of Railroads generally.

Mr. ROBINSON—stated that the Committee would probably be prepared to report to-morrow, that he did not consider that it was necessary to wait for the Report of the Committee, as care would be taken that any bill now passed, would contain clauses subjecting it to any rules or regulations that might be reported by the Committee, and that they should not obstruct the introduction of any bill at present.

Mr. AYLWIN—he was not desirous of obstructing the introduction of the hon. member for Kingston's measure into the House; but he objected to anything further being done until the report of the Committee be had.

Mr. HALL—there are nine hundred lines of railroads applied for in England, and there is plenty of money in that country to carry these schemes into effect; but it was different in Canada, and he (Mr. H.) thought that the House ought not to be too stringent in their rules with respect to railroads in this country, but ought rather to encourage them by every means in their power.

Mr. SHERWOOD (Toronto)—concurred in many of the remarks of the hon. member for Quebec, (Mr. Aylwin) but he went too far, when he asked us to follow the example of England in every respect in relation to railroads; for we are in different circumstances to what they are in England; there money is abundant, and so anxious are capitalists to invest their money in railway schemes, that £17,000,000 have been placed in the hands of the Accountant General of England as a deposit, on account of new railway projects; and it has been found impossible to obtain money for the ordinary purposes of trade while this great railway mania existed. In consequence of this state of things the Parliament of Great Britain had been found to interfere and to make stringent rules and regulations with respect to these railroads. Many of these regulations are inapplicable to our situation, but others might with good effect, be put in force in this country; such as obliging the railroad companies to carry the mails, settling the amount that is to be paid them for their services, by arbitration &c. We have granted charters in Upper Canada which have remained up to this time almost a dead letter, though two of the companies have lately had the amount of their stock subscribed, and would likely soon go into operation. The greatest caution ought to be exercised by the House, that when a charter for a railroad has been granted, and capitalists have invested their money in it, that another should not be granted for a line to run parallel with the first railroad, for if they act thus, British capitalists would have no security, and they would not be inclined to invest their money in a country where their rights were not protected. This was a consideration of vast importance. The present bill proposes to give a charter where none already exists, and he (Mr. S.) thought there could not possibly be any objection to its passing. The general regulations which may hereafter be reported by the Committee and agreed to by the House, may be inserted in this and other railroad bills before they pass the House.

Mr. MOFFATT said the report of the committee on public rail roads would merely contain a list of such clauses as they thought should be introduced into every bill, and which would be afterwards embodied in a bill, for the purpose of shortening the other bills; and he trusted the House would be cautious of allowing any roads exclusive privileges, so that parties laying out money on any road could not come to the House and say, we thought you would not allow any parallel road to be made, or we would not have invested our money in it. He (Mr. M.) would grant a charter for every Road, and capitalists would be cautious enough to select the best.

Mr. CAMERON said, with all due respect to the hon. member for Montreal, (Mr. Moffatt), he (Mr. C.) considered his arguments most extraordinary, for could British capitalists foresee what course that House would pursue. And after they had embarked their capital on the faith of a Charter from that House, another charter might, on the hon. member's argument, be granted for a line to run parallel with the former one. That was not the practice, in either England or France. He (Mr. C.) complained of the railway committee reporting in favour of the Niagara and Detroit Railway before they had received answers from the head of the military department to communications which had been addressed to him in respect to that rail road. Would the House, if it had granted a charter for a railroad from Montreal to Kingston, grant one also for a short line from Montreal to Lachine?

Mr. MOFFATT—Certainly.

Mr. CAMERON—They would not do justice, then, and they would certainly defeat the gene-

ral scheme, if they granted charters for short-paying lines.

Mr. MERRITT said, the member for Lanark had not been able to answer the arguments of the hon. member for Montreal, for they were unanswerable. Surely the House was not prepared, in this country, and at this time, to create monopolies, when in England they were discouraged. That great statesman, Sir Robert Peel, stated in his place in the House of Commons, that those who had embarked their capital in rail roads that had cost £60,000 a mile could not complain if they had to compete with those that now cost only £4,000 a mile. Would hon. members oppose this road because it was connected with an American one, although the Great Western was connected with the same point?

Mr. HALL—Would the hon member for Lincoln grant leave to the Americans to build another canal ten feet from the Welland Canal?

Mr. MERRITT—Certainly; for it would lower the tolls, and benefit the country.

The bill was then read a first time; to be read a second time on Monday next.

Common School Bill, Upper Canada.

On the motion of Mr. Atty. Gen. DRAPER, seconded by Mr. Atty. Gen. SHERWOOD, the House resolved itself into a Committee of the whole. Mr. Chabot in the chair.

Mr. DRAPER stated that he would not speak at length now on the bill, but would offer explanations on each clause as it was brought before the Committee; the bill was to a great extent founded upon the present act; the greatest change contemplated by the bill now before the House, was to do away with the Office of Township Superintendants, and to vest the office in the District Superintendent; and by doing so they would effect a saving in the present expenditure that would enable them to establish a normal school.

Mr. BALDWIN—He would like to ask the Hon. Member if the office of the Superintendent of Education was to be held as at present in Cobourg.

Mr. DRAPER—It is to be held at Toronto.

Mr. ROBINSON said that the Superintendent of Education had gone to Europe last year, and had travelled over Great Britain and a great part of the Continent, for the purpose of enquiring into the various systems of education, and had no doubt collected much valuable information on the subject; and he wanted to know if the bill was founded upon any information derived from him.

Mr. DRAPER—He had received much valuable information from that gentleman, of which they had availed themselves in framing the present bill.

Mr. JOHNSON hoped that nothing would be done with regard to the bill, until once the report of that gentleman be printed and laid before the House.

Mr. PRICE—The report of the Superintendent of Education for Upper Canada, Mr. Ryerson, of the result of his visit to the different educational institutions of Europe, ought to have been printed, and in the hands of the Members, before considering the present bill, as it might furnish us information, not only with respect to higher branches of education, but also with respect to common schools. He (Mr. P.) would like to hear if the province was to pay for the expense of the Reverend gentleman's journey to Europe, and whether the present bill was drafted by him, or by the Attorney General. He (Mr. P.) understood that the Reverend gentleman, Mr. Ryerson, had been highly pleased with the Prussian system of education, and was desirous of introducing it into Canada.

Mr. DRAPER would relieve the hon member (Mr. Price) of the painful apprehension that he seems to labour under, for he would assure him, that while he was in the Ministry, there was no danger of any part of the Provincial funds being used to pay the expenses of Mr. Ryerson's visits to Europe. He (Mr. D.) had of course consulted the Assistant Superintendent of Education for Upper Canada, and had received many

valuable suggestions from him, but he (Mr. D.) had drafted the bill, and was responsible for its contents. He (Mr. D.) had taken the general machinery of the old bill, remedying many of its defects—such as abolishing Townships Superintendants; and establishing a normal school, &c. &c.

Mr. ERMATINGER—would beg to observe that this bill would be a great benefit to the people of Upper Canada. He objected to the first clause, he did not see the use of it. With respect to the Normal School, he considered it a dangerous experiment; he had seen some Model Schools and we had better have had none at all. The Normal School would take away the benefits of the common school, and would be an increase of expenditure.

Mr. GOWAN—This ought not to be considered a party question, the education of the youth was a subject of the greatest importance, and he was convinced would be considered so by both sides of the House. The present bill, he considered to be a great improvement on the existing law. In the district which he represented, they had found the greatest difficulty in carrying it out. The first improvement in this bill which he would notice was the cutting off the Township superintendants, another point of great importance, which was exceedingly doubtful in the existing law, was the power to assess; many district councils had refused to assess for school purposes, this duty was distinctly defined in the bill now before us. The next improvement he would notice was that the teacher if he taught for three months was allowed the year's salary; some had taught three months in one place, three more in another, and so on, and received four years' pay for one year's service. This was not allowed in the present bill. The last point he would notice was, that under the old bill, all the trustees went out annually, this was wrong. The trustees went out when they had been acquainted with their duties, under the present bill, however, only one-third went out. This was a decided improvement.

Hon. R. BALDWIN—The Hon. Atty. General has, willfully he would not say, misunderstood the force of the remarks of the hon. member for the South Riding; he wished to know whether this bill was the child of the Atty. General or of the Assistant Superintendent of Education. He would confess that the existing law was in some points defective; but the reason of this was, that it was intended to have formed part of a series of measures, of which the Municipal Council was one, and the failure of which rendered the School Act imperfect.

Mr. ROBIN—he considered that the sum of £500 as the salary of the Assistant Superintendent was too much; he considered that £400 was sufficient.

Mr. DRAPER—the House gave last session £500 to the Lower Canada Superintendent, and when the duties were materially increased, he felt sure that there could be no objection to give the Upper Canada Superintendent £500.

Mr. ROBIN—if we give too much on one occasion, we ought not to do the same again, he would move that £400 be substituted for £500.

Mr. MERRITT said, that under the bill now before them, it would cost £1300 to support the two superintendents, with their clerks while, in the State of New York, the Secretary of the State was *ex officio* the Superintendent of the whole State, and two or three clerks in his office do all the business that our Superintendents do. He thought one Superintendent would be sufficient for the whole Province.

Mr. WILLIAMS said, he would have supported the amendment of the member for Prince Edward but that it appeared to him that it would be invidious to make a distinction between the salaries of the two superintendents.

Mr. ERMATINGER said, he was very agreeable to give the £500, if the £175 included both clerk and travelling expenses.

Mr. ROBIN's amendment was then put, and lost.

The clause was then carried. The third clause being read.

Mr. DRAPER—this clause contains a new and important feature namely, the establishment of an unpaid Board for the purpose of examining the books to be used in Schools and for the purpose of examining Normal Schools, and to aid the Superintendent.

This clause and the fourth one were passed, and on coming to the fifth one

Mr. DRAPER—said, by the clause now before the Committee, it is intended to establish a Normal School. In the bill of the hon. member opposite (Mr. Baldwin) introduced in 1843, there was a clause for establishing Normal Schools which had not been adopted, and this clause was therefore only for the purpose of giving effect to the existing law; and if you get a Normal School you will get a good system of education established through the whole country; and of so great importance are schools of this kind held in the State of New York, that the sum of \$10,000 is annually appropriated for Normal Schools; with regard to the expense, he did not intend to take it from the sum appropriated for the Common Schools but on the contrary, he would be able to give about £1500 per annum the first year, more for them; by the abolishing of the office of Township Superintendents you will effect a saving of about £3100 per annum, for there are 310 Townships which at present pay their Superintendants from £5 to £25 a year and which may be safely averaged at £10 each, which would give a total of £3100 saved by this bill per annum; of which sum he would devote during the first year £1500 for the erection of buildings for Normal Schools, and £1500 for the school itself; after the first year the expenses of the school are to be limited to £1500, and thus leaving at least £1200 more a year to the Common Schools; and it is proposed that a competent person should be engaged from Ireland to come out and take charge of the Normal School.

Mr. BALDWIN—He concurred in that part of the bill relating to the proposed change about Townships Superintendants, and the monies to be saved by it. He thought the country would be a gainer by it. He would like very much to have young Canadians for Teachers, and he was perfectly satisfied with the proposed measure, although it should cost the country a great deal more.

Mr. MERRITT hoped that a larger sum than £1500 would be appropriated for the school.

Mr. DRAPER said that calculations had been made of the amount necessary, and it was thought that this sum would be quite sufficient.

The clause was then passed.

The sixth clause being read,

Mr. McDONALD (Glengarry)—Said that he objected to power of appointing District Superintendent being given to the Governor and Council; he thought it should be left with the people themselves.

Mr. RIDDELL thought it should be left with the Government. In his county a most unfit person had been appointed by the District Council.

Mr. BALDWIN thought the appointment should be left in the District Councils.

Mr. McDONALD, of (Stormont)—Said the office was a very important one, and that the appointment should be left in the District Council, and also that the appointment should be made annually.

The clause as it stood was put, with the understanding that if Committee were against it, it should be amended so as to leave the appointment in the District Councils.

On a division, the proposition to vest the patronage in the Government was lost.

Mr. DRAPER then moved that the clause be amended, so that the appointment be left in District Council, and that appointment be made during their pleasure.

Mr. PRINCE said, that if any part of the bill gave more power to any District Council than it now possesses, he would oppose it clause by clause. In his District the Council were quite incompetent and unfit to perform their duties,—he spoke of no other District—knowing their incompetency, he, as he had already said, would vote against the bill clause by clause, if it gave them any greater power than they now possess.

In his (Mr. P.'s) District there were a great many coloured people, and there was such a great prejudice against them, that the white people would not allow their children to associate with the coloured people; and, he, therefore, thought that there should be a division of the school monies, at least in his District, among two school masters, one to be appointed for the white, and the other for the coloured children.

The sixth clause passed as amended. After the ninth section had been passed, the attention of the Chairman was called to the fact that there was not a sufficient number of members in the house to form a quorum. The committee then rose, and the chairman reported that they had passed several clauses, and that they were unable to continue, from want of a sufficient number of members to form a quorum.

The Speaker then ordered the Clerk to call the members' names, when only seven or eight were found to be present. He therefore left the chair, at 10 minutes past 12.

ROUTINE BUSINESS.

TUESDAY, April 14.

At three o'clock the gentleman usher of the Black Rod appeared and announced that His Excellency would receive the House at the Bar of the Legislative Council Chamber. The House went accordingly, and being returned, Mr. Speaker reported that he addressed His Excellency as follows:—

"May it please your Excellency,

"The Legislative Assembly having upon the application of their Speaker, Sir Allan N. McNab, Knight, for the reason assigned by him, of an impending severe domestic calamity, granted to him leave of absence from his duties, I have the honor to state that they have been pleased to appoint me to be their Speaker until the return of Sir Allan N. McNab.

"It is in the performance of the important duties thus entrusted to me I should at any time fall into error, I trust that the fault will be imputed to me alone and not to the Assembly, whose servant I am; and that while I have the honor to fill the high and important office, nothing may occur to affect or diminish the harmony between the different branches of the Legislature which has hitherto so happily prevailed."

To which the Speaker of the Legislative Council made the following reply:—

Mr. Speaker,

I am commanded by His Excellency the Administrator of the Government to declare to you that he receives the communication just made by you, with full confidence in the wisdom and judgment of the Assembly, who have thus appointed you to be their Speaker during the absence of Sir A. N. MacNab.

The Speaker handed to the chairman of the Middlesex Committee, the evidence taken by the Commissioners on the said Election.

Mr. Speaker laid before the House the accounts of the Supervisor of Callers for 1845.

Also, a statement of the property held by the Mechanics' Institute of Montreal.

Also, a statement of the affairs of Banks and Insurance offices, received in conformity with the order of the House.

13 petitions were laid on the table.

The petition of E. S. Sutton, et. al. was referred to the Committee on the Clergy Reserves petitions.

Mr. Dickson presented a report on the petition of the Niagara District Council, and a bill to require Temperance Houses to provide sufficient accommodation for travellers. Second reading on Monday.

Mr. Hall from the Committee on Private Bills, reported a bill to vest a certain road allowance in Captain Vidal, without amendment, with a recommendation that he may be exempted from the usual deposit on Private Bills. Bill and report to be committed to-morrow.

He also reported favorably on petition of the Bronte Harbor Company, and reported that the petition of L. Beisang, et. al., relative to the na-

turalization of Aliens, should more properly have been addressed to the Executive Government.

Mr. Attor. Gen. SMITH brought up a bill to continue and amend the Bankrupt Laws; 2d reading on Tuesday.

Mr. Attor. Gen. SMITH moved the House in Committee to consider the propriety of adopting measures for rebuilding the Court House in Montreal, and of acquiring the ground necessary therefor, and of providing the necessary funds, was agreed to; to be reported to-morrow.

Mr. CAVELER moved the House in Committee to consider the propriety of repealing the laws relating to the duties on stills, and providing other enactments, the resolution was agreed to. To be reported to-morrow.

Mr. TASCHEREAU brought in a bill to enforce the attendance of witnesses before magistrates in Lower Canada, in certain cases; 2d reading on Tuesday.

Also a bill to amend the law in cases of Forgery; 2d reading on Tuesday.

The following bills were sent down from the Council for concurrence, and were read a first time:—

Bill to authorise the trustees of the will of the late Hon. Charles Jones to convey a certain lot of land to the Board of Police of Brockville.

Bill for relief of Juliet Vanzandt, who claims as the half sister of the late Richard Duncan, of Williamsburgh.

Bill for defining the course of side lines of lots in the Gore of the Township of Gloucester.

Mr. Moffatt moved an address for copies of any report or other communications made to the Executive by the Royal Institution, since last Session, in reference to the affairs of McGill College; also, copies of all correspondence for the same period between the Executive and the Colonial Secretary, and between the former and the Principal or Governors of McGill College respecting the same.

Mr. Moffatt brought in a bill to amend the Act incorporating the St. Lawrence and Atlantic Rail Road Company. Second reading on Monday.

On motion of **Mr. Roblin**, leave of absence was granted to Malcolm Cameron, Esq.

Mr. Cauchon moved an address for copies of any correspondence between the Executive and Joseph Simpson, complaining that the Trinity House Quebec, have unjustly refused his certificate of qualification as a Pilot, and between the Government and the Trinity House on the subject.

Mr. Chalmers moved an address for copy of any communication from the Colonial Secretary relating to suspending the sale of the Clergy Reserves.

Mr. Launier moved an address for a statement of the tenders made for the lease of the Tolls on the Cascades plank road during the current year, commencing in the spring of 1845, with the names and dates, and shewing which has been accepted.

Mr. Draper presented the following message from His Excellency:

CATACART.

The Administrator of the Government transmits for the information of the Legislative Assembly, in reply to their address of the 7th inst., a copy of a report of a Committee of the Executive Council, approved by the late Governor General, suggesting certain alterations in the regulations presented by Her Majesty in Council, for the rule of the Clergy Reserve Lands.

The Administrator of the Government informs the Legislative Assembly that the report referred to has been transmitted to Her Majesty's Secretary of State for the Colonies, and is still under the consideration of the Imperial Government.

On motion of **Mr. Gowan**, the message and report were ordered to be printed.

Leave of absence was granted to Col. Prince.

Mr. McDonald of Kingston, brought in a bill to incorporate the Wolfe Island, Kingston and Toronto Rail Road Company. Second reading on Monday.

Mr. Aylwin moved an address for a statement of all Licenses for cutting timber on Crown Lands in Saguenay, with the names of the parties licensed.

Also, an address for a statement of all location tickets for occupying lands for mining purposes

in Upper Canada, with the names of the parties to whom they have been given.

Mr. George Sherwood brought in a bill to prevent the opening of the Government Allowances for roads without an order from the Municipal Council of the District in which they may be situated; 2d reading on Thursday.

Mr. Chabot moved an address for a copy of all correspondence between the Executive Government, the Quebec Trinity House, and the Quebec Corporation, concerning the *Cul de Sac*, in Quebec, since 1st January, 1840.

Mr. Laurin brought in a bill to allow certain fees to Advocates appearing in cases before Commissioners' Courts in Quebec, Montreal, and Three Rivers; 2d reading Wednesday week.

Mr. McDonald (of Kingston) brought in a bill to incorporate the Montreal and Lachine Rail Road Company; 2d reading Monday.

Mr. Colville moved the House in Committee, to consider the propriety of incorporating the Huntington Plank Road Company. Agreed to a resolution. To be reported to-morrow.

Mr. Laurin brought in a Bill to organize the Notarial Profession in Lower Canada. Second reading to-morrow.

On motion of Mr. Stewart, Bytown, the returns of the affairs of the supervision of cullers was ordered to be printed.

On motion of Mr. Cheauveau, the petition of Rev. G. LeMoine and others, praying that the Dorchester bridge be purchased by the Government, was ordered to be printed.

The bill relating to certain title deeds in Hastings was read a second time. To be committed on Friday.

House went again into committee on supply. Reported a resolution that a supply be granted to Her Majesty. To sit again on Tuesday.

The bill for the recovery of certain taxes in the Huron District was read the second time, and ordered to be engrossed.

The House went into Committee on the bill to regulate common Schools in Upper Canada. The committee rose for want of a quorum. House then adjourned.

LEGISLATIVE COUNCIL.

WEDNESDAY, April 15, 1846.

Sundry petitions were presented.

The first order of the day was the second reading of the Fines and Recovery Bill.

Mr. SPEAKER said, this is a question of peculiar interest to the Upper Canada members, and therefore he would beg to make a few remarks: In England, where property is so much entailed, it was found absolutely necessary to make some provision, to accomplish the disposal of the property, and therefore a fictitious mode of procedure was adopted, stating that the person in possession was not the real owner. The Court gave judgment accordingly, it being understood between the parties; this was found to be very complicated, and therefore, in the year 1833, an act was passed to facilitate the disposal; it has been found to be very beneficial. It was wished to introduce this measure into the law of Upper Canada. The measure had been drawn up by the learned Atty. Gen. West, on whose talents as a lawyer the House may rest satisfied.

A message from the Legislative Assembly, stating that they had passed a Bill to facilitate the Collection of taxes in Huron.

Hon. JAMES MORRIS—He was indebted to the Speaker for his able explanation of the bill, as there are no Upper Canada lawyers in the House; it would be useless to refer it to a select committee, as the hon. members would be unable to comprehend the clauses, he would move to go into a committee of the whole on this Bill on Monday next.

The next order of the day was the 2nd reading Lunatics regulation Bill.

Mr. SPEAKER: In England the Lord Chancellor has the control of all Lunatics, both in

relation to person and property; this was not by virtue of the common law of the land but of a commission from the crown, who in its capacity as sovereign possessed the paternal care of the subjects of the realm. In the statute giving the same power to the Vice Chancellor of the Court of Chancery of Upper Canada it was stated that he was to be possessed of all the powers the Lord Chancellor of England possessed from the law of the land; now as he stated above, the Lord Chancellor had no power except from the Sovereign, therefore this bill was called for to remedy the defect.

The Bill was ordered to be referred to a Committee of the whole House, to-morrow.

The House went into Committee on the message from the Legislative Assembly, relating to the Magdalena Island.

Mr. MORRIS.—The Government had received some communications relative to this subject. It had been a current report that the people of the Magdalen Islands were in a state of tumult but he had the pleasure to state that this was unfounded in fact. The people of the Magdalen Islands are fishermen carrying on a very large trade; indeed their exports had exceeded last year the sum of £30,000. It appeared from the communications made to the Government that they did not desire to be annexed to Prince Edward Island, indeed they wished to retain their connection with this country. He did not conceive that there could be any use in the address, as the Home Government, would in his opinion take no steps in the matter, without communicating with this country; the address however could do no harm.

Mr. NELSON.—He was unacquainted personally with the Islands, but from the petitions presented to this House, it appeared that they did not desire to be annexed to Prince Edward. From his slight knowledge of the people he believed them to be a very orderly set, indeed they had gone on to the present day without any civil authorities.

The Committee concurred in the resolution; an address was ordered to be presented to the Government, and the Hon. Messrs. McGill, W. Morris, and Nelson were ordered to draft it.

The next order of the day was the second reading of the Agricultural Societies Act. The bill was referred to a Select Committee.

The next order of the day was the House in Committee on report of the select Committee on the bill for the more easy partition of lands in Lower Canada. Two petitions on the subject were read.

Hon. Mr. KNOWLTON.—The memorialists in one of the petitions read, admit the necessity of the partition; it was not intended by this bill to make any innovation on the common law of the country.

Hon. Mr. MORRIS—asked if there was any provision for persons who had settled in good faith.

Hon. Mr. KNOWLTON.—The law of the land would protect them.

The Committee passed through the bill, and rose and reported it with several amendments. The bill to be read a third time to-morrow.

The bill to facilitate the collection of taxes in the District of Huron was read a first, to be read a second time to-morrow.

The House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 16.

Mr. Duggan moved that the bill for the relief of Juliet Vanzandt, wife of Jacob S. Vanzandt, who claims as sister of the half blood of Richard Duncan, late of Williamsburgh, in the Eastern District of this Province, be read a second time.

Mr. McDONALD of Dundas—He objected to the motion, as this bill would go to subvert the titles of a great number of persons in the County of Dundas: there was more in the bill than meets the eye at first sight, it was for the purpose of vesting this person as next heir, in the rights of a person who had died intestate and whose property had been cheated to the Crown in the absence of legal heirs. The measure was fraught with injustice, and he felt himself bound to apprise the house of its injustice and to ask it to interpose, to prevent the people from being deprived of possession of lands in favour of a person who had never proved herself to be the next heir, and who might have recourse to a Court of Justice and bring action of ejectment to obtain the lands if she thought she was entitled to them. He was not aware that the man's estate was ever forfeited to the Crown; the late Captain Duncan left the country and died in the United States, having previously sold some of his land, other parts of his property not claimed after his death, and which had been taken possession of by a number of parties who held possession for a long time, but after a long lapse of time two heiresses representing themselves to be the next heirs of this old revolutionary officer appeared, and they brought actions of ejectment to recover these lands, and they had successfully prosecuted their claim and turned parties out of the land, although the people opposed their claims upon every ground, alleging them not to be the true heirs of the late Captain Duncan; and these parties then endeavoured to establish that the title was in the person now petitioning for this act and they failed, for the Courts decided that these two persons were the true heirs of Captain Duncan. The hon. member then referred to some of these cases, and concluded by stating that the present act would tend to overturn the decisions of the Court; and as he did not think they should grant a bill he would move an amendment that it be read this day 6 months instead of to-day.

Mr. McDonald of Dundas, then moved in amendment, seconded by Mr. McDonald of Cornwall, that the bill be not now read, but that it be read this day six months.

Mr. McDONALD of Cornwall—said that he was acquainted with the facts that the member for Dundas had stated, that they were correct; and that it would be productive of bad consequences to allow the bill to pass, that the whole county of Dundas would petition against the measure if they knew it was before the House, and he enquired whether any notice had been given of this bill which was a private one?

Mr. DUGGAN—said he did not know whether any notice had been given or not, but that it was his intention after the bill had been read, to refer it to Committee on private bills who would see that the rules of the House had been complied with.

After a few remarks by other members, Mr. Duggan said that he was not acquainted with the circumstances on which the bill was founded and that he would move that the bill be read a second time on Wednesday next, by which time he would be prepared to answer objections to the bill.

Mr. McDonald of Dundas then withdrew his motion in amendment, and gave notice that he would move that the said bill be thrown out next Wednesday—it was then ordered that the bill be read a second time on Wednesday next.

Stopping the Sale of Clergy Reserves.

Mr. CAMERON introduced two resolutions, expressing the regret of the country at finding that the sale of the Clergy Reserves was stopped, and hoping for an early removal of the cause of this stoppage. The honourable

member said, that the questions involved in the resolutions were interesting to both sections of the Province. It was most satisfactory to the country to find that the Clergy Reserves were put up for sale, and that the occupants had at length a chance of acquiring the right of ownership in the soil upon which they had expended so much of their means and energies. Great, then, was the surprise at the sudden suspension of this advantage. The resolutions before the House, as originally framed, were somewhat different to the present form; the alteration was made to prevent the possibility of objection.

Atty. Gen. DRAPER entirely concurred in the principles enunciated in the resolutions, and could have no objection to them; but he would request that they would not be pressed for a few days. The first report from the commission appointed to enquire into the Crown Lands' office would be received to-morrow, which would contain the evidence of the fact upon which the Government acted in stopping the sale; the evidence thus furnished would, as soon as possible, after to-morrow, be laid upon the table of the House. He (the Att. Gen.) would again assert that the stoppage of the sale of the Reserves was occasioned solely by the cause already stated, and was in no way influenced or directed by despatches from the Home Government.

Mr. RIDDELL knew that in the county that he represented the Clergy lands were greatly undervalued, and were bought up by speculators, without any benefit to the occupants.

Mr. GOWAN thought the member for Oxford must be in error. Such sales as he represented would be illegal. Under the law the occupants had a right to pre-emption.

Mr. CAMERON consented that his resolution should lie on the table as a notice.

Visitors to the Offices of Notaries.

Mr. LAURIN moved, that the House do now resolve itself into a Committee of the whole to consider a resolution in favour of paying visitors to the offices of Notaries.

Att. Gen. SMITH—The hon. member (Mr. Laurin) did not chose to communicate his intention of moving this resolution to the Government, and he must not therefore complain, if they were not prepared to give their support to this resolution. The Ministry desired to have some information with respect to what these visitors would likely cost the Province. The bill that the hon. member for Lotbiniere had introduced, required that the visitors should visit each Notarial office every year, and as there is now an immense number of Notaries in the different Districts of Montreal, Quebec and Three Rivers, it will require a very large amount to pay these visitors. He (Mr. Smith) thought that the Board, which it was intended to establish, would render it unnecessary to a great degree, to appoint visitors. If the hon. member (Mr. Laurin) would leave it to the option of the Executive to appoint visitors or not, he (Mr. Smith) would consent to such a motion.

Mr. LAURIN—The visitors would not cost more than £800.

Sol Gen. SHERWOOD—would vote against the motion unless a member of the Government would rise in his place and state that it had the consent of the Administration, as otherwise it was a direct infringement of the Union Act.

Mr. MOFFATT—was desirous of adhering strictly to the Union Act. The Government must by that Act, take the initiative in all money grants; but by this motion, the initiation was delegated to the hon. member for Lotbiniere. He (Mr. Moffatt) enquired of the Speaker if it was proper to put this resolution without the consent of the Government?

Mr. DRUMMOND—considered that this question was not a proper one to put to the Speaker; it was a question for the House to decide. He (Mr. D.) agreed with the hon. member for Montreal, that this resolution could not be put to the House without the consent of the Administration. He (Mr. D.) would state to the members from Upper Canada, that the office of a Notary was the most important in the country. The Notaries execute all the conveyances of property and most of the Wills, and their documents have authenticity, and bear hypothec from the moment of their execution. It is a matter therefore, of the highest importance, that the Notaries should be men of education and their duties strictly attended to.

Mr. LAFONTAINE—enquired of the Speaker if the motion had not been modified with the consent of the Attorney General?

Mr. SPEAKER—The motion was discussed between the Attorney General and the hon. member for Lotbiniere, but he did not know whether it was agreed to or not by the Attorney General.

Mr. LAFONTAINE—The object of the hon. member for Lotbiniere, was to give effect to the existing law and not to change it. It was now the duty of the Attorney General to visit all the offices of the Notaries, but they had become so numerous that it was impossible for him to do so. The profession of the Notaries was the most important in the country, more so than even the legal profession.

Mr. LAURIN—considered himself to have been badly treated with respect to this matter; he (Mr. Laurin) had withdrawn his bill in order that this resolution might be proposed in Committee of the whole, and now he was told that he could not propose it at all.

The motion was withdrawn.

On motion, the order of the day for the House in Committee on the Registry Laws of Upper Canada, was discharged, and referred to a select committee of 3 members.

Mr. BALDWIN—Did not think that it was proper as a general rule to refer a bill which had been before a committee of the whole, to a select committee where it seldom receives that attention which it is entitled to, the House considering that a select com. has done all that was needful. He said that when facts were to be enquired into, there could be no objection, but when it was simply to adopt amendments made in committee of the whole, to the other parts of the bill.

The motion passed.

The second reading of the bill relating to Actes passed before Notaries, was postponed till Friday next.

The next order on Assessment Law, was discharged, and the Bill referred to select committee of 5 members.

Mr. BALDWIN—Had the same objection to referring the Assessment bill to a select committee, that he had made to the reference of the Registration bill. The bill had been introduced by the administration on its responsibility, and it was a most unparliamentary course to send it to a select committee. If the hon. gentleman persevered, he (Mr. B) must request him to strike his name from the list of the committee.

Mr. DRAPER would of course be most happy to substitute another name for that of the hon. and learned gentleman, but he must persevere in his motion. The bill was of a local character, and precisely one of those measures that it was proper to refer to a committee.

Mr. CAMERON was in favor of the Bill, but he was opposed to Government measures being referred to a select committee, it was striking

the responsibility; the committee have the power to alter it; and if altered, it becomes the measure of the committee and not of the Government.

Mr. MEYERS was reported to have voted against the principle of the bill, now this was incorrect, for he was in favor of the principle of the Bill, although opposed to some of the details. He was in favour of the present motion.

The House divided—Yeas 27, Nays 19.—
See Routine.

The House went into committee on the report on petition of Mr. Rogerson, Superintendent of Cullers. Mr. Petrie in the chair.

Mr. SHERWOOD, of (Bytown,) moved, seconded by Mr. Cameron. That it is the opinion of this Committee, that it is desirable to amend 8 Vic. cap. 19, in so far as relates to the salary of the supervisor of Cullers.

Mr. CHABOT and CHAUVEAU spoke at length against the resolution, in French, the former comparing the salary with that of other public officers of more importance, the latter urging that there was a want of Cullers, and that the fees were insufficient. He [Mr. C] had made application for employment for several young men, and had been unable to procure it on this account.

Mr. MEYERS contended that the salary was paid by fees derived from the lumber merchants, who were all in favor of the increase, and he thought it strange that gentlemen totally unconnected with the matter should oppose their wishes. The motion was adopted.

The Committee rose and reported the resolution.

School Bill, U. C.

The House having again gone into committee of the whole on the bill several clauses were adopted without discussion. On the 4th section of the 26th clause being proposed, a conversation ensued as to whether the clerk was the proper officer to place the rate on the collector's roll. Mr. Price said, that he believed one or more of the Judges had intimated an opinion that it was competent for the clerk of the Council to make out the rolls. Mr. Draper said, the Clerk of the Peace was, under a very old law, the officer on whom this duty devolved, and that it had not been changed. Mr. Gowan was of opinion that the Clerk of the Council was the proper officer. So it had always been held in his district. It was at length agreed that the clause should stand as it was: and that if any change was necessary in the law it should be by separate enactment. Mr. Draper intimated that he had amendments to propose in the municipal act.

The 5th and 6th sections of the same clause related to the mode of raising the balance of the school expenses, over and above the proportion of the school fund. Under the present law, these are collected by the 'Trustees' rate bill on the parents of the children; under the proposed bill, a quarterly rate was to be levied upon all the inhabitants, not less than the amount of the school fund.

Mr. DRAPER—In proposing the adoption of the 6th section of the 24th clause, said—it may be objected to this section, that those who receive the benefit of the school ought to pay the extra expenses; but this principle that was now sought to be introduced was not without a precedent: It was taken from the school law of Massachusetts, where it was found to work well. It was discovered by experience, that in many places the schools are only kept up for three months, in order that the inhabitants might get the government allowance; the charge to the children who attend, being found too oppressive on the parents, who are willing

to keep open the school for a longer period.—No principle can be more just, than that those who enjoy a benefit, should pay for it; but still nothing is more important to a community than that all should possess every facility of education, and that those who possess property should assist and pay for the education of the children of their poorer neighbours; and thus raise the lower classes in the scale of moral and intellectual beings.

Mr. HALL—However right this principle may be, it would be extremely unpopular.—The people now complain that they have to educate their children besides their own.

Mr. ERMATINGER, agreed with the hon. member (Mr. Hall). The arguments of the Attor. Gen. may be popular—make the rich pay for the education of the poor: but it will be found in practice, especially under the new assessment bill, very oppressive. The rich now pay most of the Government allowance, and it is not fair to call upon them to contribute a second time.

Mr. WILLIAMS.—This section will be extremely unpopular with the independent yeomanry of the country. Many individuals desire to give their children a better education than can be obtained in common schools, who can ill afford it, and upon them this section will be very oppressive.

Mr. BALDWIN, opposed this section, because it was better to make the parents pay something for the benefit they receive, and then they would be more interested in the school.

The section was then put, and lost.

After all the clauses of the bill had been adopted—

Mr. McDONALD, of Stormont, moved, seconded by Mr. Merritt, that the committee do reconsider the 5th section of the 12th clause, which forbids the granting of any certificate to any person as a teacher of any common school, who shall not, at the time of granting such certificate, be a natural-born or naturalized subject of Her Majesty,—and in so doing said, that many of the teachers in his part of the country, and who were highly respectable persons, were aliens; and that the clause in question would deprive them of their present situations as teachers, which were their only support. He thought the clause should be so amended as to allow these persons to continue as teachers, at least for some years to come.

Mr. MERRITT said, that they only wanted two or three years more, in order that these parties might, in the meantime, be enabled to get some other employment.

Mr. BALDWIN said, that he would like very much to see the whole country supplied by native Canadian teachers; but until we have, a sufficient number of proper persons to do so, he thought strangers should be allowed as teachers.

Mr. PRICE said, that if the hon. member (Mr. Draper) had stated a time in the bill after which aliens would not be allowed to act as teachers, he would be quite willing to acquiesce in the clause; but as he was not certain that they could fill their situations as well as they are now with native masters, he thought they should allow teachers who were aliens to be employed till such time as they were able to fill their places.

Mr. DRAPER said that it had been the law of Upper Canada for forty years, that no alien could be employed as common school teacher; and that it was only in 1841; by an indirect permission, that they were first allowed, and that law only allowed them to be employed until the first day of January, 1846.

Mr. MERRITT said, that the clause in the act

of 1843 was passed under the supposition that the Normal School, mentioned in that act, would be immediately put in operation; and that by the first day of January, 1846, they should be able to get as many proper teachers from that school as would supply the schools now taught by aliens; that the time contemplated by that bill had not yet arrived, for that School has never gone into operation, and we have consequently been unable to get any native teachers from it able to supply the places now held by persons who are aliens. He therefore thought four or five years more should be allowed.

Mr. PRICE wanted time to be extended until a certain period after the Normal School should be established. And stated that if he thought there was a class of teachers of British origin in the Province able to fill the offices as well as these persons, he would be ready to vote for the clause as it now stood.

Mr. DUGGAN made some observations on the characters of the Americans generally employed as teachers in the Province, stating them to be a class of very unprincipled people, of cunning and insinuating habits and manners, who were always endeavouring to instil republican notions into the heads of their scholars & into those of their parents; and stated, that he thought if the change in the law led to their expulsion, the result would be rejoiced in by a large number of the inhabitants of Upper Canada. The motion was then put, and lost.

The Committee rose and reported progress.

ROUTINE BUSINESS.

WEDNESDAY, April 15.

14 Petitions were brought up.

The Bill to provide for the collection of certain rates intended to have been proposed by a certain By-Law of the Huron District Council, was read the third time and passed.

The following petitions were read:—

Of Hon. R. U. Harwood and others, for construction of Bridge over the Ottawa at St. Ann's, and at the Vaudreuil Queen's Ferry, and a turnpike road from St. Ann's through the centre of the Island of Montreal.

Of Rev. D. Leavitt and others, and of Rev. B. Frolick and others, members of the Christian Universalist Association of Canada West praying that they may be admitted to the enjoyment of the same privileges as other religious bodies.

Of the Bathurst District Council praying that an Act may be passed to enable them to receive the school grant of 1845, notwithstanding there was no tax laid on in that year.

Of the same, praying that King's College may be placed on the most liberal basis, and a chair for Agriculture, &c., established.

Of W. Dick, Secretary to the Ottawa Baptist Association, against the passing of any law calculated to deprive any persons from an equal participation in all the literary advantages of King's College.

Of T. Appleton and others, masons, builders, &c., stating that an old French law is in existence in Lower Canada compelling builders to guarantee for 10 years the stability of all houses, &c., that they may erect.—and praying for its repeal.

Of the Toronto Corporation, for various amendments to the act incorporating that city.

Of the Municipal Council of Hochelaga; of W. Girond and others; and of G. Perry and others, against the privileges of ferry prayed for by the Longueuil and Chambly Turnpike Road Trustees.

Of J. B. Rousseau and others, of Megantic, for aid to improve the Lambton Road.

Of R. H. Bruce and others, residing on the Grand River, complaining that certain rivulets have been swollen beyond their original size, by the construction of the Dunville Dam, and praying that the embankments of such creeks may be raised.

Petitions of inhabitants of Dunn, Sherbrooke Forest, Willoughby, Thorold, and Bertie West, praying for a removal of the Niagara District Town to Fort Robinson.

Of G. Wrong and others, for improvement of the harbour of Port Burwell.

Petitions from members of Church of England in Wilmot, Carlton, Richmond and Osnabruck, for the investment of a portion of the Clergy Reserves in the Church Society of Toronto.

Of Dr. King and others, members of the Toronto Medico-Chirurgical Society, for the establishment of a College of Physicians and Surgeons.

Of W. C. Hume and others, on behalf of Inhabitants of Orillia, for the completion of the Windsor Harbour and Sturgeon Bay Road.

Of the Chairman of the Canada Baptist Union, praying that no support may be given by government to any Colleges connected exclusively with any religious denomination.

Petitions from the Canada Baptist Union, and from inhabitants of Toronto, Vaughan, Scarboro' and Pickering, Markham and Paris, praying that the funds of King's College may not be divided, but that they be secured from mismanagement, and that the University be placed on a more liberal footing.

Petitions from the Canada Baptist Union, and from inhabitants of Scarboro' and Pickering, against any interference with the present management of the Clergy Reserves.

Of Thos. Corcoran and others, against the incorporation of Elytown.

Of the Board of Police of Belleville, for an extension of the powers granted by the Act of Incorporation.

Of G. B. White and others, against a re-survey of the 3rd Concession of Hildér.

Of A. Austin and others, of Prince Edward, for the establishment of a Provincial and District Medical Boards.

Of the Ven'ble Geo. O'Kill Stuart and others, against the passing of a law to include lot 24, Township of Kingston, within the limits of the town.

Of Rev. Job Deacon and others, of Adolphustown and Fredericksburgh; for repeal of the Common School Act.

Of Rev. J. L. J. Lain and others, of Gaspé, against the passing of the bill for the registration of certain informal marriages in that District.

Of Isaac Wilgrove Gosset, Esq. of Jersey, Executor to the Will of the late P. Robin, Esq., praying the same.

Of L. T. Besserer and others, for the incorporation of Bytown.

Of R. Stobo, and others, for the opening of a road from the 7th Concession of R. Massey and Parkham to the projected road from the Rideau (by Peart) to the second chute of the Bonchère.

Of P. Adams and others, for the improvement of the road from Point Cardinal, through Edwardsburgh, to Hick's Corner in South Gower.

Of H. Adams and A. S. Pope, of Edwardsburgh, complaining of the conduct of the Custom House Officer at Maidland, in seizing and selling their horses, sleigh, and load of grain, on pretence of their being desirous of avoiding the duties, and praying relief.

Of G. Crawford, on behalf of a public meeting at Brockville, suggested a system of taxation for that town.

Of the Trustees of the Stanstead Seminary, for pecuniary aid.

Of the Committee of Management of the National Schools at Quebec, for pecuniary aid.

Of the Quebec British and Canadian School Society, for pecuniary aid.

Of G. H. Ryland and others, Registrars of Deeds, District of Montreal, praying for a fair remuneration for their services.

Of Alphonso Wells, for remuneration for his services as Commissioner for determining the Boundary Line between Canada and New Brunswick.

Of Charles Baker and others, master mechanics, of Toronto, praying that apprentices may be compelled to serve for the whole term of their engagement.

Of W. Evans and others, of Montreal, for amendments to the Turnpike Roads Act.

Of J. Gibson and others, for aid to construct a Road from Lindsay, through Clarke and Manvers, to Lake Ontario.

Of J. P. Slocum, and of James Hanna, against the closing up of a certain Road in Sarvis, as petitioned for by Capt. Vidal.

Of John Burwell, Esquire, praying for a grant of land to all the loyal volunteers during the late rebellion and invasions.

Of J. H. Culp, for the payment of a certain amount due by the Government, to the estate of the late Robert Randall, Esq.

Of W. H. Dickson and others, of Niagara, for an act to regulate and protect the fisheries in the lakes of this province.

Of members of the Church of England in the Diocese of Quebec, praying that a portion of the Clergy Reserves may be vested in the Church Society of Quebec.

Of F. Roy and others, of the District of Quebec, South of the St. Lawrence, against granting exclusive privileges with respect to the ferry from Point Lévi to Quebec.

Of J. B. Laverdière and others, of Belleschasse, for aid for roads.

Of the Commercial Bank, for the repeal of the tax on Bank circulation.

Of M. T. Hunter, President of the Merchant Seamen's Society of Kingston, for an exemption from the payment of harbour dues in certain cases.

Of Thomas Shearston, of Woodstock, complaining that he has been ill-used by a certain magis rate in the District of Brock.

The following petitions were referred:

Of J. H. Gossett, and of the Rev. J. L. Alain and others—to the committee on the Gaspe Marriages Bill.

Of the Commercial Bank—to the committee on petition of the U. C. Bank.

Several petitions for the removal of the Niagara District Towns.

Several petitions for vesting a portion of the Clergy Reserves in the Church Societies.

Several petitions against do.

Four petitions relative to King's College—to the Committee on petitions against a division of the Clergy Reserves.

Petitions from Christian Universalists of C. W.

Of Hon. R. U. Harwood and others—to the Committee on petitions relating to Montreal roads, with an instruction to take the evidence and opinion of the chairman of the Board of Works, in that part of the petition which relates to opening a carriage road through the Island of Montreal.

Of W. Evans and others—to the same Committee.

Of P. Besse and others.

Of G. Marchand and others.

Of E. Risley and others, of the Niagara District.

Of J. P. Gage and others, and H. F. Graham and others.

Of W. F. Wallace and others, and of G. Wrong and others,—to the Committee on petition of J. Hutchison and others.

Of Robert H. Bruce and others.

Mr. Taschereau, from the Committee on the Bill to remove doubts as to the validity of certain deeds &c., executed before Notaries, reported the Bill as amended.—To be committed on Monday.

Mr. Christie reported the Bill relating to the Magdalen Islands, with amendments.—To be committed on Monday.

Mr. McDonald (of Kingston) presented a report on petition of the Commercial Bank, and a bill to extend the time for the paying up the new stock in the said Bank; 2d reading on Monday.

Mr. Sherwood moved the House into committee to consider the propriety of amending the Act establishing a Police force in Brockville, and the Assessment laws so far as they related to the said Town. Resolution agreed to; to be reported to-morrow.

Mr. Geo. Sherwood brought in a bill to regulate the poundage to be received by sheriffs, in executions; 2d reading on Monday.

Mr. Roblin brought in a bill to amend the Act regulating the appropriation of moneys arising from the sale of school lands; 2d reading on Wednesday.

Mr. Cameron brought in a bill to enable the Bathurst District to receive the school money apportioned to it in 1845, notwithstanding the failure of the District Council to levy an equal sum—ordered for 2d reading.

Mr. Cameron moved an address for a continuation of the statement submitted last session, containing the names of persons appointed to office,

from November 1843, to 9th December 1844, so that the House may have the names of all persons appointed since that date, with the designation of the office, amount of salary, and authority for the appointment.

Mr. Foster moved for leave to bring in a bill to enable the several societies of Odd Fellows to hold real estate in this Province.

Which was carried on a division:—Yeas 50, Nays 8. The yeas were Messrs. Cauchon, Chabot, Chauveau, DeWitt, Drummond, Jobin, LaFontaine, and Nelson.

The bill was ordered for a second reading this day week.

Mr. Chalmers brought in a bill to extend the provisions of the Bronte Harbour Act; 2d reading on Monday.

Leave of absence was granted to Henry Smith, Esq. until the 21st instant.

A Resolution that it is expedient to provide for the rebuilding of the Court House in Montreal, was adopted and agreed to.

Mr. Atter. Gen. Smith brought in a bill in pursuance thereof; 2d reading on Tuesday.

A Resolution that it is expedient to amend the laws relating to the duty on stills, was reported and agreed to.

Mr. Cayley brought in a bill in conformity thereto; 2d reading on Tuesday.

A Resolution relative to the Incorporation of the Huntington Plank Road Company was reported and agreed to.

Mr. Colville brought in a bill pursuant thereto; 2d reading on Wednesday.

The House went again into Committee on the U. C. School Bill, and reported progress; to sit again on Friday.

On the question for going into Committee on the U. C. Registry Bill Mr. Duggan moved that it be referred to a select committee consisting of Messrs. McDonald, of Kingston, Prince, and Sol. General Sherwood; carried.

On the question for going into committee on the bill to regulate assessments in Upper Canada, Mr. Draper moved that it be referred to a select committee, consisting of Messrs. Roblin, Hall, Gowan, Riddell, Seymour, Williams, Petrie, Stewart, of Bytown, and Draper, which was carried on a division.

YEAS.—Messrs. Cayley, Christie, Colville, Daly, Draper, Ermatinger, Foster, Gowan, Hale, Hall, LeBoutillier, Macdonald, [Cornwall.] Macdonald, [Kingston.] Macdonell, [Dundas.] Meyers, Murney, Petrie, Prince, Riddell, Robinson, Seymour, Sherwood, [Brockville.] Smith, [Missisquoi.] Stewart, [Bytown.] Taschereau, Viger, Williams.—27.

NAYS.—Baldwin, Berthelot, Bertrand, Cameron, Cauchon, Chauveau, DeWitt, Johnston, Lacoste, LaFontaine, Lantier, Laurin, Macdonell, [Stormont.] Merritt, Methot, Nelson, Price, Roblin, Tache.—19.

The House went into committee on the report recommending an increase of the salary of the Superintendent of Cullers at Quebec, and two Resolutions were agreed to. To be reported to-morrow.

The House went into Committee on the 1st report on contingencies; a resolution was agreed to. To be reported to-morrow.

Mr. Prince moved that the House do now adjourn, which was negatived by the casting vote of the Speaker.

The House went into committee on the bill to extend the Great Western Rail Road from Hamilton to Toronto, and reported progress. To sit again to-morrow.

Mr. Christie moved that the House do adjourn, and that the remaining orders of the day, take precedence of the orders for to-morrow.

Mr. Roblin moved that all after "adjourn" be expunged, which was negatived.

The main motion was carried. The House adjourned.

LEGISLATIVE COUNCIL.

THURSDAY, April 16, 1846.

Sundry petitions were presented.

The RECEIVER GENERAL laid on the table

two reports from the Inspectors of Registry offices, from the Districts of Montreal and Three Rivers, and Quebec and Gaspé, in accordance with the act 4th Vic. cap. 30.

Hon. Mr. NELSON—From the Select Committee, to whom were referred the resolution passed yesterday, to draft an address to His Excellency, relative to the Magdalen Islands, reported the draft of an address.

On motion, the House concurred in the address; it was ordered to be engrossed, and the Speaker was ordered to sign the same on behalf of this House.

The first order of the day was the third reading of Lower Canada lands partition bill.

The bill was read the third time, ordered to be engrossed and passed.

The next order was the second reading of Huron District taxes bill.

Hon. P. M'GILL—This bill is founded on the same principle as the one which was objected to, & thrown out by a large majority of the members last year, it is legislating *ex post facto*, a dangerous manner of legislating.

Hon. W. MORRIS.—A change has taken place since last year; the obnoxious clause has been erased from the present bill, and the opposition made at the last session no longer exists; the Canada Company are ready and willing to pay the amount of arrears of taxes, and are only waiting till this law passes. He said that after the bill had been read a second time, it was his intention to refer it to a select committee to examine it.

Hon. Mr. M'GILL.—If the bill is allowed to be read a second time, we will sanction the principle of the bill, and this will be doing what he wished to avoid; we will be sanctioning a principle which ought not to be allowed; we will be giving the sanction of the law to illegal taxes. The hon. gentleman then moved that the order of the day be discharged, and that the bill be read a second time on Monday.

Hon. JAS. MORRIS.—The present bill is materially different from the one which was under consideration last year, and lost. He believed that it was not from its being an *ex post facto* law, but from some irregularity or informality which was discovered at the time of its 3d reading that it was lost. The District Council of Huron had imposed no illegal taxes; they had only forgot to mention for what purpose the assessment was levied. The people of the District have almost all of them paid the taxes. The Canada Company, he believed, were almost the only persons who refused to pay the tax. However they were now ashamed of themselves, and were ready to pay the amount of the tax.

Hon. Mr. MOORE said, the principle of the bill was adopted last session, and the bill was finally negatived at the third reading, on account of some informality. The Canada Company were now willing to pay the tax; the inhabitants, at least most of them, had paid it, and it was for that House to pass the bill to legalize the payment.

Hon. A. FERRIE said, the Canada Company were now willing to pay the tax, and wished that the bill should pass, he would therefore vote for the second reading.

Hon. J. MORRIS.—The word illegal is too strong, the District Council, as he said before, did not act illegally, it was only a slight informality in the bye-law, as they did not state for what purpose the tax was levied.

Hon. Mr. NELSON.—The District Councils had a right to tax, as long as they kept within the limits of the law, but when they overstepped the law, this House ought not to sanction it. If the Canada Company were willing to pay the amount of arrears, what was the use of the Bill.

Hon. Mr. KNOWLTON—It is too much to ask me to sanction a bill of which I do not know the contents. He considered all *ex post facto* legislation as decidedly wrong, it would do some parties an injury.

Hon. Mr. MOARIS—He had no desire to press the Bill, it was very different from the measure of last session, the district was suffering under a debt of about £6000, incurred, he believed, in erecting a Gaol and Court House, and if this bill did not pass, the people of the district would be compelled to pay more than their own share, and it ought to be recollected that it was but a newly settled country, and that the inhabitants were very poor. Now if the Canada Company were ready to pay the arrears, was it not but an act of justice to pass the Bill?

The House then divided on the amendment, when it was lost on a division of yeas, 7; nays, 9.

Hon. Mr. SPEAKER said as the question now was on the second reading, he would beg to say a few words on the bill. Last year he was in favour of the bill, but now he was opposed to it. The reason that he was in favour of the bill when last before them was that it was seeking to get redress from a wealthy corporation; and they to escape from paying their just share of the taxes founded their refusal on an informality; but this cause does not exist now—they are ready and willing to pay. Well, let them do so; there is no need of the bill. The bill was founded on a bad principle.

Hon. W. MORRIS said, the hon. Speaker's reasoning he could not understand. Does the willingness of the Canada Company to pay affect the justice of the cause? He considered that if the measure was just in 1845, it was as just in 1846. He believed that all the partners of the Canada Company reside in England, and their agent in Canada did not feel himself justified in paying the taxes, in consequence of the informality, as he conceived that he would be reprobated for paying illegal taxes. But now the Canada Company had stated their willingness to pay, and why not pass the bill?

Hon. P. M'GILL—He would beg to say that as a proof that the tax was illegal, he would state that it was impossible to force its payment without this bill; he would beg to put a case in which great injustice would be done to parties. A landholder in the Huron District held land that was taxed, but owing to the informality, the tax was not paid; he has since sold that land free of all encumbrance; now if this bill passes, that will not be the case, the land will have been encumbered.

Hon. Mr. KNOWLTON—Beggd hon. members to pause before they passed such a bill. He doubted whether a large number of the Municipal Councils had not imposed illegal taxes, and he had great objections to pass a bill creating a precedent legalising all the acts of the several Municipal Councils.

Hon. Mr. MOORE—He did not consider the bill strictly speaking an *ex post facto* measure, the principle of the bill was only to legalise an act, that was illegal only in so far as the informality made it so. As it was only a local measure, he considered that the bill should pass.

A question here arose as to whether a distinct motion must be made, for the second reading of a bill, after the House had ordered on motion, on a former day, that the bill should be read the second time on a certain day.

After some discussion, a select committee was appointed to take the subject into consideration.

The question was then put on the second reading, and carried on division. Yeas 9, Nays 6.

The bill was then on motion, referred to a select committee of 5 members.

The next order of the day was the House in Committee on Lunatics Regulation bill. It was postponed till to-morrow.

The House then adjourned.

House of Assembly.

THURSDAY, 16th April.

Col. PRINCE, pursuant to notice, enquired of the Ministry whether it was the intention of Government to plank, during the current year, the great road from London to Chatham and Sandwich and what measures were intended to be taken for keeping that road in repair, which was delapidated in many places and getting so bad that to travel along it would soon become impossible.

Attorney General DRAPER replied that the state of the public Finances would not admit of so large an expenditure this year as would be required for the work in question—and as to repairs, (he begged to be understood as not speaking so as to bind the Government) he would throw out a suggestion that it may be hereafter thought advisable to place this as well as other roads, under the management of the respective Districts through which they ran.

Cause of delay in Printing.

Mr. GOWAN, said that the Committee on Printing had enquired into the delay in Printing Bills lately complained of and found that it was caused solely by the time required in translating; and, therefore, he (Mr. Gowan) would suggest that hon. members on both sides would come to an understanding not to translate Bills of a merely local nature. There was a bill then before the House relating exclusively to the Bathurst District, introduced by the hon. member for Lanark which could be proceeded with at once if it were agreed to dispense with its translation into French.

Mr. CHARLOT, thought that localities in Lower Canada might be placed in a similar position to that referred to in the bill and it would consequently be well to translate it.

No more was said upon the subject.

Petition of Robert Fleming Gourlay.

Mr. MOFFATT moved that the petition of Robert Fleming Gourlay be referred to a Special Committee.

Mr. ATTOR. GEN. DRAPER was opposed to the motion on the ground that all the enquiry that could be made had been entered into, and concluded by former committees, and that upon the case as so made out, the Government of 1842 fixed a pension upon Mr. Gourlay of £50 per annum. The learned member then reviewed the question of Mr. Gourlay's injuries from the beginning, admitting that the law under which he suffered was a disgrace to the statute book, and that it was to the credit of the Province that it had been repealed, and it was still more to the credit of the Parliament of Lower Canada to have swept a similar one off the statute book, even before the repeal of that of Upper Canada. But it still could not be resisted that this statute, bad as it was, was the law of the day, and that Mr. Gourlay openly resisted it, relying upon the unconstitutionality of the Act, which was certainly wrong ground. He (Mr. Draper) did not see how any authority of the present day could repudiate the proceedings complained of especially as they had been in strict accordance with the law, and to declare the trial and sentence

null and void, as prayed for, would be a course wholly without precedent. It was, however, clear that as the government had already taken action upon the matter, it could not recede, and the question now was what further positive remuneration did Mr. Gourlay require.

Mr. MOFFATT, could not require to bear the injustice which Mr. Gourlay had undergone more truly portrayed than it had just been by the learned Attor. General. He (Mr. Moffatt) could not undertake to state what were the exact expectations of Mr. Gourlay, and that was the reason why he wished for a committee in order that full enquiry could be made and that Mr. Gourlay might state all that he desired. He (Mr. Moffatt) thought that the outrageous conduct towards Mr. Gourlay ought to be repudiated. The committee of 1841 declared that his arrest and imprisonment was "illegal, unconstitutional and without the possibility of excuse or palliation." Why should Mr. Gourlay be required to pray for exemption from any portion of a sentence of which the punishment there described was a part? No! it should not go down to posterity that a British subject was ever compelled to such an indignity. A special act of Parliament should be passed repudiating the whole affair, and placing Mr. Gourlay, as far as possible, in the position in which he stood before the persecution of which he complains, was commenced.

Mr. BALDWIN sympathised to the utmost with Mr. Gourlay, had always done so, and he contributed his share of the exertion by which the iniquitous law under which the punishment referred to was inflicted had been repealed. There was, however, a difficulty in doing anything under the present petition; there was no doubt that Mr. Gourlay should be compensated, and liberally compensated; but the difficulty was to know what would be satisfactory to him; he (Mr. B.) should like to have some data upon which to form an opinion as to Mr. Gourlay's exact claim.

Mr. WILLIAMS was not disposed to favour the motion unless the petitioner had some new evidence to lay before a committee.

Mr. CAMERON would vote in favour of the motion; it was, perhaps, true that this petition was somewhat incomplete, but that could be remedied before the committee. He (Mr. C.) understood that Mr. Gourlay was most grateful for what had been done for him, and only complained of the manner in which it had been done.

Mr. SMITH, of Wentworth, would support the motion. He had always considered that Mr. Gourlay was not only an injured man, but that the proceedings against him were absolutely illegal. The act authorised the arrest of suspected persons who had not lived in the Province for six months preceding the date of warrant, and who had not taken the oath of allegiance. Now it was well known that Mr. Gourlay had been in the Province for eighteen months before his arrest, and that he had taken the oath of allegiance was also clear from the fact that he held a commission and had acquired real estate.

After some further observations from Messrs. LaFontaine, Duggan, and Hall, in reference to the want of a specific prayer in the petition, Mr. Moffatt agreed to withdraw the motion with the view of re-considering the construction of the petition.

Niagara and Detroit Railroad.

The House then resolved into committee of the whole on the first report of the committee on railroads on the Niagara and Detroit Railroad [Mr. Latourriere in the chair.]

Col. PRINCE said it had now fallen upon him to enter into the discussion of the bill, which was a very important one to the country, and to the private interests of his constituents. He came before the committee upon the recommendation of the special committee of railroads, who have investigated into, and approved, of the bill; he came also upon the strength of the petitions of thousands of substantial landholders in his part of the country, and although it has been advertised that this measure would be brought forward, not one single petition was to be found on the table of the House against it, and this he thought was almost enough of itself to induce the House to grant a renewal of the charter. He would now shortly state the facts clearly, as it was an important measure, and for the purpose of inducing members on both sides of the House to give the measure their support. Reports had gone abroad that this measure would militate against the Great Western Railroad, and also against the great projected line from Hamilton to Quebec. He denied that it would have any such effect, and he would also state that they had justice on their side, and he would much sooner rest on this basis than any other, and he had yet to learn that the House of Assembly would reject any measure founded on it. In 1834 the Great Western railroad was established, and vested with numerous privileges, among which was the right to examine the country from London to Gore, but they were not permitted by that charter to go either to the Niagara or Detroit Rivers; but after the charter was granted nothing was done; the road slept until 1836. In 1836 an act passed incorporating the Niagara and Detroit Railroad, of which he had the honor, as President, to represent. By this charter, power was given to the Great Western Railroad Company to join with the Niagara and Detroit Railroad Company, or rather he should say to run lateral roads along this line if they thought fit. Nothing was done by the Great Western Railroad Company, as he had already stated, until the disturbances which took place in Upper Canada, although another act was passed by which the Parliament pledged itself to lend them a sum of money, and yet they had not done anything to carry out the road. In 1837 the Niagara and Detroit Railroad Company was organized; subscriptions were opened, the amount of capital subscribed, and Directors and President elected; and some money was subscribed by shareholders to survey the proposed route; indeed every measure was taken to carry out the road, when difficulties arose in the country which paralyzed all their efforts. They had done all they could, and they had done more to carry out their plans than the Great Western Railroad Company. In last session, the Great Western Railroad Company obtained an extension of their charter, by which they were allowed a number of years more to carry out their charter, or that Company would be now in the same predicament as they were then in. By that extension of charter, the Great Western Company were granted five years to commence their road and twenty to finish it in, and if it had not been for that extension of their charter that Company would have become extinct; we would now come to this Committee to ask for the same privilege as the Great Western Railroad Company got last session, and he would like to hear what arguments could be advanced against their obtaining it. The arguments will probably be that the Great Western Railroad is sanctioned by the wealth of English capitalists, that all the stock is taken and that it will be a great hardship to allow another road to be made near it. He would ask was private enterprise in this country to be swamped because a more powerful Company were against it. Is this the way to advance the prosperity of the country; he hardly believed that they would oppose it on this ground, he could see no good reason why the present charter should not be allowed, they did not want a new charter for they have one already; they merely want a renewal of their present charter, the same as you have already granted the Great Western Railroad Company. He had been told a great deal about the support given by English capitalists to the Great Western

Road, about one-fourth of which he believed, and that they would withdraw it if the present bill was granted. If it was true that these English capitalists have taken shares, they were bound to abide by their agreement—for the statute book shows that there was another Railroad Company in existence, and they were bound to know the law. He contended that opposition should be encouraged in this country, and every facility granted for private enterprise, and that it was at utter variance with wisdom to monopolize anything in Canada; but he would put the question upon higher grounds, and he would ask the committee how it could in justice refuse the extension of their charter when they had already granted the same privilege to the Great Western Railroad Company. He was not here when the renewal of the charter of the Great Western Railroad had been granted, but he would enquire whether it was then asked if it would militate against the Niagara and Detroit Railroad Company. No; and instead of that extension of their charter not militating against the Niagara and Detroit Railroad, it has destroyed all its privileges. He asserted that fraud had been practised upon the Niagara and Detroit Company, and that they had never dared to introduce their measure when he was here; no—they waited until he had gone home upon leave of absence. He would ask them in conclusion if the committee could refuse the renewal of their charter? No;—gross injustice would be done if they did.

Mr. M'DONALD, of Cornwall, was not interested in this Railroad more than in the Great Western Railway, as he (Mr. M'D.) possessed property which would be improved in value by both. He (Mr. M'D.) was of opinion that Railroads do not interfere with one another, but that they mutually assist and benefit each other. The Detroit and Buffalo Railroad will command the great American traffic and travel, and will successfully compete with the North Shore of Lake Erie. The Great Western Railroad has sought to obtain the American travel, by making its terminus at Queenston, and is therefore just as much an American railroad as the other. It is, however, too far in the country to successfully compete with American lines. It is said that the whole of the stock of the Great Western Company has been taken up by English capitalists, and that we must not deter them by granting a charter to a parallel line, but he (Mr. M'D.) considered it to be one of those speculations that people enter into with their eyes open, and they have no right to claim any peculiar privileges at our hands. It was also said that this line would be more liable to attack from the Americans in case of war than the other, but he (Mr. M'D.) did not think so; and he was in hopes that we will be able to protect all our territory, and never allow the enemy to have a foothold in the country. Besides we build railroads for times of peace not for war. A great deal is due to that section of the country immediately to the North of Lake Erie, for it has a fine soil, and it is inhabited by a noble set of people, and he considered that if this boon was denied to them, it would be a sort of breach of faith; this Company having been chartered ten years ago; and a good deal of expense having been incurred for surveys, &c. If it was right to grant a charter to them ten years ago, surely it is right to do so now. We are all for free trade now. Sir Robert Peel having declared against protection, and in favour of the freedom of commerce; let us then have free trade in railroads. He (M'D.) would grant a charter for a railroad to the moon, if there were people so foolish as to ask for it. When people apply to us, to allow them to spend their own money, we ought not to care whether the intended speculation will benefit them or not.

Mr. CAMERON said—When the honourable member for Essex rises to charge gentlemen with dishonest or fraudulent conduct, and refers to a document, he should, at least for his own sake, take the trouble to read the document, that his opponents may not, as I will now, prove his words untrue. The act which I hold in my hand authorizes the Company as early as 1837 to go

to any part of the Niagara River, except the township of Bertie, and to any part of the Western frontier from Amherstburg to Port Sarnia, except the township of Sandwich. The hon. gentleman says the road is of great consequence to the public—that it depends on the facility which the other offers to the country; and, sir, what evidence have we on this subject? The only witness examined on this point—a Mr. M'Leod, Senator from Michigan—declared what is self-evident, that it would make no difference to American travellers even if (as represented) it be 24 miles shorter; he [Mr. C.] would now quote from a report of the 1st of January, 1846, subscribed by Charles B. Stuart, then Engineer, which shows that Buffalo is out of the way of travel, and that by the Lockport and Rochester route the whole of this difference would be saved and so make the distance from Detroit to Rochester via Hamilton and the Falls exactly the same as via Buffalo. He would beg to call the attention of the members to the following extract:

"If Detroit or Canada West be the destination of the traveller, and the contemplated bridge over the Niagara River be established at the narrowest and most appropriate point, or the steam ferry be used at that place, the saving of distance from Hamilton to Rochester will be twenty-four miles by taking the Lockport route."

And again, as to the travel, &c., he (Mr. Cameron) would refer to the following extracts from the same report, in which the writer refers to the advantages of the Lockport and Rochester road:

"The Canada travel, and that passing through Canada to the Western States."

"The transportation of produce, merchandise, coal and iron to and from the Great West and Canada."

"We may justly, therefore, and with all moderation, base our calculations for this line, on its completion, and the completion of its great extension in Canada, on an aggregate traffic, equivalent to one hundred and thirty thousand through passengers, of the first class, and fifty thousand of the second class, and sixty thousand way passengers, at the low rates named in the estimate. If only two-thirds the number estimated should be transported over the road on its completion, a charge of three cents a mile for through passengers, (which is nearly twenty-five per cent. less than is now charged) would make the sum I have estimated. But I have put the fare low, to avoid competition, and induce a large amount of business."

Then, (continued Mr. Cameron) the member for Cornwall has spoken of this in a military point of view, and he (Mr. C.) intended to read Col. Holloway's opinion on the subject, which he (Mr. C.) presumed, would be at least of equal weight with the Hon. gentleman's opinion; but seeing that the Sol. Gen'l had it in his hands, he (Mr. C.) would leave it with him, only regretting that it had not been before the Committee. The hon. member for Essex has pleaded eloquently for justice to this deeply injured Company; but what are the facts of their claim? On the plea of justice they had a charter, and they forfeited it in consequence of not beginning within the time required; and now, sir, on the 25th of this month it expires by their own knowledge of its worthlessness. But seeing another influential and wealthy Company springing into life, they make an attempt by an appeal of this kind to revive their dead charter, and for what purpose? Why, does it not seem as a Yankee speculation, to enable them to extort a sum of money from this Company to buy them off—for up to June last, until the success of Sir Allan M'Nab in England became known, the revival of their road was unheard of. It would, in his [Mr. C.] opinion, be a most suicidal act under our present circumstances to grant this road, because we have the prospect of getting English capital invested in Canada. The hon. gentlemen whose names he [Mr. C.] mentioned last night have taken £1,350,000 of the stock of this Company, and have paid up £137,500, and are ready and bound by their agreement to pay up 15 per cent more of the whole amount in 3 q.

statements; and is it not evident that if this enterprise pays, that English capital will flow into Canada without measure for all our works. Remember, sir, [said Mr. C.] that ten years ago we had three Railroad charters, and none of them have made the slightest progress up to this day, and if you now by this act destroy the opening prospect of the introduction of English capital, ten years hence we will be as we are now. But one thing more than all had surprised him [Mr. C.] since he came to Montreal, to find contrary to his expectation a supineness on the critical position of the trade. He was of opinion that the fate of this city depended upon the exertions of the House and its own inhabitants, and if the facts of the last four years be considered, that hundreds of thousands of pounds have been drained from us to New York and Boston, that if this road be opened to take flour, wheat, ashes, &c., direct from the centre of our own peninsula to Buffalo and the mouth of the Erie Canal surely it would cause people to awaken from their lethargy. He believed that it was in the power of the citizens of this city and of the members of the House to maintain the position of the city, and that he believed was by constructing the Montreal and Portland road, upon which he felt depends the commercial salvation of this city; but before he concluded, he would beg to say that if the Detroit and Niagara River Railroad was constructed, there would never be this great chain of road through the centre of the country. In corroboration of this opinion, he would beg to call the attention of hon. members to the following extract from the Buffalo Commercial Advertiser, supposed to be from the pen of the hon. member for North Lincoln:

Niagara and Detroit Rivers Railroad.—We invite the attention of readers at home and abroad, to the Prospectus of the Directors of this Railroad company, in to-day's paper. The road proposed is a necessary link to connect the roads of New England and this State with the one across the peninsula of Michigan. Although in Canada, it will be essentially an American work, and its construction is absolutely necessary, unless we are prepared to acquiesce in the construction of a work that will be purely Canadian, and will divert from our city and the roads of this state much of the trade and travel that we now enjoy. If this road is made there is no probability that any other similar work will be constructed for many years, if ever, across the peninsula of Canada; but unless it is done, three years will not elapse before a chain of iron will encircle the northern shores of Ontario and Erie. In relation to the proper action in the premises, there can be no possible doubt in the minds of reflecting men.

Solicitor General Sugawood, hoped that it would be conceded to him by hon. members who supported the bill then before the Committee that he was conscientious in his opposition as he fully admitted that they were acting from the most honest convictions. No member of that House would more willingly support a measure of public improvement than he (the Solicitor General) such had been his disposition from very early life, and it had been his practice since he first entered into public life. He felt that if the Rail Road contemplated by the Bill under discussion were undertaken that which was looked for as a direct means of communication with the Capital from all parts of the Province would be destroyed; those who had promised their Capital and support to the latter scheme would at once abandon it as insecure if the Legislature were to sanction what would virtually be an American Rail Road. It had been said that the refusal to renew the Charter of the Detroit and Niagara Company would be an injustice. This would not be the case, because that Company had had a Charter for 10 years and did not take advantage of it.

Col. FRANCE.—They made surveys.
Solicitor General Sugawood.—That might be so but he thought it not sufficient reason to ground a new application. The Legislature had already extended two Charters to Companies in Upper Canada, and if it were left so, no harm would be done and three millions of English money would be expended in the carrying out of

the grand scheme subscribed for, but if the Charter now asked be granted it is possible that the Company applying may carry out their views, but the stock to the other scheme would not be paid up, and no truly Canadian Rail Road would be erected in the time of any member of that House. He (the Solicitor General) desired to see a Rail Road running not from Hamilton to Lake Huron but from Hamilton to Montreal and from thence to Quebec and to the Eastern Provinces. (Hear, hear.) He would warn the House that carrying a Rail Road to Buffalo would be a suicidal policy; he had just seen a Hamilton paper in which were advertised spring goods already received from England by way of New York; at present goods could not be had by way of Montreal or Toronto before June. Should that House then encourage schemes which would thus direct our Trade to the United States? It would no doubt be said by the hon. member for North Lincoln that Trade would, like water, take its course; despite all efforts to the contrary; that might be, but he the (Solicitor General) thought that the present scheme would be driving the Trade from us; it would be destroying Lower Canada and materially injuring Upper Canada politically and otherwise. But he hoped it would not be so; he hoped that those who had taken up stock in England on the Great Western line would not be told that within a month after they had done so we had chartered a parallel line and had thereby destroyed all chance of success for the scheme into which they had literally entered.

Col. FRANCE had never heard a worse speech from the learned Solicitor General than that which he just pronounced. It was composed of special pleading and appeals to the feelings of the gentlemen of Lower Canada for whom he had acquired great affection all at once; he was astonished at the change that had taken place in the (Solicitor General's) views on rival companies. He (Col. Prince) remembered his learned friend's views of chartered Banks in Toronto; he never objected that granting charters to new Banks would injure the old Bank of Upper Canada or scare from the country the English Capital that was invested in it. He (Col. Prince) did not see why American Capital should not be received in the country as well as English, he was for free union with that great republic; it was preposterous to refuse American Capital, as indeed, it would be to refuse that of any other country; it was not political or statesmanlike to act so. It was not to be supposed that Americans alone were concerned in the Detroit and Niagara Rail Road; a very large proportion of these interested were Canadians and Europeans, and thus would the bonds of amity be drawn closer between the Canadians and the American people. But if it was told in Washington that we turned our backs upon American Capital because it was American, what would be thought of us! Why it would be said that we were unavilised and that so far from being entitled to Responsible Government, as we pretended we were, only fit to be governed by a Governor and Council who would make special laws for special purposes. With regard to the intention of a Railway from end to end of the Province he would say that no man could build up a road from Quebec to where he [Col. P.] lived there was not 1 Canadian to 100 Americans. The hon. member next adverted to the Great Western Rail Road scheme, at the head of which is Sir Allan McNab, and said that he was sure that $\frac{1}{4}$ of the stock was not taken up. He also contended that the Great Western Road would never pay interest on the outrageous expenses which would be incurred unless it was joined to the Detroit and Niagara Road. Offers to that effect had been made by the Managers of the latter but had been received with contempt, and not been answered. The hon. member concluded by stating that £300,000 worth of the Detroit and Niagara Rail Road Stock had been taken up by good, honest, intelligent enterprising Americans but that the contract was voidable if that House did not renew the charter.

Sol. Gen. Sugawood.—The hon. member for Essex, is mistaken in supposing that the [Mr. S.] was opposed to American capital being embarked

in speculations to this Province—he would like to see more of it invested in this country, but he must say, that he did prefer to give encouragement to English capitalists to lay out their money in this Province, for then the people, and especially the wealthy men of Great Britain, would take deeper interest in our affairs and would regard us more than they do now, as a part and portion of the British empire. The rail road now under consideration will be essentially an American road; built for the benefit of the large American cities, Buffalo and Detroit, and to make the former city the emporium of Canada. It passes it is true, through a section of this Province, and may benefit them a little, but the great advantages will be received by the people of the United States, for it will divert the trade of Upper Canada through that country, and thus materially injure the Province, especially the lower section of it. And to this fact, he would call the attention of the members from Lower Canada. He would ask them not to commit such a suicidal act, as to vote for a measure that would greatly injure their interests, by diverting the trade from Montreal. He [Mr. S.] was desirous from political considerations, that the trade from the upper part of the Province should not flow through the United States. It is said that the Great Western Company desires to monopolise, but if it is so, he [Mr. S.] had nothing to do with them, and was not acquainted with their affairs; he did however, know something of the Toronto and Lake Huron Company—likewise that £70,000 of its stock had been subscribed in Canada, ten per cent. of which had been paid up, and that £500,000 of the stock had been taken up in England, by individuals who are prepared immediately to pay up their subscriptions. If however, a measure of this kind passes the people of England will not be willing to embark their capital in Canadian Rail Roads, and the country will be thrown back at least 20 years. He [Mr. S.] believed that if this bill did not pass and there was no war, that before three years a great line of Rail Road will be commenced to run from Montreal to Huron, and at least £300,000 will be spent in the Province. It has been shown by accurate statistics that 300 passengers leave Buffalo daily, and that two of every three of these go to Lake Huron. It is from this immense travel that the Toronto and Lake Huron Rail Road and Great Western Rail Road Companies expect their principal profit to be derived, they will be landed at Port Sarnia, and from thence they have every facility to journey North, South or West. These two Rail Roads will go through the very centre of the country, to which if the enemy should be able to penetrate, in case of War, all Upper Canada will be lost.

Mr. CHAVEAU spoke in French against the bill and in favor of the Great Western Line.

Mr. DUGGAN opposed the bill and characterised the Detroit and Niagara Rail Road as a speculation merely for the benefit of Lake Erie and not for the comfort or convenience of the country at large. He contended for the Gt. Western Line as a grand Provincial scheme advantageous to the country in any point of view.

Mr. WILLIAMS.—He was opposed to have 3 parallel and rival lines in Western Canada the great desideratum was to get one great line; he considered that that great line would be what he would call the Great Western and the Great Eastern, they however could only be built by English Capital. In his opinion the road under consideration would prejudice the interests of the Great Western Railroad, and he will not be able to get the British Capital, let the great line through the Province be completed and we may afterwards grant more charters.

Mr. DICKSON.—The Charter of the Great Western expired, and was renewed last session, the Charter of Niagara and Detroit Rail Road had also expired, and now you refuse to Charter it; he considered it to be an act of the greatest injustice to renew the other Charters, and refuse the present one; they had expended more and had proceeded further than any of the others, and after they have had the survey made, you now refuse their Charter, and all this money is lost, at least so far as the

railway goes, he would beg to take a comprehensive view of the question as he always does, unembarrassed by sectional or personal interest, and, in doing so he would extend a measure of grace to this road. It has been said that if the Charter of the Niagara and Detroit Rail Road is renewed, the Great Western, will never go into operation; he did not believe that such would be the case; he did not believe that one passenger that would have gone by the Great Western Road would be diverted from his intention by the Niagara Road. A great deal had been said, about protecting British Capitalists, he would ask if they were to be protected before Canadian Capitalists; great objection has been taken to Yankee speculators now he would ask what capital built the Welland Canal, would it ever have been completed without the aid of that capital which some hon. members so abhor. He thought that if the work had a likelihood of paying, the House in justice to the country ought to renew the Charter. He believed that the travel that they would depend upon was from Buffalo to Detroit, which was now taken by Steamers; now if the Great Western does not go to the American frontier they will not get this travel at all so that the erecting of the Niagara and Detroit Road would not interfere with the Great Western.

MR. CAXLEY.—The hon. member for Lincoln ought to remember the great exertion he made to have the Welland Canal built, in order that the American trade might be carried through it, after the immense expense the country has been put to for this Canal, he should not now seek to divert a portion of the goods from it to this Rail Road. He [Mr. C.] could bear testimony to the energy and perseverance with which the hon. member [Mr. Merritt] had prosecuted various public improvements.

MR. MOFFATT thought the arguments of the Hon. Inspector General were more in favour than otherwise of the adoption of the measure before the House. The charter in question would, he had no doubt, be renewed under ordinary circumstances. (Hear, hear.) And the present opposition was consequently predicated upon the principle of exclusive right to the main trunk line. Now he (Mr. Moffatt) was opposed to holding out any prospect to English capitalists, based upon exclusive right. He knew that a route for a railway could not be coerced; should a better route present itself, in a short time it would certainly be chalked out and applied. He was resolved to hold out no false expectations to capitalists. He was quite prepared for the Lower Canada funds being drained off, unless it was made the interest of the Americans to avail themselves of our waters. It is to be hoped for when the St. Lawrence works would be completed, and tolls reduced, although he knew it took some time to direct business from its usual channel.

MR. BOUTON said he could not agree with what had fallen from hon. member for Simcoe; and that it had been argued that the charter had been already granted, but by whom he asked, not by the people of Lower Canada, but by the people of Upper Canada, and they have much changed since the time the charter was granted, and that there were many objections to the bill now that did not exist then. He thought the measure would prevent the formation of a line from Montreal to the west end of the province, and he had no doubt but that the Great Western Railroad would be completed in four years; but if this measure passed, the members of that company could not recommend English capitalists to lend their money to carry out the road, because they must say that all their calculations have been destroyed by the granting of this charter, and the consequence would be that there would only be a Railroad made from Toronto to Hamilton, instead of from the extreme West to Montreal. He [Mr. B.] was against granting the renewal of this charter, and would therefore move in amendment that this committee do now rise.

MR. HALL did not think that by voting against this measure we would lend the English capitalists to believe that we intended to give them any exclusive advantage. Why does any one wish to

establish this parallel line? Do not the lines already chartered answer all the purposes of trade and travel? If we now destroy the Great Western road we will not be able for many, many years to obtain a great line from Montreal to the extremity of the Upper part of the Province.

MR. BALDWIN had been carefully attending to the debate, and the result was that he felt that he should either vote against the bill before the House or refuse his countenance to a scheme of vast general importance, which would bring a large amount of British capital into the country. And looking at the present position of the country and the necessity of obtaining capital, he felt satisfied that the capitalists who had entered into the main trunk line scheme could not look favorably upon the granting by this House of privileges to a parallel line route. Besides, he (Mr. Baldwin) thought that the Detroit and Niagara Company had no abstract right to a renewal of their charter. They had not used the charter when it was in existence. By that charter they entered into a species of contract with the public, and they failed to perform their part; they, therefore, had no just claim, and it would be sufficient for the House to say, that it did not suit the purposes of the country to grant a renewal.

MR. MERRITT.—This question involves a great principle whether any exclusive advantages are to be given in this Province to any individuals or companies. He [Mr. M.] was astonished to hear members assert that this Rail Road was opposed to the public interest of Canada. He [Mr. Moffatt] had for twenty years endeavoured to draw the American traffic down the St. Lawrence, and to benefit this route by every means in his power, so much so, that he was willing to have put on discriminating duties; and had always advocated making our Canals on the most extensive scale. He [Mr. M.] did not think that this Rail Road would effect our Canals in the least, for would you compare the mighty St. Lawrence to a tannery Rail Road? In their calculations of profit, they had not calculated upon carrying a barrel of flour or a ton of goods, their great expectations were from this Rail Road being the only line that could draw the American travel through Canada. The Great Western Road being a longer route and a greater elevation—the elevation being 700 feet. This Rail Road will not come into competition with the Great Western Rail Road but with the line, which the Americans will certainly build on the South Shore of Lake Erie, if this one is not allowed to be built. And is it not more judicious to endeavour to divert the immense stream of American travel through our country, & thereby enrich ourselves with their money, than to cause them to build a more expensive line through their own territory and we thereby lose the travel altogether? He [Mr. M.] was in favour of a great line the company that he represented was willing and had offered to join the Great Western Line at London. Petitions in favour of this Rail Road signed by 5000 individuals had been presented to this House, and he considered that the people of that part of the country had a right to the road, because nature has given them advantages. In answer to the hon. member for Lanark, he would state that the capitalists both in England and America, were satisfied with the manner in which the Province had acted with respect to the Welland Canal; and that the credit of the province was perfectly good.

MR. PRINCE.—He merely wanted to make a remark on what had fallen from the hon. member for the Fourth Riding of York. He [Mr. P.] had been astonished to hear him say that they had no abstract right to get a renewal of their charter; he would merely say that the hon. member did not say that when he voted for the extension of the charter of the Great Western Rail Road Company.

MR. BOUTON'S motion in amendment that the Committee do now rise, was then put when it was found that the Ayes were 31, Nays 16—Majority 15, the Committee then rose.

The House then adjourned at a few minutes before 12 o'clock.

ROUTINE BUSINESS.

Thursday, April 16, 1846.

Twenty-seven petitions were laid on the table.

Petitions read.

Of Peter Varry, Esq., et al., of Whitby and other Townships, for aid to open a road from Rench to Lake Simcoe.

From Darlington and Clarke, Moore and Sombra, and from Grimsby in the diocese of Toronto praying that the share of the Clergy Reserves due the Church of England may be vested in the Church Society.

Of S. B. Caldwell, et al., for no reduction in the duty on Leather.

Of Thomas Fisher, et al., of Home District, praying to be incorporated as the Dundas Street, and Sixth Line Road Company.

Of Samuel Solmes, Esq., et al., of Prince Edward, complaining of the removal of the semi-annual Assize Courts.

Of Chesper Craper, et al., of Cartwright, Mari-posa and other Townships, for aid to improve certain roads.

Of John Tipping, et al., of District of Simcoe, for aid to roads.

Of Toronto Board of Trade, for the reduction of the present rates of Postage.

Of Joseph Gould, et al., of Home District, that no division be made of the Clergy Reserve lands, but that they be sold for education.

Of the Core Bank, for reduction of the tax on Bank notes.

Of George J. Grange and Thomas Hodgskin, on behalf of a public meeting held in the Town of Guelph, for alterations in the Charter of King's College, and that no division be made in the Clergy Reserve Lands.

Petitions referred.

Against a division of the Clergy Reserves, to the Committee on petition of W. Roe, et al.

Several relative to King's College, left to the same.

Of the Mechanic's Institute of Toronto.

Several for a division of the Clergy Reserves.

Of the Gore Bank to the Committee on petition of the Bank of Upper Canada.

Of J. Dillon, et al., to Committee on Montreal Roads.

Mr. McDonell of Dundas, presented a report on the petition of Indian Chiefs and Warriors—referred to Committee of the whole on Monday.

Mr. Aylwin presented a report on petition of James Dean, et al., and a bill to Incorporate the Quebec Forwarding Company—second reading on Thursday.

Mr. Hale, from the Committee on private bills reported favorably on the petitions of St. Patrick's Society of Montreal—and Patrick Wallace and others (Cobourg Paper Manufacturing Company.)

He also reported on petitions of W. Rowe, et al., (Granby Harbor) and T. Molson, et al., (Gas Company) that the notice given in both cases was confined to the Official Gazette, leaving the House to decide as to the sufficiency of the notice.

Mr. Cummings presented a report on the various petitions for the removal of the Niagara District Town—and a bill to remove the site of the said District Town to Port Robinson—second reading on Wednesday.

Mr. Moffatt brought in a bill to renew the Law regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof—second reading on Thursday.

Also, a bill to amend the Law relating to damages on Foreign Bills of Exchange—second reading on Thursday.

Mr. Daly laid before the House, returns to Addresses on the following subjects.

For copy of the correspondence between the Executive Government and the Commissioners appointed to enquire into the losses sustained by the inhabitants of Lower Canada during the late Rebellion.

Copies of all Reports &c. received from Trustees of the Quebec Turnpike Roads.

Also, Reports of the Inspector of Registry Offices.

On motion of Mr. Lafontaine, the above documents were ordered to be printed.

On motion of Mr. Stewart, *Bytown*, the bill from the Council relative to the side lines of Glouceste was read second time, and ordered for third reading on Monday.

On motion of Mr. Duggan, the bill from the Council for the relief of Juliet Vunzandt was ordered to be read a second time on Wednesday.

On Motion of Mr. Sherwood, the bill from the Council to authorise the Executors of the late Hon. C. Jones, to convey a certain Town Lot to the Board of Police of Brockville, was ordered for a second reading on Monday.

Also, the bill from the Council for vesting in Trustees the sites for Schools in Upper Canada.

On motion of Mr. Williams, the rule relative to the publication of notice was (upon a division) suspended so far as relates to the petition of W. Rowe and others, relative to the Granby Harbor.

Mr. Cayley was discharged from the Committee on petitions relating to McGill College.

A resolution, for amending the Act Incorporating Brockville and so much of the Assessment Laws as may affect that town, was reported and agreed to, and Mr. G. Sherwood brought in a bill in conformity thereto—second reading on Wednesday.

Two resolutions, for amending so much of the Lumber Act as relates to the salary of the Supervisor of Cillars—and for fixing his salary at £500—were reported, and were carried on division—yeas 39, nays 14.

Mr. Stewart of *Bytown*, brought in a bill in conformity thereto—second reading on Monday.

A resolution for an address to His Excellency, praying for an advance of £5000 towards paying the contingent expenses of the House, was reported and adopted, and an address ordered accordingly.

The bill relative to administration of Justice in Gaspé was again committed, reported, amended and ordered to be engrossed.

The House went into Committee on the first report of the Select Committee on Rail Roads, on the Niagara and Detroit Rail Road bill, and rose without reporting. Adjourned.

LEGISLATIVE COUNCIL.

FRIDAY, 17th April, 1846.

Sundry petitions were presented.

Hon. Jacob A. Irving took his seat.

The order of the day was the House in committee on the Lunatics' Regulation Bill.

Hon. Mr. Hamilton in the chair.

Hon. J. MORRIS stated that under the statute 7, William IV. cap. —, authority was given to the Vice Chancellor of the Court of Chancery to possess all power possessed by the Lord Chancellor in England in virtue of the Common Law in reference to Lunatics, but it has been since discovered that this power is not bestowed under the common law of the land, but by a commission from the throne; the present bill has been therefore introduced to do away with all doubts that may have arisen.

The clauses of the bill were severally agreed to without amendment.

A message was received from the Legislative Assembly, stating that they had passed a bill for the better administration of justice in Gaspé.

The committee on the Lunatic Regulation Bill reported the same without amendment.

Ordered to be read a third time on Monday next.

The bill for the better administration of justice in Gaspé was read for the first time.

Ordered to be read a second time on Monday next.

The House then adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, APRIL 17.

Administration of Justice in Gaspé.

The House in committee of the whole upon the Bill to amend the act relating to the ad-

ministration of justice in Gaspé, Mr. Laterriere in the chair.

MR. CHRISTIE.—This bill is introduced for the purpose of reducing the expense of the administration of justice in Gaspé. On two occasions a grand jury was summoned to attend the Court of Quarter Sessions at an expense to the province of £34, when there was no business to come before them. This had put the people to great trouble and inconvenience, and no good results from it. He proposed, that before a precept of summoning a grand jury, is issued, it must be signed by a District Judge, along with three magistrates, and they are not to sign the precept, unless there is some business to come before the Court. This bill throws the onus of issuing the precept, upon the District Judge. If the system already in operation was continued it would cost the province £150 or £200 per annum, and be of no benefit to the people of Gaspé.

MR. VIGER.—Objected to giving so much power to the District Judge; it was placing the right and liberties of British subjects in the hands of one man, and he did not think that such a power was given to any Judge in any part of the British dominions.

MR. CHRISTIE.—Being acquainted with the circumstances of Gaspé better than any other individual in this House, except his friend the member for Bonaventure, he (Mr. C.) knew that such a power was required to be exercised by some one, for he wished to stop the jobbing that was going on; but if his venerable friend the President of the council would bring the whole authority of the Ministry against him, he must, he supposed, withdraw his bill. Mr. Christie read the 18th section of 7 Victoria Chapter 17, which enacts that Grand and Petty jurors should not be summoned to attend the Court of Queen's Bench unless by special order of the Court. The principle has been thus admitted by the Legislative and he (Mr. C.) only wished to apply it to the Quarter Sessions, as well as the Queen's Bench. He (Mr. C.) would ask where is the judge who would dare to refuse to sign a precept, when there was business to come before the Court? If there should be such a one this House would soon cause him to be impeached.

MR. TACHÉREAU.—Approved of the Bill on account of the peculiar situation of Gaspé.

The different clauses were put and carried and reported without amendment.

On a motion to refer the petition of Donald Cameron, of the Home District, to a select committee,

The Hon. Mr. DRAPER said, that the reason why he was opposed to the referring of the petition was, that a petition of which this was, he believed, an exact copy, was referred to a select committee last session, and that committee had recommended a particular course; no allusion to that was made in the petition; to make the matter better understood, he would briefly explain the nature of the petition. It appears that in 1826, Donald Cameron, the petitioner, offered to government to bring out settlers to this country if deeds would be granted to them; the government consented, and he believed that the petitioner went to Scotland, and succeeded in bringing out a number of settlers; some time after a return was made to the government by the petitioner of the quantity of land settled; a Mr. Smalley, a surveyor, was ordered to examine and report; by his report, it appeared that a greater number of lots were claimed than were actually settled; on this account, the government perceiving that a fraud was wished to be practised on them, refused to grant the deeds and can-

celled the location tickets; the tickets remained in the hands of the petitioner; it further appears that a road has been opened at the expense of Donald Cameron, the petitioner, and that this road has been a great public benefit. These are briefly the facts of the case; petitions were presented to the U. C. Parliament, and their prayer rejected; and the petitioner now prays for the appointment of commissioners—three on the part of the government, and three on the part of the petitioner, and an umpire to be agreed upon; now this he considered a novel course to ask the government to submit to arbitration; and again, the petitioner has not dealt fairly with this House; an order in council was made on the subject, and no mention of it is made in the petition; the petitioner has been apprised that the reason of the government refusing to grant, was that the lands were not actually and *bona fide* settled; he could not therefore consent to the petition being referred to a select committee.

MR. STEWART (of Bytown)—As he had the care of the petition, he could only say that he was unacquainted with the facts of the case.

MR. BALDWIN.—Was slightly acquainted with the facts of the case, from the circumstance of his having been on the committee last session. In the sessions of the U. C. Parliament of 1836 and '37, and in that of 1839 the subject was presented to them; and it appears from the report of Mr. Smalley, Surveyor, that more lands were claimed than were actually and *bona fide* settled; this fact he considered sufficient to call for more investigation; the petitioner denies having attempted to committed any fraud on the Government, and says that he has been the means of introducing a number of settlers, coming from Scotland; it cannot be denied that this has been the case, but he (Mr. B.) could not take upon himself to say whether they did all rough their destination, and did actually settle. That Mr. Cameron has done a great deal of good to the country in the introduction of settlers, it cannot, he conceived, be denied; and he (Mr. B.) conceived that the facts of the case call for investigation. Mr. Cameron is in a position to call for justice at the hands of the Executive Government.

MR. DRAPER said, the petitioner had never done anything more than petition, he had never condescended on details. He would state, that in the performance of his duties he had been called upon to investigate claims for land, on the plea of settlement, having been made; and he had often found that persons had gone up for two or three weeks, and performed some of the duties of settling, and on that founded a claim for deeds. That mode he did not conceive to be just. They should be actually *bona fide* settlers.

MR. McDONALD, Glengarry, hoped that the petition would be referred. The petitioner had done a great deal of good to the country, by introducing settlers, and he had not profited much by his exertions. He (Mr. M. D.) would like to see the matter thoroughly investigated. He believed that the petitioner could make out a strong case.

MR. BALDWIN said, Mr. Small's report was brought under the consideration of the committee last Session, and was the prominent point in the way of reference in the report of last Session.

MR. McDONALD (of Dundas)—Thought it the right of every British subject to have his petition referred to a committee, more especially when it is stated in his petition that he has received an injury at the hands of the Executive Government; he has no other recourse but to the House, and he considered

it the duty of the House to listen to such complaints.

Mr. HALL—If the Government are right in this matter, no injury could be suffered from an investigation; if they have acted wrong, he considered that it was but an act of justice to have the petition referred to a committee; he would vote for it on principle, as he saw no other course to be pursued.

Mr. McDONALD of (Glengary)—He believed that the case of the petitioner would be found precisely similar to that of Chief MacNab; which, although resisted for a long time, was at last successful.

Mr. McDONALD, of Stormont, said, that surveyors often made reports without even having seen the land. Perhaps Mr. Small may have done the same.

Mr. GOWAN knew nothing of the merits of the case, but he considered it a dangerous principle to admit. He believed, from what had been said, that injustice had been done to the petitioner; but he thought the more proper course to pursue was to move for an address for papers bearing on the subject, and when they were received there would be some evidence to send to a committee.

The motion was then withdrawn.

Custom Duties.

The House then resolved itself into Committee of whole on amending the Acts 8 Vic. Cap. 3 and 6 Vic. Cap 31. (Mr. Methot in Chair.)

Mr. CAYLEY said that in moving the resolution, he would avoid repeating the arguments he had used on a former occasion, beyond any allusions which were necessary to the change he wished to propose. He would however remark that a representation from the distillers had been made to him, that the proposed alteration in the duty of wine would interfere with them. He did not concur in that opinion, but as the Distillery Bill was a measure concerning them alone, he was prepared to listen to any representations they might make, and he would not now press for a reduction on the duty of wine. The first measure that he would have the honor of introducing to the House, was, to propose the total remission of the duty on American Wheat. It was a question of vital importance both to the import and export trade; it affected the shipping and commercial interests, and on it, the magnitude of the wealth and prosperity of the Province depended. He would go at length into the arguments which would prove that they were well able to compete with their neighbours, in the transmission of produce from the West, by means of the Upper Lakes and waters of the St. Lawrence. The first point was to take up some remarks which had fallen from the hon member for Lincoln, for they were of great weight in the House, and were always listened to with attention. It was a subject which the hon member had made a deep study, and his opinions were always heard with interest. He (Mr. Cayley) would endeavour to meet some of his statements. He referred to a publication which had appeared last year, on the route by the St. Lawrence Canal, subsequent to a visit which the hon gentleman had paid to Montreal, to obtain the establishment of tug-boats. He wished to remove any impression which this document might have tended to create. It went to state that the St. Lawrence was a more expensive route; and that on the Erie Canal, a distance of 360 miles the cost of flour was 6d a barrel; and on the St. Lawrence, a distance of 230 miles from Prescott to Montreal, the charge was 1s 9d; tolls included. He would admit the disparity to be great, for, at first, any one would infer that the tolls were equal; and no doubt such

impression was generally felt. But, hon members would find that on the Erie Canal the toll-charged on flour amounted to the whole charge involved in the St. Lawrence, on which they were only made in the upper transit. Therefore, on the one side, there was no toll; and, on the other, in addition to the 9d freight from Buffalo to Albany, the tolls were 35 cents, or 1s 9d per barrel. Could any one turn to the publication, and imagine such a charge existed. He would, however, compare this statement of the hon. member for Lincoln, made at the close of 1845, to what he had stated before a committee of the Upper Canada Parliament, in 1836. And he would refer to the journals and quote the evidence given by him. [The hon gentleman here read from the journals in which Mr. Merritt had stated his opinion; that the Welland canal was the cheaper route.] In 1840, the hon member had addressed a letter to Lord Stanley, in which he stated, that the cost of transit for a ton of goods on the Erie Canal, amount to \$5 74, and on the St. Lawrence canal, to \$3 40, which would closely approximate to 2s 6d per barrel. The present rate of freight was, however, much less, and would no doubt be cheaper. He would now enter upon other subjects. The first point was to shew the establishment of the route which could compete with the Erie canal; and would therefore ensure a greater access of trade from the upper ports; and that the ports in Europe could not compete with them with the usual average freight. But, he would first show the value of the Western trade, and to do so, he would compare the Buffalo returns to prove the great improvement since the first export of bread stuffs from the upper Lakes, in wheat and flour: in 1840 the export was 3000 bushels of wheat and 200 barrels of flour, in 1844 the export of wheat was 916,971 and 431,333 or taking it in quarters 114,571, of wheat and 219,582 of flour in 1844. These exports had therefore an immense increase in four years, and he was anxious to draw them downwards through their waters. In 1810, the hon member for Lincoln had stated that the greatest export that had taken place in any one year was 273,380 quarters, and since that period it appeared that there had been no great increase. On looking over the returns, he [Mr. Cayley] found that in the year 1844 the total was 284,280 quarters, and at present he considered it to be about 300,000. On referring to the returns it was shewn that the supply demanded in England had much exceeded the quantity; and the imports being for the three preceding years and the year 1841, were:—

1838.....	1,371,957
1839.....	2,875,605
1840.....	3,432,765
1841.....	2,783,602

Total.....10,463,929.

Giving an average per annum of 2,615,982 quarters, of which the People of Canada were only able to supply 300,000 per annum. With regard to the cost of wheat, he had applied to members who represented agricultural districts to learn what could be considered a fair, profitable price; and he had learnt that if a bushel would realise to the farmer from 4s to 4s 4d, it would be a remunerative return. To this he would add 5d for transport, and it was a proof that they could bring grain into the market at 4s 10d currency, or 4s sterling per bushel, and which would place wheat in the market for exportation at 32s per quarter. But he would shew that Europe could not compete with them at such a rate, and he would go to the average prices which appeared in the reports furnished to Lord Palmerston by the British consuls in Europe. By these it appear-

ed that the average price was 40s 6d per quarter, or 6s 3d per bushel, and that the average freight per quarter was 4s 10d. There was therefore a difference of 8s a quarter between the prices here and in Europe, and it was in favor of Canadian produce, while the freight, in proportion to the cost of a barrel of flour, which averaged from 4s 9d to 5d, would with wheat, amount to 8s a quarter. Admitting that freight was more expensive from Montreal than N. York, they could not, from that circumstance, draw a distinction between the waters of the St. Lawrence and the Erie Canal: for Albany was not the terminus for wheat, which, if it were for exportation, must be forwarded to New York, or some other seaport; therefore Albany was on an equal footing with Montreal in that respect. But he would go into further details relative to European ports, for the average might appear high. The prices ranged from 26s to 56, per quarter. He need not remark how inferior the lowest price of wheat would be. The freight from the Baltic was from 2s to 4s, and from the Mediterranean and Black Seas, from 8s 3d to 10s, and they could therefore perceive that in that quarter they were perfectly safe. He would shew that the crops raised on the shores of the Baltic could, with difficulty, be brought into competition with theirs. In Poland the crop was once in nine years, and he had understood that eight crops running had been known in Canada. But this, he supposed, was virgin soil; and he believed that the general average crop was once in three years. He would go to the south of the Vistula, where the freight was higher than through their inland waters, being from 7s to 9s 6d, whereas the cost with them at the rate of 6d per bushel, would be about 4s currency a quarter. Hamburg was surrounded with cheap wheat from Hanover, Austria, and Denmark. But from Bohemia and Prague the freight was 17s to Hamburg, owing to the long inland difficult navigation of the Elbe; and the wheat was brought down in open barges exposed to the changes of the weather, and the grain often burst into little shoots during the passage from the rainy weather. But he would turn to other exporting ports, of which Dantzic was perhaps the best—although Hamburg might be so named as to quantity. Odessa also stands high; and the average value of grain there was about 40s. As he had shewn that 32s was a remunerating price in Canada, they had nothing to fear, moreover, if a larger supply were needed in these ports, they could not increase it from the interior, owing to the expenses of inland navigation. These lakes were to them of the greatest advantage if they would only carry out a consistent policy; and by doing so he had endeavored to shew that they had nothing to fear from the European market. They had now three years to prepare for the battle, and he considered it incumbent on them to take measures to reduce sea board freight and to increase the slides; and by uniting their exertions, they would secure the export trade of the west through their inland waters.

Mr. MOFFATT asked from whence the returns of the prices in Europe had been obtained.

Mr. CAYLEY explained it was the returns furnished by the European Consuls to Lord Palmerston, and that he was also indebted to Mr. Jones, of Goderich, for much of the information. He would add, that with regard to the diminution of the revenue, he did not expect any improvement on the St. Lawrence routes, but he expected considerable support from the Welland Canal, in consequence of the increase of trade in that channel, and it was to that he more particularly looked to re-

place the amount of duty on American wheat. He would therefore move, That it was expedient to repeal so much of the act of 6 Vic. cap. 31 as relates to a duty of 3s upon the introduction into this Province of American wheat. He would explain more fully that it referred only to grain for exportation. He had no design to bring it into competition with Canadian grain, and did not include produce for consumption—not that he feared the result, but his only desire was to increase the export trade. He believed it was the interest of the agriculturist to establish a settled market for grain; and if they failed to do so, they would achieve nothing. It was therefore their duty to obtain a steady trade to ensure a certain demand, and the introduction of American wheat could never, in any way, affect the prices of Canadian grain.

Mr. MERRITT rose merely to correct a most extraordinary misapprehension which the Hon. Inspector General had fallen into in reference to two statements put forward by him (Mr. Merritt.) He (Mr. Merritt) wished it to be understood that he had not been guilty of the absurdity of stating one time that the St. Lawrence route was cheaper than that of Lake Erie, and of asserting in another publication that it was dearer. The last document which he (Mr. Merritt) published, and which had been referred to by the hon. Inspector General, went to shew the difference in freights demanded by the forwarders on each line, while his calculation to Lord Stanley was intended to prove that the carrying price would be cheaper. The last document had been intended solely to make known the enormous charges of the forwarders, and to urge upon the Government the necessity of completing the St. Lawrence with a view of reducing those charges as quickly as possible. At present the forwarding cost was a great tax on Upper Canada, and forwarders, although they charged 3s per barrel, paid no toll.

Mr. MOFFATT—There was a discrepancy between the statements made by the Inspector General and the member for North Lincoln; in his (Mr. M's.) opinion however, whether the freight was high or low cannot influence the question now before us.

Mr. ERMATINGER—Hon. members call "question, question," but this was one of great importance to Upper Canada, and we ought to understand it well before "question" was called, it is a matter too highly interesting to the farmers and commercial men of Upper Canada to be passed over lightly. He considered that for the present we could not expect to have a cheap freight in our internal communications; owing to the forwarding monopoly, they have issued a circular stating that they will charge storage up to the 10th of May, this will cause the farmer to hold back, and although the prices may now be good, before they can get their Wheat into market they may have fallen, and they will be at a loss owing to the high prices of freight; he considered that the country must have time to prepare for the change.

Mr. HALL—In order to understand the subject we must look into the matter. He considered that if we made a steady and never failing market here, the English merchants will send out ships in sufficient abundance.

Mr. ROBLIN—supposed that any remarks that might be made by an individual holding the opinions and views that he held, would not have much effect upon the House. He (Mr. R.) found fault with the Inspector General for not having all the resolutions with respect to the Customs, printed eight or ten days before going into Committee upon them, as was done last session by the late Inspector General (Mr. Robinson.) He (Mr. Cayley) has not told us what is to follow, and what other changes it is intended to make in the Customs duties. We are therefore debating in the dark; the resolution is a sweeping one, and repeals the law imposing a duty on Wheat unconditionally, and perhaps when this is carried nothing more will be asked.

Mr. CAYLEY—The intentions of the Government with respect to the changes they intend to make in Custom duties, were made known to the House and the country, in the speech which he delivered two weeks ago, and which had been published in all the papers.

Mr. ROBLIN—enquired of the Inspector General if he was going to take off the duty on Flour?

Mr. CAYLEY—No.

Mr. ROBLIN—Will the American Wheat enter the British ports as Foreign or Canadian Wheat?

Sol. Gen. SHERWOOD—That will depend on British legislation.

Mr. ROBLIN—The Inspector General does not deign to answer his question. He (Mr. Cayley) endeavoured to shew us by fine figures that it would remunerate the farmers if they obtained 4s. 4d. per bushel for their Wheat; and that Wheat could be brought from Lake Ontario for six pence per bushel; he (Mr. R.) could state that it cost 1s. 4d. per bushel to carry their Wheat from the Bay of Quinte, or any port on Lake Ontario to Montreal. The merchants and forwarders have always fleeced the farmers. He (Mr. R.) hoped to see the day when the farmers of Upper Canada would obtain 4s. 4d. per bushel for their Wheat, but he feared that it will be sometime before they get this amount, as the forwarders and merchants will take very good care to have a large slice of the profit. We are now asked to repeal a statute, that was passed in consequence of receiving a despatch on this subject from the Home Government two or three years ago, and after which it was expressly stated that if we laid a duty of three shillings a quarter on Foreign Wheat coming into our market, that the British Government would receive our's at a low or nominal duty. We had passed an address the other day, requesting an additional boon in the English market, and we should wait to see what effect the address will have and what are the intentions of the British ministry. We are called upon not to follow the example of the British Parliament, but to go forward in advance of them, to say, we are the men for free trade, at least as respects agricultural products—we will set an example to the whole world of unfettered commerce. The Inspector General has asked us to make important changes with respect to the duty on American Wheat, and he does not know how it will go into England. What benefit will it be to the people of Canada, especially the farmers, if American Wheat goes into England as a Foreign article, and only passes through our waters? It would be better to take off the duty altogether and enable the farmer to use the American Wheat, and send the Canadian Wheat to the English market; thereby he would save two shillings a barrel—it would be better to use the cheap provision and sell the dear. He (Mr. R.) wished to wait to see how the matter is settled in England; it is sufficient to follow in the wake of old England. There is a certain specific amount embarked in commercial enterprises in Canada; and if the field of speculation was enlarged, the merchants would send their agents to Michigan and Ohio to buy their Wheat, instead of purchasing Canadian Wheat. The forwarders know that we can only send our flour by the St. Lawrence, and if this measure was carried, they would therefore keep our flour in their stores for a long time, and use their utmost exertions to bring American Wheat through by this route, and thereby the Americans would always get the first choice in the market. He (Mr. R.) had seen thousands of barrels of Canadian flour and pork lying on the wharves in Kingston, in the months of June and July, and the Forwarders all engaged in transporting American produce, and great quantities of both flour and pork were spoiled by being exposed to the heat of the sun. If you are determined not to allow the farmer any protection, remove the duty from those articles which he consumes and without which he cannot support his family; but this does not suit the views of hon. gentlemen, the motto is take care of the merchant, the forwarder and indeed every class but the farmer, and let him take care of himself.

Mr. ROBINSON said that the hon. member for Prince Edward had taken a popular view of this

subject, and his speech would no doubt be very appropriate on the eve of an election. Although he (Mr. Robinson) represented an agricultural county, he had no hesitation in saying that the duty ought to be taken off, and he did not fear to meet his constituents on the subject. A friend of his in the Upper Canada Parliament used to say that facts speak louder than words; the hon. member for Prince Edward might know to whom he alluded, and he would therefore produce a statement of prices to prove that when no duty had been imposed, the prices at Rochester and New York had been higher than at Canada. He would read the prices during those years at New York, the average price in Canada having been about 5s.

Average Price of Wheat.

1838.....	6s 2d
1839.....	5s 8½d
1840.....	3s 9d
1841.....	4s 2d
1842.....	5s 1d

This was before the duty was imposed. Certainly, if it was of any benefit, it would raise the prices; but he would cite the difference during the three following years after the duty was fixed:

1843.....	3s 6½d
1844.....	4s 1½d
1845.....	4s 5½d

He (Mr. Robinson) did not expect that all the benefits likely to accrue from the measure contemplated would occur immediately, but had no doubt that in time the fullest advantage would be derived. With regard to freight being reduced to 6d, he did not expect it before the canals were completed. He had always voted for the improvement of the St. Lawrence, and was now desirous of seeing tug boats established either by private enterprise or by Government, as by such means freight would be reduced and the price of wheat consequently raised.

Mr. MOFFATT had felt surprised that the hon. member for Prince Edward should make use of the argument used by him (Mr. Moffatt) in 1843 against the imposition of the duty. He was now bringing it against the resolution to repeal the duty. It was, why not consume American produce and ship their own. He was astonished to hear such an argument brought forward. He would say, take off the duty, and let the House assent to the measure, in order to ship as much as they were able, and not prevent its coming through their waters. There was no question, so long as the colony obtained a preference in the British market, and the grain was received at a differential duty, that American wheat would have to pay duty in England, excepting what was manufactured in the Province, which was received as Canadian produce; and it was therefore a great inducement for it to be brought in. But the English market was not solely supplied by Canada, and there was no fear of overstocking it. The Inspector General had drawn a contrast between the rates of freight from the interior to the shipping ports of Europe, which were higher than in Canada. But he was afraid his hon. friend had assumed a higher figure of the cost of wheat at the shipping ports than he was perhaps authorised to do. That would depend upon circumstances; and unless the average had been obtained from a series of years, no price could be assumed. But that had nothing to do with the question before the chair. If they could ship American wheat let them do so, and the system would only lead to good. Unless wheat shipped through Canada could meet foreign wheat, it would not be shipped, and that was the business of the merchant. It could do no injury to the farmer.

Mr. Solicitor General SHERWOOD.—It is useless now to discuss whether you must go forward or not for propositions have been by the British Ministry, which if they are carried into effect, as they undoubtedly will be, will seriously affect the interests of all Canada. In the United States a bill was passed to enable foreign goods to be transported under bond through the United States to Canada; and now a bill is before congress to enable the people of Canada to ship their produce through the waters of the United States, to

foreign countries. When we thus see Sir Robert Peel and the United States adopting measures that will materially affect the commercial relations of the country, ought we not to endeavour to devise some means or other to meet the great changes that are taken place all around us? Should we not take some steps to secure the carrying trade of the immense products of the Western States, and thereby assist in paying the large amount that our public works have cost? Even supposing we are in doubt, as to the course that we ought to pursue, in the present emergency, are we to do nothing, and allow this year to pass over without leaving done anything to avert the impending evils? It is proposed to admit wheat duty free for shipment to England or to be ground here in bond. This will not injure farmers; though he (Mr. S.) represented a city, yet he would be sorry to give his consent to any measure that would be in the slightest degree injurious to the farmers, as he knew the importance of the agriculturalists; and what will benefit one class in the community will benefit another. The merchants and farmers mutually depend upon one another. The proposition before us will not interfere with the farmer, because for the last three or four years the average price of wheat has been higher in the United States, than it has been in Canada, and therefore the farmers of Canada need not fear any competition from the Americans. He (Mr. S.) knew the imposition of this duty was a popular measure; but he was willing to try the experiment proposed, to see if we could not draw the American trade through our Canals. He (Mr. S.) believed that if American wheat were allowed to be bonded, an immense amount will go through our waters to England and thus we will secure a large part of the carrying trade of the Great West; under this impression he would vote for the motion.

Mr. BALDWIN said that he regretted to hear the subject of debate treated in a manner calculated to create an impression that the agricultural and commercial interests of the country were in some measures rivals to be advanced or depressed at each others expense. For his part he had always viewed them and should continue to do so as mutually dependent upon one another. This he believed to be the case generally with all the great interests of every country (hear, hear) and he did not believe Canada to form any exception to the rule. He was not however prepared to vote for the proposition of the Hon. the Inspector General on the present occasion though after what had passed he had no doubt it would be carried. It was true that the doctrine of free trade was founded upon principles sound in their application to commerce generally but he for his part could not see that the adoption of them by the mother country was any cause of particular satisfaction to us. The whole colonial system until the recent changes of policy was one of protection. We were the parties benefited by that protection and therefore we had no cause to rejoice over a change which however it worked for others was undoubtedly productive of advantage to ourselves. It was true that being in itself an artificial system we could not look forward to it as likely to be lasting. And now that the change had come by the action of a power over which we had no control it becomes us to look over our altered circumstances manfully in the face and avail ourselves of the interval that was yet to elapse before this change in all its consequences was to be visited upon us in endeavouring as far as possible to countervail the evil effects that were likely to arise to us out of it. But we are bound to do this with caution, and in a manner calculated to satisfy as far as possible those whose interests may be affected by what we are about to do, or who at all events will themselves believe that their interests have been materially affected by the measure. It might be, as the hon. Inspector General had said, that the change now proposed would not affect the farming interests of the country as that interest itself apprehended. It might be that from the state of the markets in the United States, or other circumstances, the duty on wheat and flour altogether had not, during the time it had existed, been productive of the advantage to our far-

mers that they had themselves anticipated from it or supposed that it produced. All this might be perfectly true, and yet it might not be wise, and in his opinion was not wise, to interfere with that duty in the manner now proposed. Such a proposition ought at least to be accompanied by other measures which would show the farmers of the country that their interests had not been lost sight of, and convince them that they had not been sacrificed to any other interests. (Hear.) He would remind hon. gentlemen that upon the grounds now advocated, the adoption of this proposition could not have produced any more injury to the farmers if it had taken place last year, than if it be adopted this. And yet, he well recollected that all those who have generally taken upon themselves in this House to keep a special eye to the agricultural interest, such for instance as the hon. member for Durham and others, had during the last session been loud in deprecating any such measure as the present, as being in fact a first step towards the total repeal of the duty. Now, however, he found the hon. gentlemen to whom he alluded, and particularly the hon. member for Durham, speaking in a very altered tone, and in fact if he did not misunderstand them, giving a sort of tacit assent to the measure. He therefore, took it for granted that the resolution of the honourable the Inspector General, for taking off the duty, now before the Committee would be adopted. (Hear, hear.) He did not therefore, desire to trespass unnecessarily on the time of the Committee. All he wished, was to prevent its being supposed that he had acquiesced in the measure. It might be, that in the altered position of the country, it would be necessary to deal with the duty on Wheat with a view to its repeal. But the imposition of that duty had been long struggled for by the farmers of the country, and when obtained though not amounting to all that they had sought, it had upon the whole, been considered by them as a great boon, and notwithstanding all the abstract reasoning of the hon. Inspector General on the subject, he (Mr. Baldwin) was not prepared to give his vote for the repeal without, at the same time, shewing the farmers of the country that something at least in the shape of an adequate equivalent, had been given them for the loss of what they deemed so great a good, either by the removal of duties on articles of their consumption or such other relief as would convince them that their interests had not been disregarded. In these views he was happy to find that all the agricultural members were not against him but that his hon. friend from Prince Edward (Mr. Roblin) concurred with him. He therefore, although hopeless of being successful in his opposition, should feel bound to vote against the motion of the hon. the Inspector General for taking off the duty on Wheat as proposed by her Majesty's Provincial Ministers.

Mr. SEYMOUR said, the theory of the hon. the Inspector General was very fine, and no doubt would look very well upon paper, but the practical effect would be that the Millers, who were the principal wheat buyers, would supply themselves from the United States, instead of purchasing from the Upper Canada farmer or merchant. Again, that an increased quantity being introduced before the Public Works were completed, would cause the Forwarders to increase the rate of freight on a Band of Flour from Kingston to Montreal from the present high rate of two shillings to the enormous rate of three shillings per barrel, which had been charged on a former occasion, which increase would come out of the pocket of the farmer. Again the rate of freight charged upon flour from Montreal across the Atlantic would in all probability be increased from three shillings sterling, which is considered a paying price, to perhaps six shillings or seven shillings sterling, which increase must also come out of the pocket of the Upper Canada farmer or merchant. He did not mean to say, but some measure of this kind may be necessary after the completion of the Public Works; but at present he thought it premature, and would consequently vote against the resolution.

The Hon. Inspector General had stated that Wheat would probably be worth to the farmer

on the shores of Lake Ontario, from 4s. to 4s. 4d per bushel. If the Government would guarantee those prices he [Mr. S.] would support the measure, but the fact was, that notwithstanding that there had been deficient crops in Europe, the average price for the last four years in Upper Canada, had not been more than four shillings per bushel.

Mr. COLVILLE—If he believed that the taking off this duty would be an injury to the farming interest, he would vote against it, but it never has been any benefit to the farmer. He (Mr. C.) considered it a settled axiom that we should endeavour to gain the carrying trade of the Great West, and it is another axiom, that unless we take the duty off, we cannot obtain it.

Mr. ROBINSON—The sooner the farmers know what they may expect the better, for then they will prepare for it. He (Mr. R.) knew that the full benefit of this measure would not be derived from it, until our canals were completed; but still he thought it better that the duty should be repealed now, so that all might be induced to make the requisite preparations.

Attorney General DRAPER, said that so great was the importance of the question before the House that he felt it to be his duty to offer a few observations although he was by no means an adept at figures, in fact he never pretended that his head was a figure head. (Laughter.) He did not look upon the question as affecting one interest of the Colony; and while this was well lit by the hon. member for the fourth Riding it appeared to him Mr. Draper that the hon. gentleman had not himself disinterested at sufficient length as to the general bearing of the question. Changes in the general commercial policy were about to take place and it was necessary to attend at once to a remedy for impending evils. The first evil was that they had ceased to enjoy the certainty of a good market and the second was as a consequence of the other a falling off of the Provincial revenue. These were the leading propositions. It was admitted all round that the evil arising from the market was beyond their control. He would ask was the duty of 3s imposed for the benefit of the farmer of Great Britain or Canada? Upon looking back to the circumstances under which it was imposed, he would say it was to benefit the farmer of Great Britain. In fact it was made a condition when it was agreed to let in Canadian produce at a low rate of duty; and when we are told that in 3 years, corn will be admitted at no duty, why should we retain a duty that has reference to Imperial and not to Colonial interests. The duty was never any benefit to Canada. Hon. members should then ask themselves what was the benefit of continuing the old system, or if it would not better look boldly on threatening difficulties and endeavour to grapple with them: There was one thing they could not shut their eyes to, and that was that no matter who were in power in England, the people of this country would stand alone. (Hear, hear.) Protection had ceased to be a principle of Colonial policy, and we should consequently look a-head. Three years notice was given, and as we could not avert certain consequences, we should see at once to the means of neutralizing them. The price of our corn in Great Britain could not be affected by any Legislation of that House. It was subject only to the Legislation of Great Britain. His hon. friend, the Inspector General, had shewn by figures and details, that there was no reason to apprehend the result, even when the duty should be taken off. No argument had been used against what he had advocated. Nothing had been said to the effect that we should be unable to compete with other countries, even with the advantages of our internal communication. His hon. friend was not desirous of lowering the prices in the market of consumption. He wished to derive a revenue from the foreign produce passing through their waters in lieu of that now gathered from the duty on corn. In three years Great Britain would not take Colonial corn cheaper than European. All they could hope for was, that the European market would not be able to undersell them. With regard to their internal navigation, they could not send their products by any cheaper route than

by the Lakes Ontario, Erie, and the St. Lawrence; and he had always held the opinion of the hon. member for Lincoln to be correct; and he regarded it as an irrefragable argument, that the communication by the St. Lawrence was superior to any other. From the fact of the fewer lockages, and those lockages going down, it was an argument furnished by nature. They had, therefore, the cheapest mode of communication from the upper lakes, which formed as it were a basin, where all the products of the West intended for exportation would be collected; because they could be brought there at the cheapest rate. If there, how could they be got out? It was trade of this description which had made Oswego; and the produce must be got to sea either to New York, or by the St. Lawrence. The latter was cheapest if they would avail themselves of the advantages, partly furnished by nature and partly by art. He meant the levels of the water which enabled the locks to be constructed down, and the construction of these locks. He would say that it was a proper line of policy to throw every facility to bring this produce down their waters. But some say that the protection would be taken from the farmer. If the complaint was sound, the province must regret that she ever embarked in the public works, to make canals, and the argument ought to have been listened to in 1841, and ought to have prevailed. The commerce of Canada alone would never give a revenue to defray the expense of the canals. He would warn them that they should encourage import as well as export trade, and would therefore be required to take off duties from exports as in England. That change was coming, and it was no use shutting their eyes to it. If the public works did not pay, it would be better for them to take and repudiate and become bankrupts at once. No man could bear higher testimony than he [Mr. Draper] to the character of British merchants, but it was certain that they would not go and buy unless where advantage existed. Canada should, therefore, endeavour to extend these advantages. There was no want of capital in Great-Britain when any lucrative speculation offered, and if it was profitable to purchase largely of wheat, and the supply sufficient, there would be always persons ready to embark in the trade. But if the trade were narrowed to what the colony would produce, and the canals kept closed, speculators would look in another direction. This should be the case, because while the imports into England was two and a half millions of quarters the colony only furnished 300,000. By proper Legislation this city, the capital of Canada, could be made the grand emporium for the produce of the Western country, but if the doors were kept closed it could not be so, the present flourishing revenue which furnished a surplus after paying the debt would be greatly reduced, and recourse should be had to that worst of all systems, direct taxation to meet the deficiency. As to the admission that freights would be more expensive because more goods would come down; he considered it an unanswerable argument in favor of the resolution, for the more carrying trade they had the more competition there would be and the greater would be the reduction of freights. He (Mr. Draper) had dealt with the question without reference to figures and had submitted what he conceived to be the main points which demanded attention.

Mr. McDONALD of Dundas—considered that the great investment made in our public works will be lost unless we attract attention towards them, in the manner proposed by the hon. Insp. Gen. Petitions are now being presented and more will be presented praying for grants for further improvements, are we then, by rejecting the motion before us, to clog the ministry, and deny their being placed in a position to carry out these improvements.

Mr. GOWAN—hoped he would be excused from making a few remarks; he would not have troubled this House, had the member for Montmorency, the leader of Her Majesty's opposition placed the question on a proper footing, he (Mr. G.) had not discussed the question on its merits, but had made it a party question; and as he had

done so, he (Mr. G.) would see that this side of the House, that the ministry would not cower under the question. No, we will have a vote, we will have it within an hour; as for himself he intended to ask for a delay, but he would not now do so, since it might seem as if the ministry were afraid to come to a vote. He (Mr. G.) was not decided on the question before us, he was wavering between two points, whether to take off the duty wholly or to reduce it one half for three years, and at the end of that time take it off altogether, although he was not decided yet as it was made a party question, he was prepared to support the ministry.

Mr. McCONNELL—Had heard a great deal about the farmer and protection, and about wheat, and he wanted to see if anything would be said about cattle. He (Mr. C.) considered that in Lower Canada, we required protection for our cattle, and he had understood that wheat was the staple commodity of Upper Canada, as cattle was of the Eastern Townships, and he was therefore disposed to maintain the duty on American wheat; but the arguments of the Attorney-General had a strong effect upon his mind, he had reminded us that we will not, without this measure, be able to pay the public debt contracted for the public works, and that we will be forced either to repudiate or lay direct taxes. To obviate this, he (Mr. C.) would vote for the motion.

Mr. BOUTON—The remission of this duty can make no difference to the farmer, as the price of wheat has, for a few years past, been lower in Canada than in the United States. The hon. member for North York has endeavoured to make this a party question, let us have a party vote, and see which party is the strongest—and let them rule.

Mr. CHALMERS—There has been a great discussion on this subject, and much of it has been to little effect. Without doubt this is the natural channel and the cheapest, and if we were in a peaceable state with our neighbours, he did not know but what he would support the motion. But under present circumstances, when we almost expect news of war every mail, it is time for us to be loading our guns, instead of offering encouragement to Americans to pass through our territory with their produce.

Mr. McDONALD of (Cornwall)—When so great a change is to be made as that proposed by the resolution, time ought to be allowed to consider the subject in all its bearings; he therefore was in favor of postponing the question for further consideration. He (Mr. M'D) was proud of the leaders that he followed, for they had advanced statesman like views on this occasion, and had met the emergency with the bold and determined spirit that it required; while the leader of the opposition (the member for North York), had sought to make this a party question; he had seen a little division in the Ministerial ranks, and he rose up and merely stated that he would not vote for the motion,—he proposed no better plan to meet the present state of affairs, but he seemed disposed to follow the example of the great American statesman Calhoun, of "masterly inactivity." The hon. member for North York has seen the question darkly through the spectacles of party. [Hear, hear.] But should the Ministry go bathing the leaders of the opposition will steal their clothes and bring forward this very measure. He (Mr. M'D) had no doubt but when this subject is understood, the country will support the Government. He had always understood that the people of Lower Canada were in favor of free trade, (No, no, from several French Canadian members) that they did not produce more than was required for their own consumption; and that they had opposed on a former occasion the importation of duty upon wheat. Will they depart from this principle now to give a party vote? We, on this side of the House, are free men, and vote according to our consciences, and this is the reason why we so often divide; while the members opposite always vote with their leaders. The despotism of Nicholas of Russia is not greater than that exercised by the leaders of the opposition on their supporters. If any of their party happens to differ from them on any question of importance, they

immediately ostracise him; hardly treating him with the common courtesies of life.

Mr. McDONALD, of Glengarry.—The hon. member for Cornwall loses sight of the main question, and attacks this side of the House, because they do not propose any measure and yet oppose the one before the House. He would tell him why that was the case: it was because when they ventured to offer a suggestion, it was treated with contempt. When such had been repeatedly the case, could it be expected that they would now attempt to propose any other measure. He considered that the farmers were not yet prepared for the measure this year. An impetus was given to them last year. Now, if we pass the resolutions before us, we will do them a grievous injury. In conclusion, he would beg to state that our opposition was not founded on party grounds, but on principle, and the hon. members opposite will see that we will be divided to-night.

Sol. Gen. SHERWOOD regretted the turn that that the question had taken from the remarks of Her Majesty's Opposition.

Hon. Mr. BALDWIN.—None of his remarks could by any means be construed into making the question a party question.

Sol. Gen. SHERWOOD would acquit him from all such design, but referred to the hon. member on his right, the leader of Her Majesty's Opposition.

Mr. CAUCHON.—I said no such thing.

Sol. Gen. SHERWOOD.—Well then it has assumed this turn, and he was very sorry for it. He desired that on a question interesting the whole of United Canada that both parties in the House might be united. He considered that the subject had been sufficiently discussed. You cannot take up a paper without seeing some remarks on the subject. He was prepared for one, and he believed the ministry were, to stand or fall by this measure; he believed it to be the only measure that would save the credit of the country. If (said he) there are others who can produce a better measure, why then let them take their seats on the Treasury Benches.

Mr. MERRITT moved that the Committee do now rise, report progress and ask leave to sit again.

Mr. CHAUVEAU.—Thought that the remarks made by the hon. member for Leeds, would not contribute to the good feelings or harmony of the House; men were too apt of themselves to act from party feeling without the aid of such exciting taunts as has just been thrown out. It was not true that in the present instance, the members on his [Mr. Chauveau's] side of the House, were disposed to view the question before the House in a mere party light. He [Mr. C.] had forgotten on which side of the House he was seated—[cheers]—he had even forgotten that he was a Lower Canadian; he had listened with interest to the able speech from the hon. Attorney General West, and regretted that hon. members on the same side of the House with him [Mr. C.] who were acquainted with political economy, have not thought proper to speak.

[Hear, hear.] The question was one that interested all; if we are to be deprived of the benefits we enjoy as a colony, then we are not prepared to bear its evils, and he thought that if England took away its protection from them, that she should be required to pay the vast amount they had expended upon their canals. The hon. member's speech was received throughout with marked applause.

Mr. GOWAN—applauded the speech of the hon. member for Quebec (Mr. Chauveau). He (Mr. Gowan) would have been sorry if he had introduced any party spirit into the debate, but he had only followed the hon. member for Montmorency, the leader of Her Majesty's opposition who had done so. If delay was wanted by the members opposite he hoped the ministry would grant it, for then it could not be said that the ministry wished delay because they were afraid that they would be defeated, as might be said if it came from their side of the House; if delay was wished for by the other side of the House, he would vote for it.

Mr. CAUCHON, said he wished to make a few remarks, as he had been misrepresented. He said they might make it a party question if they

fixed, but he did not nor would he do so. They had called him the leader of the opposition, he was not; but he thought his opinion was equal to that of the member for Leeds. He said that no arguments had been advanced against those which he had stated when he spoke in French; he then said we were not ready to adopt the resolution in question yet, for we were not in the same situation as England, she could bring the other nations round to Sir Robert Peel's measure, which we could not do; and if England broke down her present Colonial system on the one side, then we must break it down on the other; if she took away her protection, then she must open the foreign markets to us, but as he had already stated, we should not take any steps before England had done so. If the members on the other side were ready to vote, then he was ready also; he would vote against it for we were not ready yet.

Mr. De Witt, said that he had asked for delay at the first opportunity he could get to do so.

Mr. MERRITT's motion in amendment, that the Committee do now rise and report progress, and ask leave to sit again, was then put and carried; ayes, 36; nays, 29.—Majority 7.

Mr. DRAPER then moved that the orders of the day be called and postponed, and that the House adjourn, in order to give himself and colleagues an opportunity of considering the course they should pursue after the vote which had just been given.

ROUTINE.

FRIDAY, April 17.

21 petitions laid on the table.

The Bill to provide for the better administration of justice, in the General Sessions of the Year for G. S. 6 was read the third time.

The Bill was passed on division: Yeas, 50; Nays, 5. Nays were, Messrs. Chabot, Chauveau, deBligny, John and Leslie.

The following petitions were read:—

Two petitions from members of Church of England in Diocese of Quebec, for the investment of a portion of the Clergy Reserves in the Church Society.

Several petitions for aid to open roads in various localities.

Of J. B. Chamberland et al, of Rimouski, praying that Rimouski and Kamouraska may be united for Judiciary purposes.

Of Samuel Gardiner, et al, for losses sustained during Rebellion.

Of A. Petit, et al, praying that the Church of England may have the control of its share of the Government grant for Schools.

Petitions referred to Select Committees.

Of T. Appleton, et al, Builders of Montreal.

Of A. Gemmel, et al.

Several Petitions relating to the Clergy Reserves.

Of the Jonstown District Council, and of J. D. Parmentier, et al.

Of Samuel Solmes, et al.

Several Petitions relating to King's College.

Of J. Wilson and others.

Of Samuel Wood, et al.

Of J. H. Cummins and others.

Of Hon. P. McGill, et al.

Of J. Hall and others.

Mr. Solicitor-General Sherwood presented a report on the petitions from members of the Church of England, respecting the Clergy reserves, with an address to Her Majesty. Report to be printed.

Mr. GUYAN presented a report on the petition of F. F. Chambers, and a bill to authorise the Court of Queen's Bench in U.C. to admit him to practice. Second reading on Wednesday.

Mr. Day presented a message from His Excellency, informing the House, in reply to their address, that no communication had been received from the Colonial Secretary relative to amending the sale of the Clergy reserves.

Mr. Dickson presented a report on the peti-

tion of the Board of Police of Niagara and Queenston. 2d reading Wednesday.

Mr. Leslie presented a report on the petition of the Municipal Council of Hochelaga, and a bill to divide the Municipality of Hochelaga into five distinct municipalities. 2d reading Wednesday. Report to be printed.

He also reported favorably on the petition of J. Dickson and others of Three Rivers, and reported on the petition of P. P. Demary and others.

Mr. Cameron reported favorably on the petition of J. R. Gemmill, Esq.

Mr. McDonald, of Kingston, presented a report on the petition of G. H. Ryland, Esquire. Referred to committee of the whole on Thursday. To be printed.

Mr. Hale from the committee on private bills reported the Albion Road Company bill with amendments. Referred to a committee of the whole on Thursday.

He also reported the Bill to Incorporate La Communante des filles de la Charite, of the Parish of St. Hyacinthe, without amendment, to be engrossed.

He also reported that the petitions for incorporation of a company to plank the road from Cobourg to Port Hope, had not given the required notice. The Committee suggested to the House the expediency of passing a general law to enable charitable and other societies to hold such lands as might be required, &c.

Mr. deBligny brought in a Bill to amend the laws relating to winter roads in Lower Canada. Second reading on Friday.

On motion of Mr. Chauveau, the petition of the sufferers of the Quebec fires was ordered to be printed.

Leave of absence for a week was granted to Mr. Brooks.

On motion of Mr. Papineau, the House went into Committee to consider the expediency of repealing the Municipal Law of Lower Canada, and substituting other enactments, and a Resolution was agreed to— to be reported on Monday.

On motion of Mr. Papineau, the House went into Committee to consider the expediency of amending the Elementary Education Act of Lower Canada. A resolution was agreed to. To be reported on Monday.

On motion of Mr. Cayley, the House went into Committee to consider the propriety of amending the Act of 6 Vic. cap. 31, and the Schedule of Duties granted, by 8 Vic. cap. 3. Reported progress—to sit again on Tuesday.

The remaining orders were postponed till Monday, and the House adjourned.

LEGISLATIVE COUNCIL.

MONDAY, April 20th, 1846.

Hon. James Crooks, took his seat.

Sundry petitions were presented.

The first order of the day was the third reading Lunatic's regulation bill. The bill was then read the third time and passed.

The next order of the day was the House in Committee on fines and recovery bill.

The House then went into Committee, Hon. Mr. Bruneau in the chair, and rose and reported the bill without amendment. The bill was ordered to be read a third time to-morrow.

A message from the Legislative Assembly stating that they had passed a bill to incorporate the Sisters of Charity of the College of St. Hyacinthe.

The third order of the day was the second reading of bill for the better Administration of Justice in the District of Gaspé. The bill was read a second time and ordered to be read a third time to-morrow.

The House then adjourned.

HOUSE OF ASSEMBLY.

MONDAY, April 20, 1846.

A discussion having arisen as to the course to be pursued towards the Commissioners on the West Halton Election petition.

Mr. DUGGAN declared his intention of moving that the proceedings of the House should be read by the Clerk in order to convey to those gentlemen the opinion the House had formed, relative to their conduct in this matter, and they would thus be enabled to appear at the bar to-morrow with their defence.

Mr. AYLWIN objected to the course proposed by the hon. member. He considered that it would be a surrender of the dignity of the House to have a single order read to the persons at the bar; and he would suggest, that the usual course pursued was to interrogate persons brought up to the bar, and by that means arrive at the information the House required.

Mr. DUGGAN hoped the House would bear in mind, that these gentlemen had been condemned unheard, and his object was merely to give them an opportunity of hearing the nature of the charge brought against them. In so doing he would inform the House that he had not resolved on this course, but after serious consideration, and with a wish to grant common justice; as he could conceive no greater anomaly than condemning these Commissioners unheard and without even giving them an opportunity of understanding the nature of the charge brought against them. When the hon. member for Quebec spoke of proceeding by interrogatory, he would beg to remind the hon. member, that the House did not require any information procurable from these gentlemen, not having been brought to the bar for that purpose but in order to receive punishment for not proceeding according to law in the discharge of their duty.

Mr. CHABOT was inclined to support Mr. Duggan's motion, as the Commissioners had not heard the charge against them and therefore could make no defence.

Mr. AYLWIN could assure the hon. member for the West Riding of York that anomalous as he might consider the course, which he (Mr. A.) proposed it had been the practice of the English Commons for centuries and he would refer hon. gentlemen to a case which had excited great interest and occupied that body for a considerable space of time; nevertheless he would be happy to know what precedents the hon. member would bring forward to support his motion.

Mr. DUGGAN having asked leave to withdraw his motion at the suggestion of Mr. Baldwin leave was granted; and the gentlemen at the bar ordered to attend to-morrow for further orders.

Mr. CHABOT complained of the delay in translating the bills introduced into French. If there were not a sufficient number of clerks he would rather vote £100 or £200 for further assistance than suffer a delay of fifteen or sixteen days in translation.

Dr. TAHER did not conceive any blame could attach to the Translators the amount of business in that office being immense.

Mr. AYLWIN—Moved for the reading of the order of the House, directing Thomas Warren and others, to appear at the bar. The order having been read by the Clerk, he left himself called upon to read a letter he held in his hand from the above-mentioned persons (Commissioners on the Middlesex contested election) informing the House that the papers connected with this case should be forwarded to the House at the opening of the session. But that had not been done; notwithstanding

fourteen months had elapsed from the time of the appointment of the commissioners; still no satisfactory answer had been made. An order had since been issued, directing the attention of those gentlemen at the bar, to which no attention had been paid, although nineteen or twenty days should be quite sufficient to enable them to present themselves at the bar, if the order of the House had been communicated to them, as he took it for granted it was. He therefore felt himself bound to pursue a course which he had been dissuaded from by the clemency of hon. gentlemen at an earlier period, and in order to prevent the privileges and dignity of the House from being trampled on, would move that the Sergeant at Arms be directed to take those gentlemen into custody.

Mr. JOHNSON said, if ever there was an arbitrary motion, it was that just made by the hon. member for Quebec, and he was convinced that the House would not consent to it. He supposed the hon. member's next step would be an action for imprisonment; but if he went so far, recent events would show that Colonial Legislatures had not that power, as he was prepared to prove.

Mr. HALE, considered it very indelicate of the hon. member for Quebec to introduce this motion without having previously given notice, more especially when several of the friends of those gentlemen were at that moment out of the House. (Oh, oh.)

Mr. AYLWIN insisted that his motion was correct, there was no notice required, and he was prepared to stand by it.

Mr. HALE, had not intimated that the motion was incorrect. He had said it was indelicate of the hon. member, and he said so still. He would wish to know how, however, whether there was any proof that the summons had been served on those persons. (Hear, hear.)

Mr. DIXON—On the part of the Committee replied, that there was no evidence before it which would show that the summons had been served. He was of opinion, however, that a sufficient space of time had elapsed for those gentlemen to present themselves at the bar, and fully concurred with the hon. member for Quebec, that the dignity of this House should be upheld.

Mr. BALDWIN said, a summons of the House was not in the nature of a writ, not requiring evidence that it had been served. From the time at which the letter containing the order of the House had been posted, he could not doubt in his own mind that it had been received sufficiently early for those gentlemen to be now in Montreal. And as the order had not been obeyed, he conceived there could be no difference of opinion as to the course the hon. member should take.

Atty. Gen. DRAFER—Expressed his concurrence in the motion.

Mr. HALE—Moved in amendment for a postponement of the motion. Yeas, 35; nays, 34. The original motion was then carried.

Mr. CUMMINGS introduced a bill to provide for married women in certain cases. [Hear, hear.]

Mr. PRICE wished that the introducer of the bill would give some explanation of it. [Hear, hear.]

Mr. CUMMINGS said that the intention of the bill was, that when a friend or relation had made a bequest of some property to a married woman, and she had a husband of an abandoned character, she might be able to prevent the property from being sold or mortgaged. He considered the subject of great importance, and had consulted lawyers on both sides of the house, and it was his intention not to press the bill this session; he only wished it printed,

and he supposed the subject would be better understood by the next session.

Hon. Mr. Moffatt, introduced a bill to incorporate the Montreal Consumers Gas Company. He said that the bill was to incorporate a Company with a capital of £30,000, held in 2,500 shares of £12 each. The Committee have reported that due and sufficient notice had not been given; now he begged to differ from the opinion of the Committee, the Company do not apply for any exclusive privilege, they only pray to be incorporated and to be allowed to open the streets, for this reason he did not think that the rule was applicable, if however, the petitioners have erred, he would crave the indulgence of the House on their behalf. He would beg to state that the Corporation of this city were aware of the application and had no objection; he had received a letter from the Mayor to that effect.

Hon. Mr. BALDWIN—asked who was the Mayor, as he believed there was some doubt on the subject.

Mr. MOFFATT.—The Mayor in possession, Mr. Ferrier.

Mr. MEYERS—made an enquiry of the Ministry respecting a survey at the head of the Bay of Quinte.

Atty. Gen. DRAFER—replied that all the surveys made by the Board of Works since the last session would be laid before the House in a few days.

Mr. LESLIE enquired of the Ministry whether it was their intention to take any step for the prevention of violence and outrage at Municipal Elections in Montreal.

Mr. Atty. Gen. Draper replied, that he presumed the hon. member who had put the question was not aware that no representation upon the subject had been made by the Corporation of Montreal, although it might be true; and was much to be regretted that outrages were perpetrated. It could not be expected that the Ministry were to take the initiative in such matters.

Hon. Mr. MOFFATT introduced a bill to amend an act of Lower Canada extending certain privileges to Jews. He said that the bill was introduced to amend the act of 19 George IV. cap. 75, applicable to persons of Jewish persuasion, which gave power for trustees to hold ground for a burying ground and synagogue, and also to keep a register of births, marriages and deaths. The present bill was to extend the privileges of that act to Portuguese Jews. They asked for leave to hold 5 acres of ground for burying ground and synagogue to solemnize matrimony and keep a register of births and deaths.

Montreal and Lachine Railroad.

Mr. M'DONALD, of Kingston, moved the second reading of the Montreal and Lachine Railroad Bill. He conceived that the only possible objection which could be urged against the line was that it might interfere with the great line contemplated from Montreal to the Western Frontier. To remove this objection, he was authorized to state, that the stockholders of the proposed line were willing to give up their line to any responsible individuals who would engage to build a Railroad from Montreal to Kingston or Prescott, upon the payment of its first cost.

Mr. LANTIER opposed the bill, because it would destroy the prospect of having a great line from Montreal to Kingston. The proposed route was not the right line, and the terminus ought to be at the Cross, opposite to the proposed terminus of the Portland railroad.

Mr. COLVILLE was not personally interested in this railroad, but he would support the bill

before them, as the measure was of great importance to his constituents, communicating as it did with the place where the steam boats from the county of Beauharnois landed passengers and produce. The capital of the company was all taken up by individuals residing in Canada; and they were ready, immediately after a charter was granted to them, to commence the undertaking. The hon. member or Vaudreuil said that the line proposed by this company would not be in a direct line to Kingston. He (Mr. C.) had examined the surveys, and had found that it was only a mile from the direct line to Kingston; and it had the advantage of running on almost a dead level, while, if a direct line was taken, it would have to pass on a very uneven surface.

Mr. MOFFATT was in favour of encouraging railroads; but there were two clauses in that bill to which he objected; the one which provided for a certain per centage of profit to be paid by the purchasers of that line; and the other, which prohibited the construction of any railway within three miles of this one. This would prevent any other railroad having a terminus in Montreal. He (Mr. M.) was opposed to granting exclusive privileges to any company.

Mr. M'DONALD, of Kingston, said, since the drafting of the bill the proprietors had agreed to give up the rights in this road, at first cost, to any company who would build a more extended line. He (Mr. M'D.) was prepared to modify the second clause.

Mr. AYLWIN considered that the line on which this railroad was to be built should be laid down in the bill, at least within 400 feet; and its terminus ought to be at the Longueuil ferry, where the entrance of the Lachine Canal should have been made long ago; and this could have been done without any injustice to Montreal.

Mr. M'DONALD, of Glengarry, had that day brought in a bill to establish a railroad from Montreal to Kingston, which would form a part of the great chain of roads to extend from Montreal to Port Sarnia, with which this line would interfere. It was true that they could be bought out; yet the Lachine Company would likely build their road on such an expensive scale that the company whose interests he represented would not be able to buy it with profit, as they intended to build their road on a very economical scale. He hoped the hon. member for Kingston would postpone his measure until the second reading of the bill he had that day introduced, so that both measures might go before the Railway Committee, and be considered by them, at the same time.

Mr. M'DONALD, of Kingston, said, the Kingston and Montreal Railroad Company had no capital subscribed, but was merely got up as a speculation, and was dependent for its success on English capitalists. The unsettled state of the affairs with the United States would at present prevent all speculation in Canadian schemes. It was not proper, therefore, to propose a measure which was a *bona fide* undertaking, and which would be carried into effect immediately, for the sake of a railroad which would not be built for at least five or six years. This railroad would be constructed in the most economical manner, so that the largest profit might be obtained at the smallest outlay.

The bill was read a second time, and referred to the Railway Committee.

Mr. TASCHEREAU's bill to remove doubt respecting the validity of certain deeds passed before Notaries, having been referred from a Committee of the whole House to a select committee, the Bill relating to Magdalen's Island was postponed.

Mr. McDONNELL of Dundas moved that the House go into Committee on the petition of *Wishé Tegarihontie* and others.

Moved in amendment by Mr. Chabot that the House do adjourn.

Mr. CAUCHON, seconded the motion and prescribed a nap to Mr. Gowan, as he appeared to suffer under the same malady as his hon. friend from Carleton.

Mr. GOWAN opposed the motion. He hoped the House would go faithfully and honourably (hear) through the remaining orders, as their constituents would expect. He could not see any reason why the House should adjourn as it was not midnight. He hoped therefore the House would go faithfully and honourably (hear) through all the orders on the list. The motion to adjourn was then first and last.—The same motion was put to the vote four times afterwards and it was not until the petition of *Wishé Tegarihontie* had passed through Committee that the House rose.

TUESDAY, April 21.

King's College.

Mr. PRICE moved that an address be presented to His Excellency the Governor General, praying for all copies of any correspondence respecting any charge, or charges, made against any of the officers of the College.

Mr. DRAPER would not take upon himself to say that the papers would be forthcoming.

Mr. PRICE said, that from what he had been told, the papers they desired were in the hands of the Government.

Mr. DRAPER did not intend to divide the House on the subject; but he considered, as Executive Councillor, he had nothing to do with the College. The Governor was Chancellor, as Governor, but in his authority as Chancellor he had no power as the Governor of the Province.

Mr. BALDWIN was surprised at the course taken by the Atty. Gen. in reference to this matter. As Chancellor the Governor holds his power because he is the Governor General; there is no special appointment; he is so by the charter—by the law of the land. Such being the case, such papers as are in his power, and are of public interest, ought to be published, for he holds them in his political capacity. If, however, the papers ought not to be brought down to that House, then he considered that the Ministry ought to object to the address, for he did not think it consistent with the dignity of that House that they should vote addresses for papers, and should be returned for answer, that they could not be communicated. It is (said Mr. B.) a matter of public rumour that the affairs of King's College are in a deplorable state; that the whole internal concerns of the College are in confusion—that charges of shameful mismanagement had been made against one or more of the officers—is it, he would ask, not to be considered as an affair of public importance? In the absence of some good reasons, the House ought to support the address.

Mr. AYLWIN—The distinction of the Atty. General is certainly a very fine one, but it was a distinction without a difference, a distinction which the learned Attorney General would find out could not be made to this House. It had been said that the Governor as Governor could not demand any papers to be communicated to this House, now he denied it, what he would ask, placed him in the office of Chancellor, his office of Governor, and was he not placed there to represent the people, and to be the means for procuring information respecting the affairs of the College; he would again ask what made the Attorney General, as mem-

ber of the Council, but his office of Attorney General were he not placed there as a Government officer as the representative of the people of Canada, there might be some good reason for refusing the papers, but this was not he conceived the true principle of Responsible Government. If the Ministry are not prepared to advise the papers to be sent down, then let them make a stand. (Hear, hear.) He believed that charges of the most flagrant description had been circulated concerning the University; indeed such as to call for some one to come forward and contradict them. He had been told by the public prints and otherwise, that it was a nursery of vice and immorality, he did not know whether the charges were true or not, but he should insist on a strict scrutiny being gone into on the subject. He considered that there must have been either the grossest mismanagement or the vilest calumny, if there has been mismanagement, there ought to be an investigation, and the abuse remedied; if there has been no mismanagement, then the public ought to be undeceived on the matter. He would say that it came with a very bad grace from the Attorney General to refuse the papers. Last session he introduced a bill for the remodelling of the Charter, and he had then declared that he would stand or fall by the bill, and now no mention is made of the measure. A member of the opposition refers to the subject, and he is told that there is no person responsible for the production of the papers; stuff like this may be palmed off on a country jury, but the Attorney General may depend that it cannot be done so here. He considered that an institution like King's College, founded by public money, and which had been persevered from being an institution for general learning, to a sectarian, ought not to escape the observation of the House; he trusted that the most ample information would be given.

Mr. BOULTON moved in amendment to Mr. Price's motion that the following be added,—“and also all communications between His Excellency, as Chancellor of the said College, with the answers thereto, as also any correspondence from other institutions in reference to King's College.” Which was carried.

The hon. member said that he was as anxious as any member of that House that the most complete information should be furnished, (hear, hear) and he did not doubt that it would be fully proven that King's College was grossly calumniated, and that so far from its being correct that the enormous abuses spoken of existed it would be found that the College was as well conducted as any similar Institution.

Mr. MOFFATT was unwilling to support the address unless it could be shewn that it was the only means by which the information desired could be obtained because he thought it wrong to press applications upon the head of the Government that could be otherwise disposed of.

Attorney General DRAPER explained that he had no intention to oppose the address but only wished to state distinctly a view he had long entertained and which he had expressed in that House last session before he had been yet 48 hours in his seat.

Mr. PRICE was informed that all the information he required was in the hands of the Governor General and therefore it was that he had moved the address. He was glad to hear that the hon. member for Toronto (Mr. Boulton) was also anxious for the information sought for by him (Mr. Price), and when that learned member stated that proofs would be produced of King's College being excellently managed, he relieved him (Mr. P.) from quite a load of anx-

iety, (laughter) because the general impression abroad was that matters were otherwise, and that a vast amount of corruption existed in that Institution. Last year he (Mr. Price) moved for certain information, and although it must have been known precisely what was desired, yet the very opposite was furnished. This was neither creditable, honest, or just, but was well calculated to confirm the public distrust with the management of the University. King's College possessed a Royal Charter; but it was held in trust for the people of Canada and the public were therefore deeply interested in all that concerned the Institution, and especially in its internal management; and he (Mr. P.) would add, the managers themselves were interested in giving the fullest information respecting questions which were so much spoken of and which gave rise to serious suspicions. The fullest information had been furnished to the Legislature of Upper Canada upon this interesting subject in answer to the addresses to the Head of the Government; and upon what principle the same information is now denied to the Legislature of United Canada, he (Mr. Price) was at a loss to understand. If hon. members would look into the Journals of the House of Assembly, from the period of the union for many years back, they would find year by year addresses were carried and information obtained upon the subject without resistance from the Government of the day.—He had now in his hand the Journals of 1839, in which an address to the Head of the Government upon this subject is recorded, and the Appendix to these very Journals contains a full account of the affairs of King's College: sent down to Parliament in answer to that address. His motion was, therefore, based on powerful and ample precedents. He trusted that it would be carried, and the information it asked for granted.

Mr. MOFFATT was now satisfied by the appendix referred by the hon. member who spoke last that the adoption of the Address would be a regular course and he would therefore support it.

Mr. BOULTON thought that he had been misunderstood by the hon. member opposite (Mr. Price). He Mr. Boulton did not mean to say that proof of the proper management of King's College would be positively furnished—that would imply that he spoke from authority, he merely meant that such were his (Mr. Boulton's) own opinion. All the petitions presented in reference to the College, and in which hon. members opposite were so much interested, were ill founded; tests were petitioned against altho' it was known that no test existed in the College; the appointment of a Professor of Agriculture was prayed for when the council of the College were actually engaged in the consideration of the subject. These were mere pretexts. The grand aim of the Sectarians was to destroy the influence of the Church of England in the institution, an influence that was guaranteed to her by the very Charter.

Mr. PRICE said that so far from being concerned in getting up the petitions complained of by the hon. member he had not attended a single meeting at which they were discussed, nor had he signed one of them; he purposely avoided doing so because he knew it would be his duty to present and support them in Parliament.

Mr. DICKSON introduced a bill to prevent drawing nets during a certain time of the year in Lakes in Upper Canada.

Sol. Gen. SHERWOOD—asked the hon. member to explain the nature of the bill.

Mr. DICKSONS said that the bill was predicated on a petition from certain fishermen which set forth, that persons fished for bait for salmon, and by that means the spawn was injured, and petitioned that such fishing might be prevented by law during the months of August and September.

Mr. CHAUVEAU—enquired if the ministry intended to pay the debts of the Municipal Councils of Lower Canada.

Att. Gen. SMITH—said it was not the intention of the Government to move in the matter this session.

Common Schools.

The House went again into committee on the Common School law of Upper Canada.

Mr. DRAPER said, the only clause which was not disposed of before the committee rose on the last occasion, was the 6th section of 26th clause. It had been decided that the rate bill should be a rate bill payable by the persons who sent children to the school. He had also been asked to provide for some distinction in the education of coloured children; but after maturely considering the matter, he could not be induced to introduce into a law any distinction of colour. He had prepared the clause, and if any member wished to move it, he would put it into his hands. For himself, he was not prepared to do so.

The 26th clause, as amended, was then adopted.

Mr. BOULTON moved for the re-consideration of the 31st section. His object in doing so was to have it amended, by allowing the same privilege to the Church of England as those granted to the Church of Rome. In the section referred to, the Roman Catholics have a right to have a Roman Catholic teacher; and he wished that it was a Roman Catholic that was in the school. The Church of England may have a right to have a Protestant teacher. He proposed also to confine this to cities, towns, and villages. He trusted that the members of the Church of England would insist on this being passed, or the clause erased.

West Hallow Election.

On the order of the day for the appearance at the bar, of John Ogilvie Hatt, and Samuel Freeman, Esquires, Commissioners on the West Riding of Hallow contested election, being read.

Mr. SCOTT said, the questions that are to be put to these gentlemen ought to be communicated before they be called upon to appear at our bar.

Mr. WILLIAMS—The course that he intended to pursue was marked out in the book he held in his hand, which was the course adopted in the House of Commons in similar cases. These Commissioners presented a petition this day to the House, and the Speaker would first ask them if they had any thing further to state, than what was stated in this petition, in extenuation or explanation of their conduct. Any member of the House could then put any question to them, and after this, He, as chairman of the committee, would make a motion with respect to the punishment that ought to be awarded to these Commissioners.

Mr. BALDWIN did not wish to interfere with the hon. member for Durham, but he considered that the House has a right to order the return to be made perfect; all Courts have a power to cause imperfect returns to be corrected, and by analogy, this House has that power. And he [Mr. B.] considered that this ought to be done even though the Committee had finally decided the election, for this House ought to see that its officers attended to the duty imposed upon them by

law. If the House discovers that the neglect complained of, has resulted from a misconception of the statute, and not from a wilful disregard of duty, of course, the punishment they would inflict, would not be so great.

Mr. WILLIAMS—thought the House had no controul over the matter, and could not order the return to be amended. The Commissioners had that day appeared before the Committee with their original proceedings; and being duly sworn, they stated that the oaths had been duly administered, but they had not mentioned the fact in the minute of their proceedings—they did not consider it necessary. The Committee then proceeded to business, and they did not think it necessary to have the return amended.

Mr. LANTIER—There are other informalities in the proceedings besides the want of the *jurat*. It appears that the Commissioners have adjourned on some occasions for a longer period than was allowed by law. (The hon. member was called to order for stating a fact that was not reported by the Committee.)

Mr. AYLWIN—suggested that the Commissioners should be ordered to withdraw and to appear before the House on some future day, before which the Committee might report regarding those other irregularities that had been spoken of.

Mr. SHERWOOD (Brockville)—considered that it was not right to keep the Commissioners here any longer. They had appeared before this House, and had in his opinion, sufficiently explained their conduct, and the House ought not in any way to interfere with the Committee.

The Commissioners then appeared at the bar, and the Speaker enquired of them if they had any thing further to state than what was stated in their petition presented to the House that day; they said they had nothing further to say.

Mr. BALDWIN was desirous of asking the Commissioners whether the oaths contained in the statute, under which the Commission issued, were taken by the Commissioners and Clerk before the proceedings were commenced. He wished to have this fact placed upon their journals.

Mr. DRAPER.—This fact has been elicited before the Committee, and it will appear in the record of their proceedings. The Commissioners have stated in their petition that the oaths were duly administered, and this petition forms part of the proceedings, in consequence of the question just put by the Speaker. He [Mr. D.] considered that the House could not interfere in any way with the Commission, as it was not opened before the House, but was handed by the Speaker to the Chairman, sealed.

Mr. BALDWIN would not press the question. Mr. Baldwin moved that the Chairman of the Commissioners attend the Committee in order that the return of the Commission may be amended.

Mr. DUGGAN.—This motion ought not to be adopted. The moment the commission was handed by the Speaker to the Chairman of the Committee, it was out of the power of the House to interfere. The hon. member [Mr. Baldwin] is anxious to assist the Committee, when they have not required that assistance.

The motion was negatived—Yeas, 22; Nays, 49.

Mr. WILLIAMS.—It appears by the original proceedings that the defects complained of exist in them, and the committee had only verbal evidence that the oaths were administered. He [Mr. W.] exonerated the Commissioners from any wilful neglect of their duty, but they had acted contrary to the law, and he would therefore move that the Commissioners be ad-

monished, and the order for their appearance be discharged—amendments were proposed first that they be discharged and their expenses paid; and then, that they be discharged without being admonished which were severally negatived. The main motion was carried—Yeas 46, Nays 27. The Commissioners appeared at the bar and were admonished by the Speaker and discharged.

Custom Duties.

Mr. CAYLEY having moved the House into Committee on a resolution to repeal Act 6 Vict. Chap. 31.

Attorney General DRAPER considered it his duty to offer some explanation of the position in which he stood. The question then about to be placed before the Committee was the same which had been already before it on Friday last. Since then he had the satisfaction to receive from his hon. friends who upheld him in the discharge of his duty, the warmest assurances of their further support. (Hear, hear.) He would therefore return his most sincere thanks to his hon. friends; feeling convinced, that however unfortunate he might be in differing from them at times on minor points yet on great questions they all had but one object in view, the peace, welfare and prosperity of the Province. (Cheers.)

Mr. CAYLEY said that the resolution he was now about to move, having already found the subject of debate on Friday evening, he did not intend to enter into the question at length, stating merely that his present object was to extend the commercial operations of the Province by the removal of the duty on foreign grain for the purposes of exportation, which he could not conceive would have any bad effect on the colonial market. And he would remark that during the discussion of that question on the last occasion, he had not heard any argument which could shake his position. He would rather be inclined to consider that the colonial market would be benefited by the increase of the forwarding business and the supply of the increased number of sea going vessels visiting our ports. There was one remark which an hon. member had made on a previous occasion which he considered worthy of reply. It was that the object he (Inspector General) sought for was merely to obtain a transit trade for the colony. Hon. members were well aware what a small place "Hamburgh" is with no resources, no exports of her own, and yet by engrossing the carrying trade of Europe, its trade was immense. In the same manner he wished to secure to the Province the exportation, the transit of the surplus grain of the United States by removing every obstruction, and he would here mention that he had been informed by a Mr. Hall that in consequence of the Shoals in Lake St. Peter, vessels coming up to Montreal incurred an expense of \$4 per ton, amounting to the sum of £8,000 annually. This was a heavy expense annually incurred, and which he would be happy to see removed, and every possible effort made to secure to the Province the transport of American Wheat and Flour. How was it that even with a duty on it, the produce of our neighbours still found its way here? They have a large surplus, we have a surplus also, remove then the duty of 3s. on grain imported for the purpose of exportation and carry as large a quantity of their surplus and our own as you can find sale for. He would again say that he had heard no argument which he conceived shook his position, he would not however detain the House longer having already stated his views at length on a preceding evening.

Mr. CAUCHON considered the measure hasty and totally unfit for the Colonial system; he could however have wished that the Hon. Inspector General had brought forward some calculations to support his theories. He (Mr. C.) had stated when the question was last under discussion, and his arguments had not been met that although England from her position might be able to force other nations to adopt free trade principles, it did not by any means follow that we in this colony could follow in her footsteps with advantage. Free trade was a very fine theory, but he (Mr. Cauchon) could not understand the justice of

abandoning protection on the other side of the Atlantic and maintaining at the same time all the old restrictions on this side. He (Mr. C.) thought that if free trade principles were to be carried out, our commerce should be free with all the nations of the world. We were not to be railed on to yield all the advantages of our Colonial protective system, without at least getting some equivalent. The hon. member was interrupted by repeated cries of "question." He said he was convinced by the cries of "question?" from the ministerial benches that anything he might say would not lead to conviction.

Mr. JOHNSTON called the hon. gentleman to order, he knew nothing of the question before the chair and would do better to sit down (order, order.)

Mr. CAUCHON expressed his gratification at the attention of the hon. member for Carleton, but felt perfectly convinced that he also understood but little of the matter and was incapable of discussing it.

Mr. CAYLEY would be happy to give a repetition of all the statements he had made on a previous occasion if he thought by so doing he could bring conviction to the mind of the hon. member for Montmorency, but feeling that was impossible, he had declined doing so not however because he thought his statements were incorrect, but from a fear of fatiguing the Committee needlessly. The more he reflected on the subject, the more he was convinced that his calculations were correct, and when the hon. member for Montmorency rose to chalk out the course which he (the Inspector General) should follow, he would wish to know what calculations, what figures that hon. member had made use of himself.

Mr. HALL conceived that the hon. members on the opposition benches would not perform their duty if they gave a silent vote on this question. It was the duty of those hon. members to convince the Committee that the Hon. Inspector General was wrong, and more particularly when the question was confessedly one of the most important which had ever been submitted to their discussion. If the views of the Inspector General were incorrect in endeavouring to bring the trade of the Western Countries down the St. Lawrence, or if they could not do it, then he rested satisfied, that they must resort to direct taxation upon the people to pay for those enormous works, and he for one would do any thing to avoid such a necessity. He came there as the representative, of an Agricultural county, but was decidedly in favour of the resolution, and held opinions which might take from him his seat in the House; perhaps he might convince his constituency that he was right, but if not, he cared little for his seat in the House, (Hear, hear, "bravo" from Mr. Gowan.) It is evident that in Canada we grow more wheat than is required for our own consumption, and it would make no difference if we sent 100,000 bush to England, and take the same quantity from our neighbours. No one has said that the Colony would lose by such a process no one has pretended to say so. The Colony grows more wheat than is required for its own consumption, and the object in view is to permit our merchants in going to market to take not only our own surplus but also that of our neighbours, which they will otherwise take themselves to the same market by another channel. In conclusion he would say that on this question there should be something more than mere party spirit and he hoped hon. members would not allow themselves to be influenced solely by that feeling.

Dr. NELSON had at first feared that the action of these resolutions would be injurious to the Canadian farmer, but he found that it was intended merely to take the duty off corn imported for exportation. That being the case and vast sums having been expended on the Public Works of this Province, he could see no objection to making some effort to bring down the trade of those immense Western countries and thus avoid direct taxation on the people, which would necessarily be the case if by any unwise act of the Legislature the Canadian ports were closed to foreign grain, and thus compel the Americans to take their produce to Eng-

land themselves. An hon. member on the other side of the House had said on a previous night that it would be as well to wait for news from England before passing these resolutions and although he was in favour of them he must admit that he was of the same opinion. With respect to another matter which had struck him very forcibly, as to the introduction of Yankee schoolmasters they could not be permitted to come among us as it would end in the utter demoralization of our youth, filling their heads with republican notions. And then there was a project started for the purpose of making a railroad which an hon. member not then in his place had declared to be a work of the utmost advantage to a locality somewhere in the West. But no, no that would never do. Those Yankees would be coming in filling our towns and making democrats of us all. So the only alternative was a circumlocution after Tony Lumpkin's fashion. We could not have this railroad which would have been of the greatest service, we could not have the schoolmasters, but we are now going to have their commerce; he was delighted to hear it and hoped it would be so but the hon. Inspector General had not stated whether it was to come down in American or Canadian bottoms. He might depend on it wherever the Yankee's goods were, he was not far off himself. After touching upon some other points the hon. member said he did not see that it would injure the country in the slightest degree to give the American Wheat a transit if it did not come into competition with the Canadian farmer and he was therefore prepared to support the resolution.

Mr. CAYLEY would inform the hon. member who had just taken his seat why he intended to make the operation of his measure immediate instead of gradual. The rates of freight in Canada are much higher than at New York. The operation of this measure will be such as to reduce freight by increasing the trade—(hear)—and he felt convinced that by an increase of the trade, the consequent reduction of freight, and the reduction of the tolls on the canals, the Americans will no more be able to compete with us in price than they at present can in speed. Goods at present can come from Kingston in twenty three hours, whereas, with 360 miles of slack water navigation on the Erie Canal, they must necessarily be much slower than by the St. Lawrence route.

Mr. COLVILLE—said he was astonished that the hon. members who opposed the resolution of the hon. Inspector General, and who stood up as the farmer's friend, had not observed that this duty of three shillings per quarter which it was now proposed should be repealed was not imposed as a protection to the farmer, but at the recommendation of the Home Government as a mere gilding of the pill which the English Agriculturalists were obliged to swallow. (Hear.) And he looked upon it as a great boon that they were now allowed to take it off, thus enabling them successfully to compete with the Americans in the English market if Sir Robert Peel's scheme succeeded, but even admitting it did not, they would not act very wisely in keeping foreign grain out of our canals after expending vast sums of money in their construction.

Mr. AYLWIN—hoped the House had not forgotten the Inspector General's calling upon it for a pledge to the Mother country, and when on the spur of the moment an address was passed in order to save the mail as the hon. Inspector General stated.

Mr. CAYLEY—rose to order. (Cries of order from both sides of the House.) He asserted that the hon. member brought in a charge against him which had no foundation but in his own brain. He had denied it at the time when the hon. member had put the expressions in his mouth. He asked for no pledge, but he had asked the House to pass an address and did not attempt to make them give any pledge.

Mr. AYLWIN said, whatever might have been the terms of the address, he would leave it to every member of that Committee if the universal feeling was not that they had gone too far. (Cries of "No, no, yes, yes.") How

was it then that it was so, stated even in the papers? He repeated that they had gone too far in passing that address, and the hon. Inspector General was about to induce the House to commend itself again. He would wish to ask that hon. gentleman how was it that those printed resolutions were only distributed after hon. members had taken their seats, although the committee had sat on Friday last on the same question. He would ask that hon. member whether he considered it fair or honest, was it what they had a right to expect when they were told that a great and fundamental change was about to be brought round, to put the printed resolutions in their hands for the first time after they had taken their seats this evening. He knew well what sort of a reply he would get, that the hon. gentleman had made a speech from which a great deal might be gathered, but he would tell that hon. member that it was due to the agricultural interests of the country to give hon. members an opportunity of communicating with their constituents, and to obtain their opinions on a question of so much importance. But now it was pressed on, no time was to be allowed for reflection on a measure of which England was to reap all the advantages. And he would ask what necessity was there for such haste, was England equally hasty with regard to us? Was the hon. Inspector General able to inform the House as to what has been resolved on respecting the Corn Laws? Was he able to say in what shape the Government has remodelled those laws?

Mr. CAYLEY.—It appeared to him that the hon. member for Quebec was very anxious to become a prophet, but he did think that the prophecies he had just made would be fulfilled. The hon. member had attacked him for not having made the resolutions known sooner. He would only remind him that he (Mr. C.) had been interrupted when he made his first financial statement at almost every sentence, and obliged to repeat calculation after calculation, and to repeat calculation after calculation, of which the hon. member had taken notes, and that the newspapers had been full of reports of his (Mr. C.'s) statement, and now the hon. member attacked him for having kept him in the dark with respect to the resolutions now before the House until the last moment. He (Mr. C.) may have been mistaken about the usual practice of the House in that respect, and not have got them printed so soon as he should have done; but although the hon. member may not have known the precise words of the resolutions, he must have at least known the substance of them, or his taking notes had been all a farce. The hon. member had called upon him to guarantee the calculations made use of at the Free Trade meeting held in Montreal, and by the member for North Lincoln, and the statement of the late member for Huron, but he hoped that he would not ask him to guarantee his calculations. With regard to what had been said about Lower Canada not being able to supply enough of cattle for its own use, he would only say that in 1844 it had exported cattle to the value of \$6000, and that they were not doing justice to Lower Canada to say that it would not compete with its neighbours.

Mr. ERMATINGER said that on a former occasion when he spoke on the subject, what had been said by him had been perverted in the newspapers, where it was said that he did not know that Kingston was on Lake Ontario, there was no one more in favour of the liberty of the press than he was, but he considered that hon. members speeches when reported, should not be willfully misrepresented. He would state that in voting for the first resolution he would not stand pledged to support the whole of them. He stated that he had the honor of being at Tetu's Hotel, and he conceived it was an honor, the independent members have a right to meet wherever they please, and he was one of them, he stood in the House as an independent member. He said that he did not expect to be long in the House on account of the vote he was going to give to-night not that he was at all afraid of the proceedings of the Committee on his election. He for one was not prepared to embark in the

ocean of free trade, because he did not see the end of it and he would take the resolutions just for what they express and from reading the resolutions he conceived that their sole intention was to take away the carrying trade of the Great West, and bring it down the St. Lawrence, and by that means raise the amount of tolls received, although he thought as he had said before that it would incline against the interest of his constituent, yet as the experiment was worth trying he would support the motion. He had his doubts of the working of free trade and agreed with the member for Quebec, that we were going ahead of Great Britain, Sir Robert Peel's policy has not yet been confirmed, and until that is done, he thought it better not to proceed.

Mr. WILLIAMS said it would not be denied that on the success of Agriculture, depended the prosperity of the Province, and it would, therefore, be admitted that any attempt to disturb the agricultural regulations should be made with great prudence and caution. He was inclined to believe that the action taken by the Ministry was premature and dangerous; his reason for so thinking was that the great measure before the Imperial Parliament was still undischarged of; it had not passed a second reading, it might be arrested by the Peers, and a dissolution might ensue. He [Mr. W.] wished to wait the decision of the Imperial Parliament, and also to wait the action of the United States in reference to the introduction of Colonial produce into that country. Under the existing law Upper Canada had arrived at great prosperity; but the changes now proposed by Great Britain did not afford the most pleasing anticipations. At present our products are admitted into the British ports in consequence of the Province imposing a duty of 3s. on American wheat, and should the measure before the British Parliament not pass, this country would be worse than ever, because then our productions would not be admitted at the present low rate. Such were his [Mr. W's] impressions, but if he were wrong, he would be glad to be corrected. With regard to Free Trade, he thought that if the great measure of Sir Robert Peel became law, nothing would be left to the Canadian farmer worth retaining at the expense of being excluded from the United States market; and if the United States restrictions were kept up, would not the Canadian farmers be discontented with our Legislation? He [Mr. W.] feared they would. He [Mr. W.] had no objection to free trade carried out in all its bearings, and upon the principle of perfect reciprocity between all nations. He [Mr. W.] would observe in reference to the assertion that the duty of 3s. was imposed for the benefit of Great Britain, that he denied that assertion *in toto*, he had been the bearer to the Government of England, of strong remonstrances from the people of Canada; he had made a special mission for that purpose, and upon his return to this country, he warned those in power that a despatch would arrive, recommending a duty on American wheat. He [Mr. W.] felt bound after the most serious and deliberate consideration to vote against the resolutions; nothing would give him greater pleasure than to act in the present, as in the generality of instances with the Ministry, did not his conscience forbid it. Before he [Mr. W.] sat down, he wished to correct a misapprehension of an assertion of his on Friday last, which he saw in one of the city papers. It was reported that he had said he would vote for the resolution. He [Mr. W.] had not pledged himself to any particular course, but merely said that if he could be convinced that the measure before the House would not injure the farmer he would vote for it.

Mr. ROBINSON—called the attention of the hon. member for Durham to the despatch of the Secretary of the colonies of 3rd March, 1846, (the hon. member then read some extracts from the despatch which shewed that the British Government were perfectly willing to abolish the duties imposed upon agricultural produce imported from the colonies) and stated that he thought the proposed measure would be productive of great advantage to the country, and that he thought if the measure would hurt the farmers he would be against it, but he thought it would do them good.

Mr. MCCONNELL—would have given a silent vote had it not been for a remark of the hon. Inspector General's with regard to cattle in Lower Canada. The hon. gentleman did not seem to understand why the present export of cattle from Lower Canada should be deficient when it was known that some time ago \$60,000 worth was exported in one year. He (the Inspector General) might not be aware that *then* there was no duty on cattle imported into the United States, whereas *now* there is a duty of twenty per cent. In reference to free trade he (Mr. McConnell) thought that like universal suffrage, it was more pleasant to speak of than to practise. England, because of her strength might be able to carry it out, but the colonies not possessing such strength would find it more difficult. The hon. member complained that what he said in the former debate relative to the public debt was mis-reported, his remark was, that if England destroyed the means whereby our debt was to be paid she ought to pay it herself.

Mr. DRUMMOND felt that this was an important crisis, and that on the manner in which they determined respecting this resolution, a great deal of the future prosperity of the Province depended; and he would have wished for a little more time to consider the question than the Hon. Inspector General had given them. He was not present when the first discussion had arisen, and conceived that the resolution was intended to take the duty off all corn; but on looking over the printed resolution he found that it was intended merely to take it off grain for exportation, in which he concurred most heartily, as it was calculated to benefit the colony by the increase of trade; and he could not conceive what injury it would do the agricultural portion of the community; in fact they had an indirect interest in its success, in order to escape direct taxation for the public works, on which debts have been constantly accumulating. Concurring, as he did, therefore in the resolutions from principle, it was with some reluctance he felt compelled to vote for its delay till the arrival of news from England.

Mr. GOWAN—That is for party.

Mr. DRUMMOND—No it was not for party. He (Mr. D.) would not then, nor at any other time, give a vote of which his conscience and judgment did not approve; and he thought it not a little unfair for parties to make such an interruption who were rather more notorious for giving party votes than he was. He thought there was some weight in an objection made by an hon. member on the other side of the House, that if the projects of Sir Robert Peel were not passed through the British Parliament we will be premature with these resolutions. He would wish to see our trade free from all Imperial restraint, not only with the power of protecting our agriculturalists, but also of regulating our trade; and he was clearly of opinion that we were in a position to demand this boon from the mother country; whereas, if these resolutions were passed now, it would be said, the Canadians are satisfied, and wish nothing further at our hands, thus exonerating them from doing any thing further for the country. It was on this ground that he asked for a delay of the question for a fortnight, in order to receive the next packet, when, whatever might be the influence of hon. members on one side of the House or the other side of the House, he stood pledged to support it. There was also another ground which he would urge for a delay. The resolutions having only been put into his hands this morning, he could not, in a shorter space of time, communicate their nature to his constituents, who formed an agricultural to

body, and would perhaps differ from him in opinion as to what course he should pursue; in which case he would wish to tender his resignation of his seat.

Sol. General SHERWOOD was sorry to see the course his hon. friend had taken, and would ask him, even supposing Sir Robert Peel's scheme should not go into effect, would it not be desirable to bring the Western trade down the Saint Lawrence?

Mr. DRUMMOND was in favour of the principle contained in the resolutions, and would vote for them after hearing what determination the British parliament had come to. All that he feared was, that the Home Government would say we had provided for ourselves.

Mr. AYLWIN's amendment was then put to the vote. Yeas, 27; nays, 45. The first resolution was then carried. Yeas, 44; nays, 31. The second, third, fourth, and fifth resolutions were then passed. On the sixth resolution being put to repeal the present duty of 9s 4d on all unrefined sugars, and impose a duty of 7s 6d per cwt., Mr. Aylwin asked Mr. Moffatt whether he was prepared to vote for this resolution. He moved an amendment, that the duty on sugar be reduced to 2s 6d sterling.

Mr. MOFFATT being called on to say whether he was in favour of this resolution reducing the duty on Sugars said he would be glad to see it reduced to 7s. but if the Government were not prepared to part with any more revenue, he should rest satisfied with the reduction proposed.

Mr. SMITH recommended Mr. Aylwin to amend his motion making it 5s. instead of 2s. 6d. The motion so amended was then put to the vote.—Yeas 16, Nays 36.

Mr. CHAUVEAU then moved in amendment that the duty on unrefined Sugars be reduced to 6s.

Attorney General DRAPER would ask the hon. gentleman whether he had any thing to say in favour of his amendment, or whether he had moved it merely for the pleasure of amending a Government proposition.

Mr. AYLWIN would give an answer, when he was informed what Free Trade was.

Attorney General DRAPER would be happy to know what Free Trade had to do with the question.

The amendment being lost, the original motion was carried and the remaining resolutions having been postponed, the Committee rose and reported to the House.

TUESDAY, April 21.

ROUTINE BUSINESS.

Mr. Christie moved that Mr. Cardinal do act as deputy to the Sergeant-at-Arms during his absence in the business of the House.

Which was negatived on division.

25 petitions were brought up.

The Bill to extend the benefit of a certain Act to the "Christians" and "Bible Christians" was read the third time and passed.

A so, the Bill to revive and extend the Bronte Harbour Act.

The petition of the inhabitants of Lotbiniere was referred.

Messrs. Seymour, Lacombe, McConnell, and Williams, were reported absent from the Committee on the Middlesex Election, and were ordered to attend in their places to-morrow.

Mr. Price moved an A dress for copy of any charges made by the Chancellor of King's College, since the opening of the University, against any members of the College Council, with their answers, and all documents connected therewith.

Mr. Poulton moved in amendment, that the following be added:—"and also all communications between His Excellency, as Chancellor of the said College, with the answers thereto; as also any correspondence from other institutions, in reference to King's College." Which was carried.

The motion, as amended, was then carried.

Mr. Jackson brought in a Bill to prevent drawing nets in the Lakes of Upper Canada in certain seasons. 2nd reading on Monday.

On Motion of Mr. McFatt, the petition of Jas. Ferrier, Esq., of Montreal, and others, was ordered to be printed.

Messrs. Hatt and Freeman, two of the Commissioners for taking evidence on the Halton election, appeared at the Bar, according to order.

Being asked if they had anything to say in extenuation of their conduct, relative to the return to the Commission, they severally replied that they had nothing to state beyond what appeared in their petitions presented this day.

The Commissioners having retired, Mr. Baldwin moved that the Chairman of the Halton Election Committee be directed to attend in his place, with the Commission and the return thereto, which was negatived.—Yeas, 22; Nays, 49.

Mr. Williams moved that Messrs. Hatt and Freeman be admonished and discharged.

Mr. G. Sherwood moved, in amendment, that they be discharged, and their expenses refunded, which was negatived.—Yeas, 18; Nays, 53.

Mr. Boulton moved that Mr. Williams' motion be amended, by striking out "be admonished and"—which was negatived.—Yeas 32, nays 42.

The main motion was then carried on division:—Yeas.—Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Bouillier, Cauhon, Caley, Chabot, Chalmers, Chauveau, Christie, Colville, DeBleury, Desauter, DeWitt, Draper Duggan, Franchere, Gowan, Hale, Jobin, Lacoste, LaFontaine, Lantier, LaTerriere, Laurin, LeBoutillier, LeMoine, Leslie, Macdonell, (Dundas), Methot, Murney, Nelson, Papineau, Powell, Petrie, Price, Rousseau, Scott Sherwood (Toronto), Smith (Missisquoi), Tache, Taschereau, Viger, Williams.—46.

Nays.—Boulton, Brooks, Cummings, Dickson, Ermatinger, Foster, Hall, Macdonald, (Cornwall), Macdonald (Glengary), McConnell, Merritt, Meyers Proffatt, Orron, Riddell, Robinson, Roblin, Seymour, Sherwood (Brookville), Smith (Frontenac), Smith (Wentworth), Stewart (Bytown), Stewart (Prescott), Thompson, Webster, Woods.—26.

The Commissioners were accordingly called to the Bar, when they were admonished by the Speaker, and discharged.

The House went again into Committee, on the expediency of amending the Acts of 6 Vict. cap. 31, and 8 Vict. cap. 3, relating to Customs duties, and several Resolutions were agreed to. To be reported to-morrow. Committee to sit again on Friday.

The House went again into Committee on the Bill relating to Schools in Upper Canada, and the Bill was amended.

Adjourned

LEGISLATIVE COUNCIL.

WEDNESDAY, April 22.

Several petitions were presented

A message was received from the Legislative Assembly, stating that they had passed a bill to extend an act of Upper Canada, therein mentioned, to certain persons calling themselves Bible Christians, also to certain persons known as Christians; and a bill, entitled, an act to revive an act of Upper Canada, incorporating certain persons as the President and Directors of the Bronté Harbour; also that they had concurred in an address to His Excellency on the subject of the Magdeleine Islands.

The Select Committee, to whom was referred the bill for the conveyance of real property in Upper Canada, reported the bill without amendment. The report was concurred in, and the bill was ordered to be read a third time to-morrow.

The bill for the extending of the act of Upper Canada, to give the same privileges as other Christians to the Bible Christians, &c. The bill was read a first time, and ordered to be read a second time to-morrow.

The bill to revive the act incorporating the President and Directors of the Bronté Harbour.

The bill was read a first time, and ordered to be read a second time to-morrow.

The Address on the subject of the Magdeleine Islands was ordered to be presented to His Excellency by the members of the House who are Executive Councillors, in conjunction with the Legislative Assembly.

The Hon. Receiver General stated that his Lordship would be prepared to receive the address to-morrow, at one, p. m.

Hon. W. MORRIS reported that he had conveyed the thanks of that House to His Excellency the Governor General, thanking him for the despatches laid on the table yesterday.

Hon. J. BRUNEAU moved that an humble address be presented to His Excellency, praying him to issue his warrant for £3000, in favour of the acting clerk of the Council, to be hereafter accounted for by the House.

The first order of the day was the third reading of the bill to incorporate the Sisters of Charity of the Parish of St. Hyacinthe. The bill was then read a third time, and passed.

The next order of the day was the Kingston University Transfer Bill.

Hon. Mr. HAMILTON said, that it was an act to vest in Queen's College the land owned by the Kingston University of Upper Canada. In 1810 the Kingston University was incorporated, and acquired certain lands: they had afterwards applied for an Imperial Charter, but it was refused. The same persons afterwards received a charter constituting the present Queen's College; but owing to the lands being vested in them, as trustees of Kingston University, they had been unable to sell. It was to remedy this that the present bill had been introduced.

Hon. J. MORRIS asked if it were intended by that bill to force the subscribers to pay?

Hon. Mr. HAMILTON begged to state that it was not with any view of that sort the bill had been introduced.

Hon. Mr. M'GILL said, that in his opinion every person ought to be compelled to pay his subscription; for himself, he had paid a very large sum, and he felt it very hard that he had paid, and the others could not be forced to pay, and he knew that some had refused to pay since the disruption in the Kirk of Scotland.

Hon. Mr. HAMILTON said, that as it could not be considered as a contract, he did not think it right to force those who were unwilling to pay.

Hon. JAS. MORRIS, the reason he had entered the subject was, that the select committee might take it into consideration. He had subscribed a very large sum, and had paid he believed one half, and he was determined not to pay it unless forced so to do; he was not assumed to own, this, he could defend his right to do so before the whole world.

Hon. Mr. IRVING thought that the subscribers could be forced to pay; he would state a case in point. A subscription had been entered into, up in the part of the country where he came from, and had been unanimously signed, the list was laid aside for several years, and the gentleman who had raised the subscription left that part of the country, at last he put the list into the hands of a professional gentleman; one gentleman at first refused to pay, but after having taken evidence on the subject, he had been informed that he could be forced to pay it. He (Mr. I.) knew that persons often put their names down, to make it appear that they are generous, and never intended to pay any of it. In his opinion, these persons ought to be forced to pay what they had subscribed for.

Hon. Mr. CROOKS believed it to be impos-

sible that the subscription could be collected; he had, however, offered to pay his subscription, but no person would receive it.

Hon. Mr. M'GILL, had paid £500.

Hon. Mr. MORRIS, it would be better to leave this discussion to the select committee.

The bill was then referred to a select committee, consisting of the Honbles. Messrs. Crooks, Irving, and Hamilton.

The House then adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 22.

Mr. CAYLEY moved that the House do receive the report of the Committee on the resolutions to repeal the Act 6 Vic. Chap. 31, carried.

On the motion being made to concur in the first resolution,

Mr. WILLIAMS said that on the first occasion this question had come before the Committee, he had stated his objections to the repeal of the duties at the present moment under an impression, which although perhaps erroneous, he was allowed by the members of the administration still to retain for want of correction. He considered it unsafe, uncertain and unwise legislation to speculate on contingencies. His impression was, that by repealing this act, they might be thrown back on the old duty of three shillings per quarter on Wheat imported into England, if the new scheme it did not receive the assent of the Imperial Parliament, and therefore it was dangerous to legislate until certain information had been received from the Mother Country.

He repeated that was his impression; it might not be correct, and he would in that case desire to be put right by some hon. member of the administration. The hon. member then proposed to shew the position in which the country would stand if he were correct. Under the existing law, Wheat exported from Canada is allowed to be imported into Great Britain at the mere nominal duty of one shilling per quarter, on condition, and he called the attention of hon. members to this; on condition, that the Provincial Parliament of Canada impose a duty of three shillings per quarter on foreign Wheat imported into the Province. The imperial statute then goes on to state that whereas the Provincial Parliament has imposed this duty of three shillings per quarter, Wheat imported into Britain from Canada shall be admitted at the low rate he had already mentioned. But repeal this duty of three shillings per quarter, which was looked upon as a great boon in Upper Canada (hear) at the time the act was passed, and what will be the consequences? There may be a dissolution of the Imperial Parliament to-morrow; no person could say positively what had occurred in Britain, and if that should happen we would be thrown back on the old duty of three shillings per quarter on Canadian Wheat imported into Britain, until a new Parliament should meet and pass an act affirming these resolutions. If he were wrong in the view he took of the question, he desired to be corrected by the Hon. Attorney General, West, who would gain an accession of strength in the House by doing so.

Mr. DRAPER said that the hon. gentleman might rest assured that on a question of this importance, the administration had paid the most anxious attention to all the consequences likely to result from its passage. And when the principle contained in these resolutions was assented to and the bill introduced, he would find that it was provided by a clause in the bill, that the present rates of duty be continued till the new act receive the assent of the Imperial Parliament. (Hear.) The Government had

omitted no part of its duty but had fully provided against any such contingencies as the hon. member feared. With respect to what his hon. friend said as to the probable dissolution of the Imperial Parliament, he must confess he would be much surprised if, such an event took place; but even if it did, no injury could result as the clause he mentioned would save the bill.

Mr. MERRITT made some remarks which were inaudible.

The House then divided on the first resolution.—Yeas 42, Nays 38.

The second and third resolutions being carried the House divided on the fourth, imposing a duty of three shillings per quarter on maize imported into the Province except for the purposes of exportation.—Yeas 43, Nays 23.

A question arose here as to whether Mr. Williams was in the House at the time the question was put by the Speaker.

Mr. PRICE insisted that he was, and the question being put to the hon. member he declared he was not, the Speaker accordingly ruled that he was not required to give his vote.

Mr. CAYLEY—having moved that the fifth resolution lowering the duty on unrefined sugars be adopted,

Mr. Aylwin moved in amendment that it be referred back to a Committee of the whole House for the following reason,—Sugar was one of the necessaries of life, and in order to put it within the reach of the poor he would wish to have the duty reduced, and the duties on luxuries increased, but the reverse seemed to be the view taken of it by the Government who seemed inclined to lower the duties on luxuries, and increase them on those articles which were absolutely the necessaries of life. He was well aware that there were hon. members on the other side of the House who would say that the scale of duties proposed by Government should be carried; but he would beg them to remark that this particular portion of the scheme would have the effect of putting into the pockets of the sugar refiners—the hon. member for Montreal would understand him, (Mr. Moffatt—yes,)—the exact sum of five shillings, there being no necessity for giving them any thing of the sort. It appeared by the same resolution that there was to be the same duty levied on Muscovado, a raw sugar, and Clayed, Bastard, and other kinds which are partially refined. Hon. members must be aware that all the sugars imported into this Province were not the produce of free labour; on the contrary, a great part of it came into the Province from Cuba by way of Halifax, or else as Clayed and Bastard sugars came by way of Great Britain where they received a degree of refinement which, nevertheless allowed them to pass at the same duty as raw sugars. On this subject he had great pleasure in concurring with the Board of Trade, although he did not feel very sure that it represented the trade of Quebec, but let that be as it may, he concurred with it on this subject and found the scheme of the hon. Inspector General faulty, he therefore moved that this resolution be referred back to a Committee of the whole House.—Yeas 29, Nays 41.

The resolution was then carried, as also the two following.

Mr. Cayley introduced a bill embracing the resolutions passed by the House, which was read a first time.

After the transaction of some other business which will be found in the routine,

Mr. Merritt moved the second reading of a bill to incorporate a Company for the purpose of constructing a Bridge at Niagara Falls, which it was intended should rival them in grandeur. It would cost £60,000 and he had no

doubt of the success of the undertaking. The span would be 750 feet, not so great as that of a bridge at Freysburg in Switzerland, of which the span was 900 feet.

Mr. BOUTON was opposed to the measure. He had been informed by military men that it was a work which ought never to be completed.

Mr. MERRITT begged the hon. member to reserve the discussion until the House went into Committee on it,—read a second time.

Mr. Laterriere moved the adjournment. After some conversation Att. Gen. Smith consented to the adjournment on condition that his bills respecting the Trinity Boards of Montreal and Quebec, should stand first on the order for tomorrow.

Common School Bill, U. C.

Mr. DRAPER moved that the House do concur in the first blank being filled up with £500.

Mr. ROBLIN—This is not the time to increase salaries, but they ought rather to be reduced, because there is now a plan before the British Parliament, which will reduce the income of every farmer from 15 to 20 per cent. A new officer is created by this bill—it is true there was an assistant superintendent before, to whom £500 is to be given; £175 is also allowed for a clerk and contingencies; there are also to be District Superintendants, who will on an average receive £50 a-year. And thus the machinery of the school system will cost about £2000 every year. Men of superior education and ability can be found in the country who would be willing to fill this situation for £300, especially as the officer is not required to reside in Toronto. The present Superintendent (Mr. Ryerson) belongs to the same denomination as he (Mr. R.) did; and he is the only individual of the numerous body who held any situation of profit, as he [Mr. R.] was the only one in the Legislature. He [Mr. R.] hoped that Dr. Ryerson would be maintained in his situation, as he was well qualified to fill it; though he [Mr. R.] would have preferred to have an individual of no politics at all, in this important office, as he is obliged to meet and transact business with persons of all parties, and ought therefore to have their respect and confidence. The present incumbent took the office for £375, and if he should now be unwilling to retain his situation at that remuneration, there are plenty of other competent persons who would be willing to take his place. On a former occasion, when he made a similar motion to the one, he was now about to make, he was met by the objection, that the Superintendent for Lower Canada had £550 a-year, and it would be unfair to make a difference between the officers, in the two sections of the Province; since that time a new school bill has been introduced for Lower Canada, and this objection can now be removed by reducing the salary of the Lower Canada Superintendent. He [Mr. R.] was not prepared to give £1000 to the Superintendants of education in this Province. He moved that £375 be inserted instead of £500. This motion was negatived, yeas 26, nays 27. Mr. Roblin said he was not in habit of making a factious opposition to any measure, but he would now move that £400 be inserted instead of £500.

Mr. ERMATINGER—The hon. member for Prince Edward is adopting a cheap way of purchasing popularity. He [Mr. E.] was well known not to be in favour of the present officer, but as he was obliged to associate with gentlemen, he [Mr. E.] thought he ought to have a respectable salary.

This motion was also negatived—yeas 26, nays 32.

The main motion was carried, and the remaining amendments were concurred in without opposition, and the bill was ordered to be engrossed.

Jury Trials.

The House went into committee to consider the resolutions in favour of extending trial by jury in certain cases. Mr. Merritt in the chair.

Mr. McDONALD, of Dundas, had explained the resolutions on a former occasion. The object he had in view was to take away from the magistracy the power they now had of trying breaches of the revenue laws, and to give the subject the right to be tried by a jury of his countrymen. He (Mr. M'D.) considered that when the liberty or property of any individual was affected he ought to be able to demand a trial by jury. The present laws he considered to be unconstitutional and oppressive. The law is now abused; for inspectors have brought individuals 80 or 90 miles from their homes to answer for breaches of revenue laws. He (Mr. M'D.) wished to remedy this by obliging the inspector to prosecute individuals in the township in which they reside. He (Mr. M'D.) held that officials ought to be made to do their duty, for they are well paid. If the committee were not prepared to go as far as he proposed, he recommended that right of appeal should be granted from all decisions of magistrates to the Quarter Sessions. There was another subject which he was desirous of bringing before the committee, viz., that of licensing American Inkeeper. At present magistrates often refuse these licenses, and they are obliged to take out licenses in other persons names. He (Mr. M'D.) thought they had opposed him at the last election, was desirous of encouraging them, for they kept the best houses.

Mr. McDONALD, of Cornwall, was not prepared to go the length that his friend, the member for Dundas, proposed. The magistrates do, generally, perform their duty. It is well, however, to put a check upon them, by giving the parties a right of appeal. This will make them more careful, knowing that their decisions will be reviewed in another court. He (Mr. M'D.) was afraid his friend, the member for Dundas, would never get the votes of the Yankee innkeepers, as he was too loyal a man for them. He would say, never give a Yankee innkeeper a license, for they create around them a nest of republicans; they circulate the life of Washington, and such works, and the *Pilot*, which he never wished to see in the hands of any one. (Oh! oh!)

Mr. HALE would defend the Americans from the remarks of the hon. member for Cornwall. Perhaps that hon. gentleman does not know that seven of the supporters of the present Administration are returned from places which are inhabited almost exclusively by Americans. While many of our own countrymen turned traitors to the cause, the Americans of the Eastern Townships all required their representatives to support the constitutional views of that great and good man who has been obliged to leave us, but who has left a monument in our hearts. During the time which it is fashionable to designate as the troubles, there was not a man of them who had not a musket. They are the descendants of New Englanders, and perhaps they may be different from the Americans in Upper Canada, as he believed they came generally from the south. (Laughter from the opposition.)

Mr. ROBLIN said, the hon. member for Dundas ought not to blow hot and cold at the same time. He had voted against Yankee school-

masters, and now he voted to introduce Yankee innkeepers. He (Mr. R.) would ask, where is the most politics talked, in a groggery or a school house?

Mr. MORRO regretted exceedingly the remarks of the hon. member for Cornwall, and would put an end to the discussion by moving that the committee do now rise.

At the recommendation of Mr. DRAPER, the resolution was amended to read thus: "Resolved, that in all cases of summary jurisdiction, there will be a right of appeal, under certain restrictions." This resolution was carried.

On the order of the day for the second reading of the bill to incorporate Kingston, being called.

Mr. McDONALD, of Kingston, moved, that the Bill be now read a second time, stating that the contents of the Bill were similar to the one he had introduced last session, and that when the House went into Committee on it, the clauses would be discussed in detail.

Mr. SMITH, of Frontenac, said he was opposed to some parts of the Bill, he would however allow it to be read a second time, but when the House went into Committee upon it, he would oppose all that part of it, which would put any part of the debt of the Town upon his constituents, and he was also opposed to increasing the limits of the Town; he held a petition in his hand against it, signed by 750 respectable inhabitants, and he trusted the House would not sanction the Bill they had petitioned against.

Mr. SEYMOUR, made some remarks about the difficulty the District Council has, to collect taxes from the Town, and stated that there was now a balance of £2,300, due from the Town to the District Council.

Mr. McDONALD, of Kingston, said that there was a part of Kingston, containing between 3 and 4000 which was free from all taxes, and they of course petitioned this House to be kept free from all taxation; and that nearly one third of all the taxes levied by the District Council, were levied in Kingston, which paid £1,200 a year to the District Council, and that Toronto, a city twice as large as Kingston, only pays £600, a year to the District Council.

The Bill was then read a second time.

Mr. Scott moved an address to the Governor General, for report of Commissioners on Rebellion losses in Lower Canada.

Att. Gen. SMITH—said that the report referred to had been received and would be laid before the House as soon as it was copied; he would therefore, suggest that there was no necessity for the address.

Motion withdrawn.

Mr. Laurin moved an address to the Governor General for documents respecting appointments in the Militia.

Att. Gen. SMITH—without wishing in the least degree to conceal any charge against any public officer, should say that he thought it scarcely correct to propose an enquiry which would embrace all the charges that may have been made against the officer complained of. Should the hon. member prefer some one specific charge, some fact, he would find the Government ready to act in the matter as far as the public service might require.

Mr. DRUMMOND—agreed with the hon. Attorney General Eas, that it would be more regular if the hon. member for Lotbiniere would limit the purport of the address, especially as it would be a difficult task indeed, for any Government to investigate the myriad charges with their many tortuous incidents which are probably pending against the notorious officer referred to.

Mr. CHRISTIE—was opposed to the motion because of its vagueness, and added that he believed that Col. Gogy was not responsible for many of the errors imputed to his department. He (Mr. Christie) knew himself of one case of grievance which, upon becoming known to that officer would have been immediately redressed by him, had not the party complaining refused to accept redress. He (Mr. Christie) believed that Col. Gogy had no other wish on earth than to do his duty like an honest man.

Mr. AYLWIN—had no desire to pronounce upon the grievances alleged against the Adjutant General's Department; he believed they were many, and although the party accused and himself were not on the best terms, he was nevertheless, anxious for a calm and impartial investigation. He (Mr. Aylwin) did not however, hold the Adjutant General so much responsible for the abuses complained of as he did the hon. member for Three Rivers, and the other members of the Administration; he held it to be a good doctrine that the Government were responsible for militia appointments.

Mr. VIGER was surprised that any gentleman acquainted with Parliamentary practice would introduce a motion so informal. The government could not proceed except upon a precise case.

Mr. BERTHELOT spoke with much warmth against the ministry for their neglect to expose and act upon the multitude of charges against the Adjutant General; he pointedly alluded to the members of the Administration belonging to Lower Canada, and indignantly denounced their abandonment of the honor and interest of their race in conniving at the gross injustice perpetrated by the officer referred to.

Sol. Gen. SHERWOOD did not rise to speak of the motion much, although he was opposed to it, as to deny the doctrine advanced by the hon. member for Quebec, that the Government were responsible for the Militia appointments. It was not so in England, and ought not to be allowed in Canada. The moment the militia are placed under any faction, he did not care whether it was Conservative or Radical, there was an end to its efficiency. The militia patronage ought, in his judgment, be under the exclusive control of the head of the Government. The people of Upper Canada believed that the late Ministry, under the cloak of demanding to be consulted, sought to obtain the control of the militia appointments, the better to carry out the views of their leader, the hon. member for the Fourth Riding, to govern by a party, through a party, and for a party.

Mr. BALDWIN, emphatically, I never uttered anything of the sort.

Mr. Sol. Gen. SHERWOOD—Well, it was the impression that the hon. member had said so in substance.

Mr. LAURIN replied, contending that from all that had been made public on the subject, the House would be justified in seeking the best evidence.

Mr. BALDWIN would repeat what he had said upon the occasion of discussing the answer to the speech from the throne, namely, that the distribution of militia patronage should be made without any reference whatever to party, in order that the whole body of the community might feel alike on the great question of defending the country, and that the men who were to serve under the officers appointed should be entirely free from feeling or suspecting that they were organized or controlled for any purpose of party politics; and (said the hon member) if this is not the case, if a contrary feeling is allowed to obtain amongst the militia, the consequences upon the day of trial may be fatal in the extreme;

he therefore wholly deprecated the interference of party views in the regulation of the militia; but while he said that he was not disposed to admit that the Government were not responsible for Militia appointments. What! Was an Adjutant General to pursue a course which, if it did not actually throw the country into rebellion, tended to destroy the efficiency of the Militia, and where the Ministers of the Crown then to come to the House and with folded arms disclaim all responsibility for such a state of things? It would be absurd and ridiculous to allow anything of the kind. The contrary was the true English principle, and ought to be applicable here. He [Mr. Baldwin] should next advert to a charge that had been, he believed for the second or third time, thrown out against him by the Hon. Sol. General West. He (Mr. B.) never did state that the Government should be carried on for a party; he could not have said so, because he had never thought so; he denied most unequivocally that the late Ministry acted upon such a principle; and he had no doubt when the time arrived for comparing the conduct of the present Ministry in that regard with that of his late colleagues and himself, the difference would be found to be decidedly in favour of the latter. [Hear.] It would then be seen that although the supporters of the present Ministry, who upon a late occasion, as the Hon. Attorney General West was pleased to inform the House, so kindly consented to continue their confidence and support, although that disinterested and most independent body of men were willing enough to hear and applaud his declarations about the distribution of patronage without reference to party, yet, when the proper time came they could demand the exercise of a judicious discretion on the part of the Ministry; and it would also be seen that the action of the Ministry by no means disappointed them. He (Mr. B.) certainly did not blame either the Ministry or their friends for such a course, but he did complain that before and during the late election a contrary doctrine should have been trumpeted forth when, as was now perfectly evident, it was never the intention to practice it. He (Mr. B.) begged again to repudiate most distinctly the doctrine imputed to him by the Solicitor General; he was not surprised at such a charge being made in the newspapers; he did not complain of that or anything else which appeared against him from the latter source, although he believed he got more than his share of their calumny, but he was astonished, and did regret, that the hon. Solicitor General should more than once on the floor of that House, and in his (Mr. B's.) very face, attribute to him unintentionally no doubt, a declaration which he not only never uttered but never felt.

Mr. McDONALD, of Glengarry, would vote against the motion, because of its being too general in its character. At the same time he held that the Ministry were responsible for the misdeeds of the Adjutant General, and ought to grant an investigation. No one could read the Lower Canada papers without seeing that numerous charges existed; and it should be remembered that complaints were not confined to one class of papers, but were also prominently put forth in the *Herald*, a leading—and deservedly so—Conservative journal. An enquiry should, in justice to the Adjutant General himself, be entered into; for if he were not guilty, he had certainly been victimised. A specific fact could, however, be the only ground upon which to proceed. The hon. member further remarked, that in Upper Canada militia appointments were made entirely irrespective of party, and it ought to be so in Lower Canada. Motion negatived by 56 to 19.

Act for the Sale of Public Lands.

On the order of the day for the second reading, of the bill to amend the act for the sale of public lands, being read.

Mr. McDONALD of Stormont moved that it be read a second time.

Mr. DRAPEZ requested the hon. gentleman to postpone the second reading, as the Government had the subject under consideration and was about to bring down a bill on the subject.

Mr. SEYMOUR hoped the hon. member for Stormont would persist in his measure, unless the Government were prepared to adopt the principle of his bill, and do justice to the United Empire Loyalists. All who served in 1812 were entitled to a bounty; and he did not wish to throw any reflections on the Lower Canada Militia, but from the extent of their boundary the Militia of Upper Canada had had most of the fighting. The Militia of Lower Canada had received scrip to a very large amount against the law, while those of Upper Canada had received nothing. The provinces are now united and we should endeavour to become one people by treating each section impartially. The amount that is required to pay these United Empire loyalists and Militia men need not be a bugbear as it only amounted to £11,000.

Dr. TACHE defended the Lower Canada Militia. Their conduct during the last war had proved them to be a gallant and brave people. They had volunteered not only to defend their own country but they had fought bravely in Upper Canada and in the United States.

Mr. MERRITT.—This is a measure to grant land, and land is money. We have now a valuable property in wild lands and by husbanding it, we may raise a fund that will educate properly all the children of Canada. But in consequence of this scrip system and other measures, he feared that our lands will never be permanently useful to the Province.

Mr. THOMPSON considered that the country was pledged to the United Empire loyalists, and they ought to be paid. The principle of this bill is founded on justice, and he trusted that this or some other similar measure would pass.

Mr. McDONALD of Stormont.—Had the individuals, whose interests he advocated, been deprived of their property with their knowledge, he never would have introduced this bill, but the bill that he wished to amend was passed in 1841 and very few of them knew that it was passed, until the time was expired. The United Empire loyalists were persons who resided in the United States previous to the revolution, who remained steadfast in their allegiance to the crown. To each of these individuals who came to Upper Canada, were given 200 acres and the same for every son and daughter. The Militia who served in 1812 were allowed 200 acres, while those who served during the remainder of the war, were not allowed anything. He wished to give them also 100 acres, because their services were as great if not greater, as those who served in the former part of the war.

The second reading was postponed for two weeks.

ROUTINE BUSINESS.

WEDNESDAY, April 22.

Petitions read:—

Of the Superior of the College of Chambly, for pecuniary aid.

Of W Arnold et al, that the Trustees of a Lot in Brockville, may not be allowed to hold it except for an Infant School.

Of J Huntington and E Tremblay, and of W Price, against petitions for authority to act as branch Pilots for the River Saguenay.

Of J Beecher, for patent for an improvement in Bark Mills.

Of Rev D Gibbs et al, of Granby, that all classes may share in the management of King's College, and that no grant be made to McGill College.

Of Medical Board of Canada West, for a copy of any Bill touching their interests, and an opportunity of expressing their opinion thereon.

From Tyn and Fay and Rafalgar, that the portion of Clergy Reserves due the Church of England, may be vested in the Church Society.

Of British and Canadian School Society, for an act of Incorporation.

Of Inhabitants of Scarborough, against a division of Clergy Reserves.

Of the Board of Trade of Toronto, for a reduction of the Imperial protective duties, and a repeal of the Provincial Duty on Wheat.

Of M Townsend et al, of Clarenceville, for amendments to the School Act.

Of N B Doucet et al, Notaries of Montreal, against the passing of the Bill regulating the formalities of acts passed before Notaries.

Of F B Blanchard and others, of Kingsey, complaining of certain Militia appointments.

Of D Cameron of Thorah, for an investigation of the claims of himself and his followers, in regard to certain lands upon which they were located by the Crown.

Of J Scriver, of Hemmingsford, praying that the law which exists in the seigniories, relative to the disposal of the effects of minor heirs, may be extended to the townships.

Of J Watch et al, of Woodstock, praying for a repeal of the duty on salt, and that the duties on agricultural produce may not be repealed.

Of the Lord Bishop of Toronto et al, for a repeal of the school act, in an equitable distribution of the school monies.

Petitions referred to Special Committees:—

Several petitions respecting King's College and the Clergy reserves.

Of Norman Jones et al.

Of H Patten et al.

Of Donald Cameron et al.

Of Messrs Price, and Hovington, and E Tremblay, to the Committee on the petition of J Alexander et al.

Of S Soper et al, to the Committee on the Post Office Report.

Mr Chabot presented a report on the petitions of the Quebec Corporation, relative to Gas and Water Works.

Also, Bills to repeal the Act Incorporating the Quebec Gas and Water Company, and to empower the Corporation of Quebec to supply the City with Gas and Water. Second reading on the 28th inst.

Mr. Aylwin brought in a Bill to empower Sheriffs in Lower Canada to make certain Judicial Sales.—2nd reading on Monday.

A message from the Council, stating that they had agreed to the following Bills:—

Bill to Incorporate *La Communauté des Filles de la Charité*, of the Parish of St. Hyacinthe.

Bill to provide more simple modes of Assurance in Lieu of fines and recoveries.

Bill to provide for the better administration of Justice in the General Sessions of the Peace, for Gaspe.

Mr. Laurin moved an address for a copy of all documents relating to complaints respecting recent Militia Appointments, and all correspondence between the Adjutant General and Old Militia Officers relative thereto.—Which was negatived, — Yeas, 10; Nays, 56.

Mr Thompson moved an address for a statement of the names of all collectors of Tolls on the Welland Canal and the cut at the mouth of the Chipewya, with their salaries for the past year, and the amount of Tolls during that period.

Mr Aylwin brought in a Bill to Incorporate the Quebec and Melbourne Rail Road Company.—2nd reading on Monday.

Also a Bill to Incorporate the St. George's Society of Quebec.—2nd reading on Monday.

On motion of Mr. McDonell of Dundas, a message was sent to the Council for a copy of the evidence respecting the Bill for the relief of Juliet Vanandt.

The Middlesex Election Committee obtained leave to adjourn till Monday.

The Order requiring Messrs Lacoste, M'Connell, Williams, and Seymour, to appear in their places, this day was discharged, they having been absent yesterday in another Election Committee.

The Resolutions agreed to yesterday, in committee of the whole, on the Customs Acts, were reported.

The 1st Resolution was carried, on division, as follows:—

Resolved, That in the opinion of this Committee, it is expedient that so much of the Act 6 Vict., chap. 31, as relates to the imposition of a duty of 3s. sterling per quarter, on Foreign Wheat imported into this Province, be repealed.

Yeas.—Boulton, Cayley, Chalmers, Christie, Colville, Cummings, Daly, Debleury, Desaulnier, DeWitt, Dickson, Draper, Drummond, Duggan, Ermatinger, Foster, Gowan, Hale, Hall, Leboutillier, Lemoine, Macdonald, [Cornwall], Macdonald, [Kingston], M'Connell, Merritt, Meyers, Moffatt, Munro, Murney, Papineau, Petrie, Riddell, Robinson, Scott, Sherwood, [Brockville], Smith, [Frontenac], Smith, [Missisquoi], Steward, [Bytown], Steward, [Prescott], Taschrau, Viger, Webster, Woods.—42.

Nays.—Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cauchon, Chabot, Chauveau, Franchère, Jobin, Lacoste, Lafontaine, Lantier, Laterrière, Laurin, Leslie, Macdonald, [Stormont], Methot, Powell, Price, Roblin, Rousseau, Seymour, Smith, [Wentworth], Tache, Thompson, Williams.—28.

The 2d was agreed to as follows:—

Resolved, That a duty of 3s. sterling per quarter be imposed upon all foreign Wheat imported into this Province, except for the purpose of exportation, or to be ground in Bond, for exportation.

The 3d was carried on nearly the same division at the 1st, Messrs Lantier, Macdonell, of Dundas, and Smith, of Wentworth, voting with the Yeas.

Resolved, That in the opinion of this Committee, it is expedient that so much of the Schedule of Duties imposed by the Act 8 Vict. Chap. 3, as relates to the imposition of a duty of 3s. sterling per quarter on Maize or Indian corn imported into this Province from a Foreign Country, be repealed.

The 4th and 5th were carried, as follows:—

Resolved, That a duty of 3s. sterling per quarter be imposed upon all Foreign Maize or Indian Corn introduced into this Province except for the purpose of exportation.

Resolved, That in the opinion of this Committee it is expedient that so much of the Schedule of Duties imposed by the Act 8 Vict. chap. 3, as relates to the imposition of a duty upon Muscovado, Clayed, Bastard and other Sugars not refined, imported into this Province, be repealed.

The 6th was put, as follows:—

Resolved, That a duty of 7s. 6d. sterling per cwt. be imposed upon Muscovado, Clayed, Bastard and all other Sugar not refined, imported into this Province. [*Present duty 9s. 4d. Sterling.*]

Mr. Aylwin proposed that the same be referred back to the committee of the whole, to reconsider the duty thereby imposed, which was negatived on division.

Yeas.—Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cauchon, Chabot, Chauveau, Desaulnier, DeWitt, Drummond, Franchère, Jobin, Johnston, Lafontaine, Lantier, Laterrière, Laurin, Lemoine, Macdonald, [Glenarry], Macdonell, [Stormont], Merritt, Methot, Powell, Price, Rousseau, Smith, [Wentworth], Tache.—29.

Nays.—Boulton, Cayley, Chalmers, Christie, Colville, Cummings, Daly, Debleury, Dickson, Draper, Duggan, Ermatinger, Foster, Gowan, Hale, Leboutillier, Leslie, Macdonald, [Cornwall], Macdonald, [Kingston], Macdonell, [Dundas], M'Connell, Meyers, Moffatt, Munro, Murney, Papineau, Petrie, Riddell, Robinson, Roblin, Scott, Seymour, Sherwood, [Brockville], Smith,

[Frontenac], Smith, [Missisquoi], Stewart, [Bytown], Stewart, [Prescott], Tachereau, Viger, Webster, Woods.—41.

The Resolution was agreed to, on a division, the reverse of the last.

Resolved, That in addition to the articles enumerated in the Schedule to the said Act 8 Vic. chap. 3, on which duties are imposed, all descriptions of Dyewoods be subject to and charged with an *ad valorem* duty of one per cent.

Mr. Cayley then brought in a bill in conformity to the said Resolutions.—2d reading on Tuesday.

The Bill to regulate Common Schools in Upper Canada, was reported with the amendments made in the Committee of the whole, yesterday, and the amendments were agreed to.

Mr. Roblin moved that £500 (for the salary of the Superintendent of Education) be struck out, and £379 inserted—which was lost.

YEAS.—Messrs. Baldwin, Berthelot, Bertrand, Cauchon, Chabot, Cummings, Desauter, DeWitt, Franchère, Johnston, Latourrière, Laurin, LeMoine, Leslie, Macdonald, (Glengarry), Macdonell, (Stormont), Merritt, Methot, Powell, Price, Roblin, Rousseau, Scott, Seymour, Smith, (Wentworth), Tasche.—26.

NAYS.—Messrs. Boulton, Cayley, Chalmers, Chauveau, Colville, Dickson, Draper, Drummond, Duggan, Ernatinger, LaFontaine, LeBoutillier, Macdonald, (Cornwall), Macdonald, (Kingston), Meyers, Mottatt, Papineau, Riddell, Robinson, Sherwood, (Brockville), Smith, (Frontenac), Smith, (Missisquoi), Stewart, (Bytown), Stewart, (Prescott), Tachereau, Viger, Woods.—27.

Mr. Roblin then moved that £500 be erased and £400 inserted, which which was lost on a division.—Yeas 26, Nays 32.

YEAS.—Messrs. Baldwin, Bertrand, Cauchon, Chabot, Cummings, Desauter, DeWitt, Franchère, Johnston, Latourrière, Laurin, LeMoine, Leslie, Macdonald, (Glengarry), Macdonell, (Stormont), Merritt, Methot, Monro, Powell, Price, Roblin, Rousseau, Scott, Seymour, Smith, (Wentworth), Tasche.—26.

NAYS.—Messrs. Berthelot, Boulton, Cayley, Chalmers, Chauveau, Colville, Daly, Dickson, Draper, Drummond, Duggan, Ernatinger, Gowen, Hale, LaFontaine, LaTerrière, LeBoutillier, Macdonald, (Cornwall), Macdonald, (Kingston), Meyers, Mottatt, Papineau, Riddell, Robinson, Sherwood, (Brockville), Smith, (Frontenac), Smith, (Missisquoi), Stewart, (Bytown), Stewart, (Prescott), Tachereau, Viger, Woods.—32.

The bill to Incorporate the town of Bytown was read second time and referred to a Select Committee.

The bill relating to certain *Actes* before Notaries, read second time.

The bill to protect the Notarial profession, read second time and referred to Select Committee.

House in Committee on the consideration of an Imperial Act relative to sales of Real Estate. Resolutions reported and concurred in as follows.

Resolved, That it is expedient that a certain Imperial Act of Henry the 8th relating to sales of Real Estate, be declared not to be in force in Upper Canada.

House in Committee on bill to amend District Court Act of Upper Canada.—Reported bill amended—to be received to-morrow.

House in Committee on the bill relative to the Registry office of Simcoe. Referred bill back to the House which was referred to a select Committee, with instructions to extend its provisions to all the Districts in Upper Canada.

The bill for the Incorporation of Kingston was read second time and referred to a Committee of the whole House on Monday next.

The bill to amend the Lower Canada Election Law, received a second time and referred to select Committee.

The bill to protect Game in L'Islet read second time—committed, reported amendments to be received to-morrow.

The bill to confer certain privileges on the Associate Presbyterian Synod, read second time, committed, reported amended, to be received to-morrow.

The bill to grant certain privileges to Christian Unitarians, read second time and ordered to be engrossed.

The bill to encourage Building Societies, read second time, committed, reported, amended, to be received to-morrow.

The bill to authorise the erection of a Suspension Bridge over the Niagara River read second time—to be committed to-morrow.

The House then adjourned.

LEGISLATIVE COUNCIL.

THURSDAY, April 23.

Hon. Mr. FERGUSON took his seat.

Sundry petitions were presented; among which was one in relation to King's College.

Hon. Mr. FERGUSON said, that he would take this early opportunity of referring to the subject in the petition, and hoped that the Honourable Receiver General would lay before this House such information respecting it as he could; it was a subject he said that had excited a great deal of feeling, and it was a matter of deep regret that the bill of last session had fallen through; since that the anxiety of the public had been even more intense than it was previously.

Hon. Mr. HAMILTON, from the select committee, to whom was referred the Kingston University Bill, with several amendments.

The report was concurred in.

The bill was ordered to be engrossed, and read a third time to-morrow.

Hon. J. MORRIS moved that when this House adjourns to-morrow, it do stand adjourned till Tuesday. He stated that the hon. Speaker, for reasons that need not be stated, wished to visit his family, and this could not be done unless the House adjourns. It would be but a loss of two days, and there was but little business before the House.

Hon. Mr. SPEAKER said, that this was a favor for which he felt truly thankful; he could state that he had communicated the probable resolution that might be passed, and he had stated that he did not think that it would interfere with the progress of their business.

The first order of the day was the third reading, real property conveyance bill.

The bill was read a third time and passed.

A message was brought up from the Legislative Assembly, stating that they had passed the bill to define the side line of lots in the Gore of Gloucester, without any amendment. Also, a bill to afford relief to the Christian Unitarians in Toronto.

The second order of the day was the second reading Bible Christians relief bill.

The bill was referred to a select committee, consisting of the hon. Messrs. Ferguson, Hamilton, and Moore.

The last order of the day was the third reading Bronte Harbour bill.

The bill was to extend the time for completing the works of the Bronte Harbour, the works had been commenced, and the bill was to grant them 5 years more to complete them.

The bill was referred to a select committee, consisting of the hon. Messrs. Ferguson, Ferrie and Crooks.

The bill to afford relief to the Christian Unitarians in Toronto, was read a first time, and ordered to be read a second time on Tuesday.

A message from the Legislative Assembly, stating that they had passed a resolution to the effect that a message be sent to the Legislative Council, requesting that they would be pleased to furnish the minutes of evidence taken before the committee on the bill for the relief of Julia Vanzandt.

Hon. J. MORRIS stated that there was no evidence taken before the committee.

Hon. Mr. MORRIS moved that the petition on the subject be communicated to the Legislative Assembly.

Hon. Mr. MORRIS—suggested that the motion be postponed till to-morrow; he said that it was a common practice in the Imperial Parliament, for one House to send to the other to ask of them the facts that induced them to pass a certain bill. There was nothing to be gained by haste, therefore he hoped that the motion would be postponed.

The motion was withdrawn.

The House then adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, April 23, 1846.

The Serjeant at Arms reported to the Speaker that Messrs. Horton and Warren were under his custody and awaited the further pleasure of the House.

Mr. AYLWIN made a motion that they be kept in custody until further orders.—Carried.

Mr. WILLIAMS then read a petition from the prisoners, setting forth that Mr. Notman had refused to go into the evidence of bad votes except in one township, and partially in six other townships,—that in consequence of this refusal, the Commissioners, had been unable to prosecute the inquiry and had adjourned from time to time till the 7th instant,—that they prayed the House to attribute any errors on their conduct to their want of experience, this being the first commission they had sat upon; and that they further prayed the House to discharge them from attendance on the summons issued by the Speaker.

Mr. HALE having moved that a petition to alter the representation of the city of Quebec be referred to a select committee.

Mr. AYLWIN said it was an extraordinary circumstance, that a petition coming from his constituents should be brought before the House by the hon. member for Sherbrooke. It was by some foul play, some underhand work.

Mr. HALE rose to order. Did the hon. member mean to charge him with foul play?

The SPEAKER conceived, that in using these expressions, Mr. Aylwin did not attribute such motives to the hon. member for Sherbrooke.

Mr. Aylwin repeated his assertions, that it was by foul play.

Mr. HALE again rose to order. He wished to protect the petitioners.

Mr. AYLWIN said he was their protector. He disclaimed any protection from Mr. Hale. He would be the last man to apply to that hon. member for protection, for although he often boasted of being a native of Quebec, he (Mr. A.) looked upon the hon. member as the greatest enemy of that city. (Hear, hear.) He repeated that there was underhand work in this matter, for in looking over the signatures which occupied the most prominent place, he was convinced there was not one man who would not have sent the petition to him for presentation. However the subject would again come before the House, and he would then make those statements. The hon. member for Sherbrooke had misapprehended him. He was glad this petition was about to be referred to a committee; the sooner the better. But when he went down again to his native city, he would ask his constituents, whose names he saw appended to the petition, if it had been sent to the hon. member for Sherbrooke with their sanction. He would discover the person who had exerted so much influence, and he would merely say, that whoever it was he should suffer for it.

Solicitor General SHERWOOD hoped the hon. member for Quebec did not look upon this, as a vote of want of confidence and feel it his duty to resign. Motion carried.

Mr. HALE reported from the Committee on the petition of Mr. McGill and others, recommending that they do have leave to work mines, on the tract of territory at Lake Superior, explored by the petitioners with the sanction of the Imperial Government; but that their operations be confined to that territory. Report adopted.

After the transaction of some other business which will be found in the routine, Att. Gen. SMITH moved the second reading of the bill relating to Trinity House, Quebec.

Mr. Att. Gen. SMITH—His intention was to refer the bill to a select Committee, and as he was not aware of any objection to the principle contained in it, he would now move for its second reading in order to have as little delay as possible. He had several amendments himself to propose and he hoped hon. members would reserve the discussion on it till it was taken up in Committee of the whole, when any particular clause could be as fairly discussed as at the present moment.

Mr. CHRISTIE—said he was in favour of the second reading, but saw great room for amendment in the bill. He said he was very much surprised in discovering the power exercised by the Board of Trade over the operations of the Trinity House; for in discussing some of its measures with a member of the Board on a late occasion, respecting the proposed purchase of a tug steamer in order to obviate some very heavy expenses, he had been informed much to his astonishment, that the Board of Trade would never permit it. In fact the Board of Trade had the power of counteracting all the operations of the Trinity House. But passing that by, he begged to direct the attention of hon. members to another subject; the pensioning of old servants of the Trinity House. His idea was, that no pensions should be granted out of the general revenue, and he was happy to find that the Government was disposed to act in accordance with his views on the subject. If all old servants were to be pensioned off they would have plenty of them shortly. He would also call the notice of hon. members to the ridiculous charge of seven shillings and sixpence for a little slip of paper, entitled, "Rules and Regulations," which every ship master was obliged to purchase on arriving at Quebec, the only port in the world, he believed, where such a charge was made. Taking the number of entries at the Port of Quebec at twelve hundred annually, this alone would amount to £450, going into the pocket of the Harbour Master, besides his salary, and perhaps other perquisites of which he (Mr. C.) knew nothing. The hon. member then alluded to the salary of the Deputy Harbour Master, which was generally supposed to be ten dollars a day; but it was not known for a certainty what his salary was. If ten pounds a day, he would not think it too much. He again directed the attention of the Ministry to the necessity of placing a tug steamer at the disposal of the Trinity House. It had been spoken of last year, but by some under tow the project was checked. This he attributed to the Board of Trade. After the counteraction had taken place a steamer had been brought from Halifax with the avowed intention of running from Quebec to the lower ports; and what was his astonishment at finding that it was owned by two gentlemen connected with the Board of Trade, who had opposed the purchase of a steamer for the Trinity House as too expensive, but who were now to receive nineteen hundred or two thousand pounds for the use of

this steamer for the season. [Hear, hear.] He did not mean to say that this sum was sufficient to purchase a steamer, but it would go a considerable way towards doing so. [Hear, hear.] He wished to draw the attention of the hon. Attorney General to the fact of our having two Trinity Houses in this Province, whereas in England there is but one, and their interests are certainly not inferior to those of Canada. He thought, therefore, that the most judicious course would be to consolidate them into one; and he would recommend it as an instruction to the committee. In conclusion, he said, he was happy to find the bill was about to be referred to a select committee; and if the Attorney General would do him the honor to name him as one of the members, although he might give him some little trouble, he would, on the other hand, do all in his power to remedy some of its defects.

Mr. Attorney General SMITH, said that the observation he had heard, only tended to confirm the view he already held, and that the objections of the members opposite, did not strike at any essential principles of the Bill, but merely at some of its details; the first point to which objections has been taken is the allowing the Trinity House to take possession of the *Cul de Sac*, which belongs to the city of Quebec; with regard to that objection, he would merely state that there was a similar provision in the existing law, although not in precisely the same words, and this he thought was a matter to be discussed before the Committee; another point of the Bill objected to, is that part which had reference to the qualification of Pilots: now one of the objects which he had in referring the Bill to a select Committee, is that evidence may be heard on this subject; he himself had not made up his mind upon the qualification necessary; but he would remind the members opposite, that they will find by referring to the existing Law, that no person can be received as a pilot, unless he had been to sea for three years: the hon. gentleman then went on to state that the pilot who had to conduct such an important trade through such a dangerous navigation as that of the River St. Lawrence, should be well qualified, and that there had been an immense loss of life, and property during the last three years, hundreds of thousands of pounds worth of property, and hundreds of lives had been lost, because the Coast was not well known. He did not blame the pilots for being the cause of this loss, for much of it no doubt arose from stormy and tempestuous weather, but still it showed the necessity of exacting if possible a higher qualification from pilots. There were other points of the Bill which had been spoken against, but he thought it would be best to wait until the Bill was before the Committee to discuss them. He would also say, he had several amendments to propose to the Bill which he would lay before the Committee.

Mr. MOFFATT, could not have persuaded himself that any party would have spoken against the Bill; he would only refer as proof that a sufficient knowledge of the River does not exist to the numerous shipwrecks which took place last fall, and stated that the rate of insurance has in consequence been doubled; this spring upon vessels sailing to Canada; for they are now paying as high as 5 per cent, whilst previously they had only paid from 20s to 40s per cent.

Mr. ERMATINGER, said that pilots were a class of men upon whom devolved very important duties, and that nothing should be omitted that was necessary to qualify them for their profession, and that as the Bill was to be referred to a select Committee of members qua-

lified to decide upon it he would support the second reading of it and its principles leaving its details alone until it comes before the House again.

Mr. MOFFATT, in answer to some remarks from Mr. Chauveau, said that he did not state that the shipwrecks last fall were to be attributed to the Pilots, although he thought he would be justified in asserting that a large portion of them were to be attributed to their ignorance.

Mr. LAFONTAINE said, this was not a ministerial measure. The learned Attorney General is not the father of it, it has been proposed by a member of the Trinity Board and was printed without the Attorney General having read it, for did he not declare last evening and to-day, that he had objections to several of the clauses which he proposed to amend. There has been an *imperium in imperio*. And this measure, like most of the Bills for Lower Canada, has not been prepared by the ministers themselves. If the general contents of the bill were not objectionable, the second reading ought not to be opposed, but if in a bill containing sixty clauses, fifty-nine were bad, and only one was good; would we not be justified in voting against the second reading? The principle of a bill can only be discovered from its general tenor. He [Mr. L.] admitted that navigation must be regulated by some rules; but we have at the present laws on this subject; and if it was thought necessary to alter them, that necessity ought to be shown. It has been urged as an argument for the stringent regulations in this bill, that there have lately been numerous shipwrecks in the St. Lawrence, and in the Gulf; it is true there have been shipwrecks, and there always will be shipwrecks. This is not owing to the ignorance of the pilots, but to the rigour of our climate; the dangerous navigation of the St. Lawrence, and the cupidity of the merchants, who send their vessels too early to our ports, and keep them here too long. It is stated in the papers that a vessel is expected every day at Quebec; it is well for the ship owners that this is an early season, but had it been an ordinary season, and this vessel had been lost or shipwrecked in coming up the river, would it have been the fault of the pilot? Pilots are obliged by this bill to give security; if this clause is carried, there will be no pilots, and then they will be forced to repeal it, because no one will become security for an individual, who could bring forward no witnesses, but those who were prejudiced against him. The originators of this bill are anxious for too much legislation. He [Mr. L.] had been on the coast of England for six days, when such a fierce tempest raged around them, that they never expected to reach the harbor; during this storm, none of those brave and daring European pilots, whose exploits the Attorney General lauded, and who were so much superior to the Canadian Pilots, could approach the ship, to lend them any assistance. On one occasion, four splendid packets were wrecked near Liverpool during a dreadful storm; did this misfortune occur in consequence of the ignorance of the pilots? The European pilots were next obliged to give security. By this bill, the pilots must speak the English language, and it is sought to prescribe the French Canadians. He (Mr. L.) would advise all parties who wished to anglicise the French Canadians to leave us alone; and then we will sooner speak the English language. If there are not prohibitive laws passed, a change will gradually take place among the French Canadians, like that which passed among the English after the time of William the Conqueror. During the last

War, when the Canadian Militia so gallantly fought and bled for the flag of England, and the defence of the country, no enquiry was made of them whether they could speak English or not. A war may arise in consequence of the dispute between Great Britain and the United States, about the Oregon territory. He (Mr. Lafontaine) did not wish to see a war break out between these two great countries, for we have every thing to lose and nothing to gain in such a contest. But in such a case, supposing a British fleet were coming up the Gulf, to the succour of the people of this Province, would the commanders of the different Men-of-War enquire of the pilots whether they could speak English or not? Would they not be very glad to get the assistance of any competent pilot to steer them into the port of Quebec?

Mr. SMITH—said that the arguments which fell from the hon. members opposite would only go to awaken the prejudices of some of the members, and that they had not any fact that could induce him to suspend the bill for a moment. It had been stated that we wish to proscribe the French tongue, in answer he would only state that such a clause existed in the present law; the members opposite had objected to one or two clauses only, but they had no objection against the principles of the bill, and as none of their objections will be affected by the second reading of the bill, and he did not see why it should not be now read, he in conclusion would say, that if the second reading of the bill was refused it would not hurt the Government, but it would hurt the merchants and the commerce of the country, and let the opposition take the responsibility.

Mr. McDONALD—it is said that these pilots will be proscribed because they will be required to speak the English language. He did not consider that they would, and he thought it was only reasonable that they should speak English when the sailors and captains of the vessels were English; but did those who are talking about their language being proscribed never wish to proscribe that of others; he would call to their remembrance the opposition that was made to the election of Sir Allan McNab as Speaker, on the ground that he could not speak French. He (Mr. McD.) thought it ill became them to speak about proscription with this in their face.

Mr. CHALMERS—said that the hon. member for Terrebonne had said that the English shipowners had sent their vessels to sea too soon; he would remind him that the intrepid British merchant was not to be judged of by the slow and unenterprising colonist. The hon. member for Terrebonne also said that he did not wish for war, as we had every thing to lose and nothing to gain. We have our honour to lose and our just rights to lose, and life was nothing compared with the loss of them; and he (Mr. C.) would say that only let the bogle sound and the bagpipes play, (hear, hear and laughter) yes, let the bagpipes play, "the broad swords of old Scotland," and instead of speaking about the Oregon, we shall see the Hudson, (hear, hear.)

Mr. Chabot moved in amendment seconded by Mr. Taché, that the bill be not now read but that it be read this day six months.

Mr. BOULTON hoped that the amendment would not be carried; he was in favor of having the bill read a second time, and afterwards referred to a select committee, where any of details may be modified or amended. In voting for the second reading, he wished it to be distinctly understood that he intended not by so doing to proscribe the French Canadians. No! but he wished to protect the English

ship owner. He was in favor of having that bill extended below Port Neuf, but also up to the Province line between Upper and Lower Canada; and if a second bill was passed that it should be for Upper Canada, creating a Trinity Board at Kingston, Hamilton, or Toronto, or some other port on the Lakes.

Mr. McDONALD, of Dundas, wished to set himself right before this House; this might appear strange for one who had not yet spoken, but the reason that he wished to explain is this—the Attorney General East told us that this was not a Government measure, and that members are therefore at liberty to vote as they saw fit; he believed that the members on this side vote as they see fit on all occasions, and not at the dictate of the Attorney General; he held it his right as an independent member to do so.

Atty. Gen. SMITH—What he said was this, that the present measure was not a Government measure, and the members on this side could vote as they deemed right, as they always do.

Mr. McDONALD continued, there was no mistaking what the Attorney General said. He agreed in much that had been said by the hon. member for Terrebonne. He agreed that it was to the climate and the elements, and not to the ignorance and carelessness of the Pilots, that the numerous shipwrecks were owing. He said, that as he saw the measure was obnoxious to the majority of the Lower Canadian members, and that one after another was rising and entering his solemn protest against the bill, he would vote for the amendment, as he did not wish to force the measure upon them.

Mr. MOFFATT said, the hon. member who has last spoken seems to think that the present measure was particularly and solely belonging to Lower Canadians. He would ask whether the navigation of the Saint Lawrence was peculiar to Lower Canada? Is it not the property of both sides of the House—both Upper and Lower Canadians? The remarks of the member for Terrebonne have a tendency to put a check to the enterprise of the British merchant. He [Mr. L.] has attributed the shipwrecks and loss of life to the cupidity of the English shipowners. Now, he would ask if it ought to be termed cupidity for a merchant to freight his vessel in time to reach here at the opening of the navigation. He conceived that it ought rather to be termed enterprise. It was true the shipowners would not sail so soon if they were not sure of their insurance, and also to be well repaid.

Mr. DUGGAN said that he was the last member that would do injustice to his fellow countrymen of Lower Canada, he would as he had always done stand forward in their defence. He had not read the bill as it was a subject on which he was not acquainted, he was however sufficiently well aware of some of its objects; he conceived that it affected Upper Canada no more than Lower Canada and *vice versa*, if the insurance was high did that not affect the price of merchandise in Upper Canada as well as in Lower Canada. The members opposite have objected to the bill, but they had not given any reasons, if they had pointed out what would have been better, he would have been better able to have decided; they have given no reason that legislation is not necessary, nor have they shown where it is imperfect.

Mr. McDONALD of Dundas, did not say that it was a measure particularly affecting Lower Canada. It was as he said before to the climate and elements and not to the Pilots that the high rate of insurance was owing.

Dr. NELSON—was not aware that shipwrecks are of more frequent occurrence now than they

were forty or fifty years ago, when the number of vessels navigating the St. Lawrence was far less, and so far as he was able to discover there was no information before the House to shew that the pilots are less active or less intelligent than they were formerly. On the contrary, having increased in the same ratio as in other occupations, greater exertions had been made to acquire greater skill and intelligence; and he felt convinced that a more virtuous or more hardy set of people does not exist. With respect to pilots, he would remind the House of a circumstance with which the hon. member for Three Rivers, who so well knew the history of his country, ought to be acquainted. It was a Canadian pilot who took Sir Guy Carleton down to Quebec, and by that means saved the Province. And at what time did he arrive there? At the very moment that the inhabitants, the British merchants had prepared articles to capitulate with the enemy at their gates, and if the Province now belongs to Britain, it is because it was saved by a French Canadian. He would on this occasion as he could on many others, favourably contrast the conduct of Canadians with that of British merchants. The hon. Secretary smiled, if it were in derision, he would answer it with scorn, he would cast it to the winds.

Mr. DALY would lose no time in setting the mind of the hon. gentleman at rest. He was neither listening to what he said, nor thinking of it.

Dr. NELSON—And perhaps the hon. Secretary did not even hear him, as was his general custom. Yet, in spite of the service of this man, his descendants, as well as those of many other meritorious Canadians, were living in poverty, although capable of filling the highest stations in the Province. He would not mention names, as that would no doubt be useless. The motion to postpone the second reading was then put. Yeas, 20; nays, 35. The bill was then read a second time.

Some conversation arose as to the formation of the committee, Attorney General Smith wishing to include the names of Messrs. Chabot and Aylwin, to which Mr. Christie was opposed, as Mr. Chabot had voted against the second reading. It was finally referred to a committee of seven; Messrs. Smith, Chabot, Aylwin, Moffatt, Petrie, Williams, and LaTerrière.

Cobourg Rail Road.

Mr. MEYERS introduced a bill to revive and amend Cobourg Rail Road Act. He said that the bill was to revive and amend and act of Upper Canada, incorporating the Cobourg rail road, since the incorporation nothing had been done, and it had been thought advisable by the persons interested, to substitute a plank road and ferry; it was to be called the Cobourg and Rice Lake Plank Road and Ferry Company.

Medicine.

Mr. Atty. Gen. SMITH introduced a bill to regulate the practice and study of medicine. He said that it was his intention to refer the bill to committee of the whole on Tuesday next, and as he believed the principle would be admitted, any discussion might be reserved till the details came up in committee. The bill was to regulate the various courses of study, on the admission of persons to practise from schools out of the Province. The bill also appointed a board of examiners.

Dr. NELSON would suggest that the bill be referred to a select committee; and the debate would then not be protracted in committee of the whole.

Mr. Atty. Gen. SMITH said, that he would do so. The bill was then referred to a select committee. The House then adjourned.

ROUTINE BUSINESS.

THURSDAY, 23rd April.

Sixteen petitions were laid on the table.

The Sergeant at Arms reported that Messrs. Horton and Warren, Commissioners on the Middlesex Election, were in attendance, according to order, and he was directed to keep them in custody until further orders.

A Petition from these persons was received and read, praying the House to take a favourable view and discharge them from further attendance, of their proceedings, no, the Commission, and dis-

The Bill for the relief of the Christian Unitarians was read the third time and passed.

The following Petitions were read:—

Of J. Oswald and others, of Two Mountains, for amendments to the School Act.

Of L. E. Globensky and others, of St. Scholastique, and W. Morrine and others, of St. Augustin, approving of a survey by the Board of Works of a line of road through St. Eustache Petrie Brule Belle to Riviere, and thence to Grenville.

Of C. C. Cotar and others, for a restoration of the late territorial division of the District of Misamisqui.

Of the Trustees of the Dunham Academy, for pecuniary aid.

Petitions from Sutton and Brendalbane, praying that the present disposition of the Clergy Reserves may not be interfered with.

Of H. Shaw and others, for the completion of the Road from Windsor to Sturgeon Bay.

Of P. Hoodstetter and others, of St Joseph de Saultiers, praying that a certain line of road no longer used may be invested in them.

Petitions from Chatham, Colborne and Grafton Markham and Vaughan, Chippewa, Amherstburgh, and Hamilton praying that a portion of the Clergy Reserves may be vested in the Church Society of Toronto.

Of J. Hamilton and others, of Dumfries, &c., for aid to construct a road to the east boundary of the Huron Tract.

Of the Talbot District Agricultural Society, for the establishment of a Chair of Agricultural Chemistry in King's College, and for establishment of model farms.

Of members of the "New Jerusalem Church," praying to be admitted to the same rights and privileges as other religious bodies.

Of S. F. Condreault and others, of the County of Lotbiniere, praying that the Registry Office may be established at Lotbiniere.

Of J. B. Laliberte, Lieutenant in the Lotbiniere Militia, complaining of injustice done him in a recent Militia appointment.

Of R. Ferguson and others, for adoption of means to carry out the original appointment of S. Brennan as Deputy-Postmaster, and the establishment of the Kitily Post-Office at Frankville.

Of A. Campbell and others, of Quebec, for an equal representation of the different wards in the City Council.

Of Julien Rouinard and others, praying that Hawkers and Pedlars may be prohibited from exercising their calling in Quebec.

The following Petitions were referred:—

Of Isaac Beecher and others.

Several respecting King's College.

Of R. Ferguson and others to the Committee on the Post-Office.

Of J. B. A. Chamberland and others.

Of inhabitants of the south shore of the St. Lawrence, to Committee on Petitions of H. W. Paton and others.

Of F. Goudreaux and others.

Of Rev. J. Harline and others—to the Committee on Private Bills.

Of A. Campbell and others.

Of the Corporation of Quebec—to the Committee on former petitions.

Of J. Choimand and others—to the same.

Mr. Robinson, from the Committee on the Bill for removing the Registry Office for Simcoe, reported the Bill amended in accordance with the instructions of the House. To be committed on Monday.

Mr. Hale, from the Committee on Private Bills, reported on the petition of the Trustees of the British American Mining Association,

recommending the prayer of the petition, so far as relates to the working of mines on the shores of Lake Superior.

He also reported on the petition of W. Gamble and others [Dundas and Gih Line Road Company,] that the notice had only been inserted in the Official Gazette, but recommending the prayer of the petition, if the notice should be thought sufficient.

Mr. Boulton brought in a bill to amend the Toronto Incorporation Act. 2nd reading on Wednesday.

A message was received from the Council, stating that they had passed the Bill to facilitate the conveyance of real property.

On motion of Mr. Merritt, an address was ordered for a Statement of the Imports for 1842, 1843, 1844, and 1845, specifying the quantities of each article, the duties thereon per lb or gallon, separating the amount by sea, and by inland ports.

Leave of absence was granted to Mr. Armstrong.

The Bill to amend the Schedule to the District Court Act, as amended yesterday, was reported, and ordered to be recommitted to-morrow.

The Bill to protect game in Isleslet, as amended yesterday, was reported, and ordered to be engrossed.

The bill for the relief of the Associate Presbyterian Synod, as amended yesterday, was reported, and ordered to be engrossed.

The Bill to encourage Building Societies as amended yesterday, was reported, and ordered to be engrossed.

The order being read.—2nd reading bill relating to Trinity House Quebec.

Mr. Chabot moved that it be read this day six months.

House divided as follows:

YEAS.—Messrs. Berthelot, Bertrand, Boutilier, Cauchon, Chabot, Chauveau, Desunier, DeWitt, Guillet, Jobin, Lacoste, Lafontaine, Lantier, Laurin, LeMoine, McDonell, (Dundas,) Methot, Nelson, Price, Tache,—20.

NAYS.—Boulton, Chalmers, Christie, Colville, Cummings, Daly, Dickson, Duggan, Ernatinger, Foster, Jessup, Laterriere, LeBoutillier, McDonald, (Cornwall,) McDonald, (Kingston,) McConnell, Meyers, Moffatt, Munro, Murney, Papineau, Petrie, Riddell, Robinson, Roblin, Seymour, Smith, (Frontenac,) Smith, (Mississipi,) Stewart (Bytown), Stewart, (Prescott,) Taschereau, Viger, Webster, Woods,—35.

The motion being lost,

The bill was referred to special committee of Messrs. Attorney General Smith, Petrie, Aylwin, Moffatt, Chabot, Williams, and Laterriere.

The bill relating to the Trinity House of Montreal; referred to same committee.

Mr. Daly laid before the House a return to address for copies of any correspondence between the Executive Government and Joseph Simpson, complaining that the Trinity House of Quebec, has refused him his certificate of qualification as a Pilot.

The said return was referred to a select Committee.

The bill to admit J. Macara to practise, was read a second time and ordered to be engrossed.

The bill to revive the Cobourg Rail Road Act was read a second time and referred to the Committee on private bills.

The bill to relieve A. Leslie, Esq., from the consequence of having voted at the Lanark election, was read a second time and ordered to be engrossed.

House went in Committee on Trafalgar Road Company's bill and amended the same, to be reported to-morrow.

House in Committee on bill to assign to Capt. Vidal a certain allowance for road in Sarnia; the bill was adopted and ordered to be engrossed, and was exempted from the payment of the £20 due as a private bill.

Adjourned.

LEGISLATIVE COUNCIL.

FRIDAY, 24th April, 1846.

Sundry petitions were presented.

The Committee to whom was referred the bill to incorporate the President and directors of the Bronté Harbour reported the said bill without any amendment.

The report was concurred in and the bill was ordered to be read a third time on Tuesday next.

1st. Order of the day was the third reading of the University transfer bill, the bill was read a third time and passed.

The next order was the 2nd reading of the bill to enable the Minister of the Toronto Unitarian Society to solemnize matrimony.

Hon. W. MORRIS suggested that the bill might be extended if there are other persons of the same denomination, to them generally, as a body, and not as a particular church.

Hon. ADAM FERGUSON, said that he would be in favour of opening the doors of matrimony to all couples who might wish to marry, and not force them to get a license, indeed he would feel inclined to give a bonus to all couples.

The bill was referred to a Select Committee of three members consisting of the Honbles. Messrs. Ferguson, Crooks and Irving.

The galleries were then ordered to be cleared, and the House sat for some time with closed doors.

HOUSE OF ASSEMBLY

FRIDAY, April 21, 1846.

The SPEAKER called the attention of the House to a question of privilege, having reference to Messrs. Horton and Warren, Commissioners on the Middlesex contested election. In reply to a question put by the Speaker the Sergeant at Arms stated that he had these gentlemen in custody, and brought them to the bar. Having severally answered to their names, they were asked by the Speaker whether they had any thing to allege in their favour except what was already contained in their petition, to which they replied in the negative. He communicated to them the resolution of the House, "that they had been guilty, of neglect in not sending the report of their proceedings at the opening of the Session; and further, that, in consequence of this neglect, they were to be taken into custody by the Sergeant at Arms." They were then directed to retire.

Mr. AYLWIN said, it became his duty to make a motion to deal with those gentlemen in a manner which became imperative, considering the importance of the matter in hand, and the offence of which they had been guilty. By an order of the House, they had been directed to attend at the bar, in order to account for a delay in sending the report of the commission with which they had the honor of being entrusted by the House, and they thought that the representation, or petition, which he held in his hand was a good and sufficient answer to the charge brought against them. Then if it were—if hon. members came to this resolution that the petition contained a sufficient excuse, he would say, that it might as well cease to exist. A petition had been sent to that House alleging that persons who now sit in the House, had usurped the seats of those who were rightfully entitled to them. (Cries of order, order.)

Mr. ROBINSON rose to call the hon. member to order. The hon. member had no right to say, that any one holding a seat in the House was a usurper; and he was rather surprised to hear such an expression made use of.

Mr. McDONALD, of Dundas, had another complaint to make against the hon member. When

called to order by the hon. member for Simcoe he should have taken his seat, and not have remained standing. (Hear, hear.)

Mr. AYLWIN hoped he would be allowed to proceed if all the questions of order were settled. A gentleman had come to the bar of the House, stating that he had a right to a seat now occupied by another and showed that the sitting member was not the true representative. ("Order.") [Mr. Aylwin sat down. "Go on, go on," from the other side of the House.] He repeated, that a gentleman had come to the bar and made this statement, and what was more, had given security that he would prosecute his claim. The House had entrusted the persons who had just withdrawn from the bar with the investigation of this subject, and in what way had they performed their duty? He would condemn them out of their own mouth. By the petition of those gentlemen, it appeared that they proceeded to take evidence on the 21st February, 1845, and now on the 24th April, 1846, they were brought before the House for not having sent in their report at an earlier period. One of the oaths taken by the judges, and taken also by the Queen, was to render justice, speedy justice, and he would ask was any member in the House prepared to say that these Commissioners had not made a most unjustifiable delay? And what is the palliation; do they give any reason for such delay? Oh, yes! But what is it? "That the sitting member refused to proceed with the examination of witnesses, in consequence of the illegality of the proceedings of the commission." Now would it be believed that any man to whom a commission was intrusted by that House would allow a sitting member to refuse to proceed with the examination of witnesses? Would such a thing be credited for a moment? By the order of the House, these Commissioners had been appointed judges, subordinate judges if you please, but nevertheless with all the powers and all the responsibilities attending that office, and yet by the simple refusal of the sitting member, they allowed their proceedings to be put a stop to. If that course were to be upheld, he would say it was better to rescind the bill relating to contested elections altogether, and tell them at once it was all a farce, a mockery, to contest an election; that the return of the Returning Officer was sufficient to secure the seat of a member. Yes, if that action of the Commissioners was to be maintained, he would say it was as bad as a case which had occurred in the first session of this Parliament, where, although the Returning Officer made it appear that an hon. member now sitting not far from him [Mr. Woods] had the greatest number of votes, another gentleman walked into the House. No, he did not, and it was a pity, but he claimed to be fully entitled to take his seat. Why not at once give up the freedom of elections—say it was a mere farce—and not permit men under false impressions to spend large sums, and lose their money, in contesting them, and after all to be turned away when they come to the bar, because the Commissioners allowed themselves to be governed by a sitting member. (Hear, hear.) According to their own statement, those Commissioners adjourned from time to time till the seventh of April. By what right he would ask? Did they not know that in so doing they were acting in direct contravention to the statute? It was generally supposed that they would give some good and sufficient reason for this adjournment, but so far were they from attempting any thing of the kind, that when brought as culprits to the bar, they said they had nothing further to state than what was contained in their petition. Now he was unable to discover any

thing in that petition which could excuse this conduct. They must have seen the proclamation calling the Parliament together at a much earlier period; that proclamation found every hon. member in the Province, and he and other hon. members found themselves in consequence bound to take their seats. But these persons assumed a higher right, they forsooth adjourned till the seventh of April, long after the House met, and he supposed the mere statement that they had done so, was quite sufficient to exonerate them from all punishment, and to have it said that it was all very right and very proper. In that case he would ask hon. gentlemen on the other side of the House, if they had a right to adjourn till the seventh of April 1846, would they not have the same right to adjourn till the seventh of April 1847. (Sol. Gen. Sherwood, "certainly.") Then if so, they had acted contrary to the statute. He would however, draw the attention of hon. members again to the petition he held in hands. After this violation of law of which these culprits had been guilty, they now come before the House with an expression of regret that they have incurred this censure, and attributing their faults to their want of experience, this being the first commission upon which they acted. He must say he liked that. (Hear and laughter.) "They regret having incurred the censure of your hon. House." (Hear, hear.) Certainly it was remarkably well expressed. Then there is their want of experience. He must say he looked upon it as very strange, that after a man had taken upon himself such an honourable trust as the House had imposed on these gentlemen, should afterwards come before them alleging that he wanted experience. It would seem that they expected to be honoured with another commission.

Sol. Gen. SHERWOOD—asked the hon. member to read that part of the petition which expressed such a wish.

Mr. AYLWIN—said there was no direct wish to that effect expressed, but from the expression made use of, "the first commission on which they acted," he was led to draw that conclusion. But he sincerely hoped they never would, and he for one would never forget the manner in which they had discharged their duty. He did not wish to say that their conduct had been wilful or malicious, but it was evident that they had been guilty of a most unjustifiable delay, delays being the pet children of Courts of Justice and Parliaments. If there was one case more than another which called for speedy justice, it was the case of a contested election, and if the person petitioned against a man of honor, he would never rest satisfied, nor cease to exert every means to take the stain off his election. In conclusion, the hon. gentleman said he would be sorry to put any man in prison, he had been in prison himself, (hear, hear and laughter,) yes, he had been in prison himself and he well knew what it was, but if the course he proposed should be carried out, and these gentlemen were confined in prison and five minutes afterwards a petition was received from them, he would be the first one to vote for their liberation. He would however, be wanting in his duty as a public prosecutor, he would be wanting in his duty to the House, if he did not make the motion he then held in his hand, that Messrs. Horton and Warren had been guilty of high contempt, and if it carried he would follow it up with another motion for their incarceration.

Mr. GOWAN proposed to make some remarks on the tirade of the hon. member for Quebec. That hon. gentleman's great objection to the petition of the commissioners, was the delay which occurred in laying the evidence before the House, they having met, as he stated, on the 21st February, 1845, a space of fourteen

months having elapsed since that time. If the hon. member had taken the trouble to inform himself of the true state of the case, he might have saved himself and saved the House the tirade he had just inflicted on them. The commissioners had met on the 21st Feby., as stated by that hon. member, and continued day by day to take evidence till the 3rd March, on which day, Mr. Tiffany, the commissioner, named by himself, was the man who made the proposal to adjourn till the 30th June. (Hear, hear, from the Ministerial benches.) He would ask was the Parliament sitting on the 30th June? The hon. gentleman well knew that it had risen, and consequently it was impossible to lay any proceedings before it. What then became of his delay of fourteen months? The adjournment till the 30th June, was at the instance of his friend Mr. Tiffany, and it was thus that the delay was caused. The hon. member then laid great stress on the adjournment till the 7th April, and he would admit if they had committed an error, it was in making that adjournment. ["Hear," from Mr. Aylwin.] But it was not with the intention of deferring justice, as that hon. member would make it appear.

Mr. AYLWIN'S expression was to delay justice.

Mr. GOWAN—Well to delay justice. On the contrary, it would appear that all their proceedings shewed they were very tenacious of justice. The sitting member protested against the course taken by Mr. Tiffany, as would appear on the record before the House; but they went on in spite of that protest to make an exparte examination of witnesses until the petitioner stated he was satisfied before they had got through the tenth part of the disputed votes. And he would ask the hon. member for Quebec what object could the commissioners have in holding back the evidence; how was it in their power to delay the ends of justice? No, they acted in a manner to save expense, and as they conceived according to the orders of the House, and the law of the land. It was very easy for the hon. member to abuse prisoners in the style he had done; but whose characters stood as high & were as unimpeachable as that of the hon. member himself. And he [Mr. G] could assert that those gentlemen were incapable of acting as partisans when they were bound by their oaths to do justice. The hon. member then moved in amendment, that that part of Mr. Aylwin's motion accusing Messrs. Horton and Warren of contempt, be expunged, and that it be resolved, having satisfactorily answered the charge, that they be admonished and discharged.

Solicitor General SHERWOOD was not prepared to vote either for the motion or amendment. The first was too severe, and the latter was contradictory, as it did not state that the Commissioners were guilty of any error and yet required their admonition. It appeared to him that the original motion might be so amended as to meet with the support of the House. He was as anxious as any one, that a man who took upon himself a commission should not act in such a manner as to compromise the proceedings of the House, but from anything that appeared he could not conceive for a moment that such was the wish or the intention of the gentlemen who had withdrawn from the bar, although he would at once admit that they had acted illegally, and that in the face of the Act of Parliament, in adjourning until the 7th April. Now according to the motion of the hon. member, they were guilty of high contempt and a breach of privilege and yet it had not been shewn that the animus, the wilful intention of doing wrong was present, and if that could not be proved, no one

would say that they were guilty of contempt. The most they could be charged with was an unintentional error. The amendment of the hon. member for Leeds on the other hand said they had answered every question satisfactorily. But he (Solicitor General) did not think so, they had not satisfied him, and he was prepared to move that they had been guilty of a breach of the privileges of the House, though unintentionally. If he could conceive for a moment that those gentlemen with whom he was well acquainted, and for whom he entertained the highest respect, knew that they were acting in direct contravention to the act, he would vote for the infliction of the extreme penalty. But as he could not take that view of it, there being nothing to show that they had done so, he would put his motion in a milder form, fully satisfied that in so doing the privileges and dignity of the House would be fully maintained.

Mr. McDONNELL of Dundas would wish to see the letter of instructions under which the Commissioners acted, and then came the question so far as he was concerned, whether a day or two should not be allowed to consider as to what course he would take on this subject. (No, no.) Then he must vote against every motion before the House. He would say however that before the House determined that these gentlemen had been guilty, their conduct ought to be compared with the instructions sent them, and if it then appeared that they had departed from them, to inflict punishment, but if that were not done he could not discover in what manner the House could come to a conclusion on the subject.

Mr. McDONALD, Glengary, asked what would be the next step, he supposed to commit them to prison; now he did not consider this fair, he could not believe that the commissioners would be guilty of an intentional and wilful contempt of this House. The commissioners might have had a difference of opinion on some point. It is well known that both election committees, and this House are often convulsed, on account of a difference of opinion; and he would ask, was it to be wondered at that the commissioners should have a difference of opinion? He believed that on this account they had adjourned to the time they did, hoping that the House would sit in the meantime, and that they should be able to obtain some directions as to their future course of procedure. He would put the question to every member in this House, and ask whether this could be considered as an intentional contempt of this House, he thought not, and he was therefore prepared to vote against both the member for Quebec, and the amendment of the member for Leeds, and vote for the amendment proposed by the Solicitor General West.

Mr. WILLIAMS said that the amendment of the member for Leeds was inconsistent with itself, for if the commissioners had satisfactorily answered the questions put to them, they ought not to be reprimanded by the Speaker. To the main motion he had an objection, and it was this, that the commissioners were said to have been guilty of a high contempt of this House. He did not believe that it could be said that they were guilty of such an offence, nor did he believe that any hon. member in this House could conscientiously say so.

Mr. AYLWIN—I do.

Mr. WILLIAMS—If the hon. member for Quebec did believe so, it was his duty to have questioned the commissioners when at the bar to bring out that fact; but he (Mr. Aylwin) had not done so. He (Mr. Williams) considered it too severe to say that they had been guilty of a high contempt of this House.

Mr. RIDDELL would vote for the amendment of the member for Leeds, for he could not see that the commissioners had been guilty of either a high contempt of this House or a wilful breach of its privileges; he believed that they acted through ignorance, and were not to be punished for it.

Mr. WILLIAMS—The commissioners adjourned to a time when they thought that the Parliament would be sitting, and intending to have written to the Chairman of the Election Committee for instructions.

Mr. BALDWIN—said no one could pretend to say the Commissioners could be justified, with the act of Parliament staring them in the face, requiring that the committee should meet for business, two days after the opening of the session, whereas they adjourned till ten days after. Whether intentionally or unintentionally was a case in their own breasts; but it was clearly a violation of the law which should be visited by the House with punishment, and if a strong case such as the hon. member for Durham, referred to, could be made out, he would not vote for their temporary imprisonment, but that they should not be discharged during the whole session. Now the gentlemen in custody of the Sergeant were in a far worse position than those who at their bar a few days ago. The latter were merely charged with neglect, whilst the gentlemen whose conduct is at present under discussion were guilty of a breach of privilege, and if the motion of the hon. Solicitor General were carried it would place them exactly on a par. In his mind there was no comparison in the extent of the offence in the two cases and he felt that they would do those gentlemen who had been punished in the West Hailton election case an injustice if they awarded the same amount of punishment to those Prisoners, who were guilty of a much greater offence, but he found that he could not go quite so far as his hon. friend from Quebec on that occasion as he had felt very great pain in voting for the resolution which was passed. But in this case, where the gentlemen had acted so directly contrary to law and with the law staring them in the face, he could come to no other conclusion than that they were guilty of high contempt and if his hon. friend would modify his motion he would vote for it the more readily as he had not a doubt in his own mind they should be committed. He must say there was not much to be said in their favour, as instead of taking a course calculated to bring the matter to a speedy and satisfactory conclusion, they by their own abstract views of the Act, had taken that which was most certainly calculated to cause expense and trouble. Even if the House should not support him in his views, he was determined not to let them off without some very severe visitation from the House; after some words between Mr. GOWAN and Mr. AYLWIN, the amendment proposed by the first named gentleman was put yeas 22, nays 44.

Mr. GOWAN said that there were three persons included in the commission; one of them had been brought before the House and discharged. Now, he believed, that there would be more or less of party mixed up in the matter. And he would ask what appearance the motion of the member for Quebec would have before the country; to imprison two of the commissioners who belonged to an opposite party, and dismiss one of them who belonged to the same party as did the member for Quebec? The very appearance of it would disgust the country. In his opinion equal justice ought to be dealt out to all the commissioners. If they have acted wrong, the House ought to punish them equally. The hon. member for Quebec

says that he stands here as a public prosecutor. He (Mr. G.) regretted to hear him say so. He ought not to stand in that position, for he is sworn to try the case. He is a juror to try the controverted election. [Hear, hear.] He [Mr. G.] hoped he would hear, and understand to. He did not believe that the commissioners had been guilty of contempt of the House; for mark, their conduct when they received the summons of this House, they do not wait till the Sergeant at Arms goes for them, and compels their attendance, but they immediately set off for this House, and they meet the Sergeant at Arms at Coteau du Lac. He [Mr. G.] could not vote for the amendment of the Sol. General, for he could not arrive at the same conclusion. Does he [Mr. Sherwood] mean to say that they have violated any order of the House? The Sol. Gen. says, that they have violated the laws of the land; but does every one that violates the law of the land commit a breach of the privileges of this House? He [Mr. G.] would ask, if the commissioners had violated any instructions of this House? He believed not. He would, therefore, still press his motion, and have the commissioners admonished and discharged.

Mr. DICKSON—could not vote for the motion of the hon. and learned member for Quebec, neither could he vote for the amendment of the hon. and almost learned member for Leeds. The answers given at the bar were not in his (Mr. Dickson's) opinion satisfactory, notwithstanding the sophistry of the hon. member for Leeds who urged in support of his amendment, the correct answers given to the questions, "what is your name, &c." (laughter.) What he (Mr. Dickson) would regard as satisfactory, would be reasons, and not answers to questions of mere form. He thought the honor and dignity of the House ought to be maintained, but did not think it necessary for the attainment of that end to send the Commissioners to gaol. They certainly had not done what was required of them, they had offended against the honor and authority of the House, but they had offered what is usually accepted by society in such cases, an apology, and it would in his view, accord more with the dignity of the House to abide by the same rule than to resort to vengeance. Allusion had been made to another Commissioner who had been at the bar a few days before, and who, if the motion of the hon. member for Quebec were carried, would certainly appear to have been leniently dealt with. He (Mr. Dickson) regarded that Commissioner as equally guilty with those then at the bar, although the fact of his absence from the meeting at which the last adjournment was resolved upon, might be urged in his favor. He (Mr. Dickson) would, under all the circumstances of the case, vote for the amendment proposed by the hon. Sol. Gen. West.

Mr. AYLWIN—The hon. member for Leeds had alluded to party feeling, influencing the disposition of members towards the commissioners.

Mr. GOWAN—I entirely acquitted you of any such feeling in the matter.

Mr. AYLWIN knew not which of the Commissioners was of this political opinion or of that; he merely desired to maintain the honor and dignity of the House, and that he thought could only be done by adopting the course he had pursued; he was the last man to imprison another could it be avoided, but in this instance it could not; the House could not stultify itself; the law had been plainly violated by professional men who had solemnly undertaken to discharge a duty for the House and for the country; actions were to be looked at, and not intentions. What law enquires into the intentions of a criminal? In the present

instance an Act of Parliament limited the power of adjournment of commissioners as clearly as it did that of the committee; no committee dare adjourn but from day to day; did they act otherwise, they would be sent to gaol; and if a committee would be so dealt with, was it to be tolerated in a commissioner to adjourn for whole months. The petition of the commissioners meant to show that they had erred unintentionally; that might be, they might be as ignorant as their friends represented them, and if so, ought, morally speaking, to be discharged; but that House was not to judge morally but according to facts.

Mr. MOFFATT had voted for the amendment of the hon. member for Leeds, because of the lenient treatment the other commissioners had received. Did he think that the commissioners had committed the wrong complained of intentionally he would vote for the motion of the hon. member for Quebec; but he could not take that view of their conduct, and would, therefore, vote for the amendment of the hon. Solicitor General.

Mr. LAFONTAINE would vote against the motion as amended; for the House having determined that the commissioners had erred unintentionally could not consistently sentence them to any punishment. Where there was no wrong intention, there was no real crime.

Mr. McDONALD, of Glengarry, was of the same opinion as that just expressed by the hon. and learned member for Terrebonne, and would vote accordingly.

Solicitor General SHERWOOD said, that the motion declared that a breach of the privileges of the House had been committed, but the punishment was regulated by the extenuating circumstances set forth in the petition. The motion, as amended, was then put and carried by 41 to 26.

Cornwall and L'Original Road.

Mr. McDONALD of (Cornwall)—A sum of money was voted by the Legislature for the purpose of making a post road between Cornwall and L'Original. This sum has not been expended, and the road is in consequence in almost an impassable state. He (Mr. M'D) had seen the report of the chairman of the Board of Works; if his hon. friend (Mr. Aylwin) had not; and this reports reasons are given why this road has not been improved. If the hon. member for the North Riding of York thought it consistent with his favourite subject, Responsible Government, he wished to refer this portion of the report of the Board of Works to a select committee of all the M'Donald's in the House—(laughter.)

At the request of Mr. Draper the motion was postponed for a week.

Provincial Penitentiary.

This bill was referred to a committee of the whole. Mr. Lemoine in the chair.

Mr. DRAPER would not take up the time of the House by explaining it further than he had done at the second reading. It consolidated all the laws on the Penitentiary. All the clauses were agreed to by the committee, without amendment, except one, to which a provision was added. That the Board of Directors should have power to make regulations for the purpose of admitting Ministers of all denominations at proper hours.

Deaf and Dumb.

In answer to an enquiry of Mr. McDonald of Cornwall, Mr. Draper said, the relief of the Deaf and Dumb had not engaged the attention of the Government as no representations had been made to them as to the necessity of their extending relief to these unfortunate individuals.

River Welland.

Mr. DRAPER, in answer to an enquiry of Mr. Thompson, as to whether it was the intention of the Government to improve the navigation of the Welland River, said, that until the Welland Canal was completed, and they knew how much it was going to cost, they certainly did not intend to spend another shilling in that region.

Mr. Attorney General SMITH, in answer to an enquiry respecting J. B. Miville Dechêne, put by Mr. Laurin, said, the course that the hon. member for Lotbinière has adopted, is not the proper one. The Government have decided against the claim of this gentleman; and if he feels aggrieved by this decision, let him appeal to this House.

River St. Charles.

Mr. CHAUVEAU, moved that an address be presented to His Excellency, for certain communications relative to the beaches of the River St. Charles.

Mr. Attorney General SMITH had no objection to the address, but to prevent unnecessary trouble and expense, he wished the hon. gentleman would mention what communications he desired, and the time when they were received.

Mr. AYLWIN would relieve the hon. gentleman from his anxiety, by stating that the communications they desired were received in 1844, 1845 and 1846. The District of Quebec had been badly treated both by the United Parliament and the Parliament of Lower Canada, for immense sums have been expended in other portions of the Province, while very little public money has ever been laid out in the District of Quebec. The River St. Charles is capable of being greatly improved, for the purpose of facilitating commerce. An address was voted last session, praying that His Excellency would order a survey of this river to be made by the Board of Works. He (Mr. A.) did not know whether the officers of this Board had attended to their duty in respect or not, as he had not seen the report of the Chairman.

The motion was agreed to.

Courts of Assize in U. C.

Mr. ROBLIN moved, that the House do now resolve itself into a Committee of the whole to consider the propriety of repealing part of the act 8 Vict. chap. 14, regulating the holding of Courts of Assize, and Nisi Prius, in Upper Canada, in so far as it declares that these Courts shall only be held once a year in the Districts of Prince Edward, Talbot, and Colborne.

Mr. DRAPER said, that he did not think that it was necessary that the Courts should be held oftener than once a year in these Districts; for during several assizes that he had attended them, not one prisoner was found for trial, and the civil business was generally got through with in one day; and they objection that a prisoner may be kept a long period in gaol before he can be tried, he thought was done away with by the increased power of the Quarter Sessions, and the power given to transfer trials to adjoining Districts. He, therefore, felt himself bound to oppose the motion, unless it could be shown that the business had increased, and more crimes were committed. He also objected to the increase of expenditure which would follow the alteration of the present law, and to the altering a law which had passed only last session, without very strong grounds being shown for doing so.

Mr. HALL was glad to hear the sentiments of economy which had fallen from the hon. gentleman. He would deprive a district of 75 miles in length, of what its people all wished for the sum of £25 a year, and which they were willing to pay. Indeed, there was one case in

which he knew a person who would have to pay whole amount himself. When the bill was passed he was told that if it did not work well it would be repealed; and he thought it the duty of the Government to grant that which all the people wanted.

Mr. BALDWIN said that when the act was passed, he expressed doubts of its success, and he was not surprised at the complaints which were now made against it.

Mr. POWELL was happy to confirm what had been just been said; he would mention that there was a prisoner in his district who had been in jail since last fall, and who could not be tried until May next. He thought that it would be a great convenience to people in his district to have two courts a year, and he was in hopes that the Ministry would not have opposed the motion.

Solicitor General SHERWOOD said, when he introduced the bill, he stated he would be willing to repeal it if it did not realise the intention he had in passing it; but it had done so. By the present law, if you want to know at what time the court is to be held in any place, you have only to look at the statute book or at an almanack, and you will find the precise day the court will be held. Formerly, the Judges fixed it themselves, and the people did not know it until a very few days before the court sat. This he thought a very great advantage, and by the present plan, the law officers of the Crown could attend every assize; of course they could not do so during the sitting of this House, as under the present system of Responsible Government, they were obliged to be here, and the business had to be done by Queen's Counsel during the sitting of this House; but in vacation they did so, which it would be impossible for them to do if the present system was altered. He thought that there was no necessity for having more than one court a year, and he thought that the people did not want it because the business required it but because it would circulate money in the District. If the law is altered, it will not be in the power of the Judges and Crown officers to perform all their duty; if he thought that they could, he would be happy to assist them in carrying out the proposed change, but he did not think it possible, the Judges already complain that they have not sufficient time, and if the measure passes, they must also repeal the table at the end of the act, and leave it to the Judges to appoint the time at which the court is to be held, a system which every one has spoken against. Under these circumstances he would oppose the measure.

Mr. MERRITT—recollected when these double circuits were established, at that time the hon. member for Toronto (Mr. Sherwood) was a great advocate for them. We now see the effects of them, for before they were established the whole expense was only £3000, while now, in consequence of the fees of Queen's Counsel &c. the expense has greatly increased. Instead of adding more double circuits, we ought to take them away from some of the Districts that now have them. He would be happy to support the Government on this occasion, for it is not often we have an opportunity of supporting them in an economical measure.

Mr. ROBLIN—was happy that the discussion had come up at this time, and he hoped that no member who disapproved of his motion, would from delicacy to him, refrain from voting against it. He (Mr. R.) had opposed the measure last session, as he wished to write to the people of Prince Edward to know their opinions with respect to it. He must acknowledge that what the Attorney General had stated with respect to Prince Edward, was per-

fectly correct—that there is not now a prisoner in the gaol, for we are a peaceable people. But notwithstanding this, the inhabitants of Prince Edward have complained being deprived of double circuits, and the Grand Jury have presented the Legislature in consequence of passing this bill. He (Mr. R.) had presented a petition to this House, signed by every Advocate and Magistrate in the District, requesting the re-establishment of double circuits.—He (Mr. R.) was not desirous of interfering with the present system of fixing the time when the circuits were to be held, as he considered it a good one.

The motion was negatived—yeas 25, nays 27.
Petition of James Ferrier.

Mr. MOFFATT moved that the petition of James Ferrier and other members of the Corporation, praying that the late proceedings of the corporation in the election of Mayor be declared null and void, and that power be granted to make another election, be referred to a select committee of 5 members, to consist of Messrs. DeBleury, Leslie, Gowan, Lemoine, and the mover.

Mr. LAFONTAINE objected to the petition, because of Mr. Ferrier styling himself Mayor, and made some further observations, in the course of which he designated Mr. Ferrier “a modest and patriotic individual.”

Mr. MOFFATT, warmly, he is both modest and patriotic; he conceives that the whole proceeding was irregular, and simply applies to this House to set it aside. Motion carried by 29 to 20.

Militia Bill.

The House went into Committee on the Militia Bill. Mr. LeMoine in the Chair.

Attorney-General DRAPER, said that having spoken at some length on the second reading of the bill he did not conceive it necessary to offer any further general observations but would confine himself to making such remarks on each clause as the discussion might call for.

Mr. MERRITT begged attention to a few observations he wished to make; he knew the object of the present measure was good and that the Government were willing to do all that was necessary to accomplish that object. He thought, therefore, that it would be well to look back to the old Militia system of Upper Canada. The Militia Bill of 1808 authorized two flank companies for each Regiment which could be called out by the Government at any time. Then when the Militia were required for active service the regiments were called on to volunteer and there was no instance of refusal. The Captains selected the young and active men and the old men were allowed to attend to their farms. The bill then before the House was founded on a different principle; the first thing to be done was to draft and thus young men were liable to be taken from officers with whom they were acquainted. This, he feared, would cause very great dissatisfaction. It was well known that there was not a more active Militia in the world than that of Upper Canada in 1812, and he believed of Lower Canada too; he spoke more particularly of Upper Canada because it was of that service he knew most; when war was declared in July every man was on the frontier in 12 hours and in 24 hours battalions were formed.

Dr. TACKE said, that there could be but one opinion in the House upon the Bill. No one could doubt the necessity for a militia law and no one could hesitate to use every exertion which would make it as perfect as possible. (Hear, hear.) In Lower Canada, an efficient militia was not more necessary as a means of national resistance against aggression than as a power to put into execution certain Municipal laws. It must be confessed, that some dislike to

the present organization existed on the minds of his compatriots, because they considered it placed too extensive a patronage in the hands of the Executive Government, but, on the other hand, it was admitted, that the militia officers were distinguished for the greatest intelligence and independence of sentiment—they were well known to be equally ready to fulfil their duties as the defenders of their native soil, or to return to the quiet discharge of their functions as citizens. (Loud cheers.) Considering how necessary it was to maintain an efficient militia force, it was surprising that the Government had permitted it to be so entirely disbanded after the unhappy troubles of 1837 and 1838. The reason probably, was that it had looked on this arm of the national strength as more dangerous than useful; for it was aware that dissatisfactions had prevailed among his compatriots, and it had been too ready to believe—because a few hundreds of individuals had risen to oppose a Government justly held, in contempt—that they were not dissatisfied only, but rebellious. [Loud cheers from the Opposition.] If it thought that the mass was disaffected, it was deceived. He would say that the mass were the descendants of those, who, in 1812, had so nobly sustained the honour of Great Britain and their own. [Great applause.] The descendants of those men were not disaffected; on the contrary, they had continued in silence to suffer and to hope. [Cheers from the Opposition.] If that had not been so—if the French Canadians had been willing to accept the offered sympathy of their republican neighbours, the consequences would have been incalculably disastrous. Far from doing so—they remembered the cause to which they had attached themselves in the moment of danger—they recalled that glorious day, when three hundred or four hundred French Canadians, led by French Canadian Chiefs, had covered themselves with honour by repulsing no less than 8000 enemies, and thus saved their native soil from the dishonour of foreign invasion. (Continued applause.) What the fathers had done then, the children were ready to do now, if only justice was rendered to them. Their loyalty was not a speculative loyalty—it was not one, indeed, that was always in their mouths; but as the Hon Member for Quebec had said on a former occasion, they were from habit, from laws, and from religion, monarchists, and conservatives. (Cheers.)—Only give justice to the French Canadians, and it would be seen that their energetic battalions would be the foremost to rush to the Frontier, and there oppose their bodies to any and every assailant. (Cheers.) It was too much the habit, however, to calumniate these brave men—they were too often described as discontented and impracticable, and the public journals too often accused them of being disloyal and rebellious, while they claimed for the other race, exclusively, the contrary virtues. He would say to such people, you deceive yourselves—we claim to be children of the same mother as you—treat us like brethren, and not like bastards. [Loud cheers.] and be satisfied we will never forget our allegiance, till the last cannon which booms on this Continent in defence of Great Britain is fired by the hands of a French Canadian. [Loud applause.] He believed, as he had said before, that a well originated militia was essentially necessary, and that, in order to its being well organized, it was necessary to do something to get rid of the complaints which had been too long suffered, so that all parties of whatever race or whatever religion, might be equal partakers in the protection and the honour which a good Government bestowed on its subject. In order to effect this, he would make a few remarks on some of the principal clauses of the Bill. In the first place, he would observe, that this Bill was not one that could be considered as the property of those who brought it in—nor of that side of the House who ordinarily support the Administration: party considerations of that kind could have no true place in the discussion of a law, which so intimately concerned the entire people—the whole population of Canada. There would be no side, when they marched to danger, there would be no side to which the glory would

exclusively belong [Hear, hear and Cheers.] it was the interest of all to make the Bill the best one that could be framed for the common good of all. He could not say, that the Bill, as it stood, was what he would be disposed to call a very good measure, for he feared that it could not be put into execution in the manner proposed. In the first place, he objected to the four days' drill which was required yearly from the companies. He would ask what those six days' drills was intended to effect? Supposing it was possible to find enough experienced subalterns to put the companies through their manoeuvres, how would it be possible to acquire in six days any really valuable instructions in the business of a soldier? He asked whether six days was sufficient to go through the necessary exercises—whether, in that short time, the men could be taught to deploy, to form in open and close column, in echelon, and the rest of those other manoeuvres which were required for a field of battle? No, a month would not be too much for such a business; and though he believed that the young men of Canada possessed as great aptitude for military exercises as any in the world they could not be expected to do impossibilities. He thought, too, that the burdens imposed by the Bill on officers were more than they could be expected to perform. He considered the duties required from the Battalion Boards, composed of the Colonial Adjutants and other officers, was more than could be justly imposed upon them. They were to go from company to company, to form lists, and make rolls of the men fit for service in either the active or sedentary militia, and to ballot for the men required for service. Now, if there were ten, companies in a battalion, and only 3 days devoted to each company, it would be found to be a very heavy tax on the time of officers, and with the very best intentions in the world, the people of Lower Canada could not afford to lose their time—which was their money—without compensation. In Upper Canada the case was, perhaps, different; they had jobs and contracts there (laughter,) and they could afford a little money; but it was not so in Lower Canada, and the consequences would be that the best officers would be absolutely obliged to send in their commissions, which would then fall into the hands of ill-qualified persons. It was all very well for young people—they liked military glory, as he had himself when he was young (laughter), but it was quite a different affair with the older ones. Another consideration he desired to submit was, the proposed system of classification. He conceived the present classification entirely insufficient because it did not separate the married men from the bachelors. That was a thing of the last importance [here Mr. Draper smiled.] He saw the learned Atty. General laugh, he fancied he was a bachelor himself (laughter.) However, in 1812, he knew that there were many men who, however willing, and none were unwilling, could not join the army, because of leaving their families without the means of subsistence: now, by this Bill, all those persons would be obliged to go to the frontier, and to expose themselves to wounds and death, without even the poor provision of a pension for their surviving families. He thought that without a clause to provide that classification, no Bill could be considered effectual. He objected, also, to having so large a quota as one-half the men called out at the same time, and especially to the clause which required them to serve for five years. The last enactment was certainly, one which could not have met with due consideration,—it was asking for more than could be fairly required, and he hoped that it would be reduced to eighteen months. Five years was a period that all must admit was infinitely too long. He did not know whether the Hon. Attorney General desired to have the Bill, the whole Bill, and nothing but the Bill. [Mr. Draper said, no] because that had been the case, he would have been very much discouraged; but as the Hon. Attorney General said no, he should propose that the Bill be referred to a Select Committee, which he (Dr. T.) thought would be far the most convenient mode of arranging the details.

Mr. DRAPER would merely make a remark or two after the excellent speech of the member who had just sat down; he had gained something from that speech, and he thought that if the bill was thoroughly discussed, he would gain much more; he fully entered into the suggestion of the hon. member. He (Mr. D.) did not want the bill the whole bill, and nothing but the bill, he only wanted a good bill; he would be happy to receive any suggestions from members which would make the bill more perfect, and he would use all means in his power consistent with his situation in the House to get a good bill, and one that would be agreeable to all parties in the House, in order that it might be agreeable to all parties in the country.

Mr. LAFONTAINE, in a few words, expressed his pleasure at the concurrence of the Attorney General West, in the suggestion of his hon. friend, and his sincere desire to co-operate in any proceedings which would render the bill popular and effective.

Mr. PAPINEAU addressed the House, but was inaudible in the Reporters box.

Mr. Thompson considered the present bill a good one, but thought that it might be improved by a reference to a select committee. He coincided with the remarks made in reference to the 6 days drill; it would he said, be a loss of time, and would lead to dissipation, without any advantage, for he believed that what they learned during the 6 days they would forget during the remainder of the year. It would be advisable in time of peace to have several battalions properly officered, and so situated that the men could be called out at a moment's notice. He considered that the clause compelling officers to reside within the limits of their command, might in some cases, be good, but in others he considered that it would have an injurious effect. He would like to have it amended by giving a discretionary power to the Governor to allow residence out of the district in certain cases. He said that five years service in time of war was too much, it would draw the men too much from their ordinary occupations, and unfit them to return to them. In his opinion, 9 or 10 months was sufficient, those that wished to remain longer need not be prevented. He could see no use of having more than one Adjutant, as he considered them mere organs of communication between the Governor and the Militia. The bill, however, might be so framed to provide for 3 in cases of war; the amount that would be required for the payment of them, would be better expending in providing able and efficient drill sergeants.

Mr. McDONALD of Cornwall.—The system that is proposed by this bill, is the one adopted in Prussia and some other countries in Europe. It is the best system that can be adopted, and it has worked well in Europe. He (Mr. McD.) agreed with the hon. member for Haldimand that the officers ought not to be obliged to reside in the part of the country where the company is formed. At present they are obliged to reside in same District; it is better to let the law remain as it is, as in many of the back townships proper officers cannot be obtained. He (Mr. McD.) considered that an Adjutant General could not perform all the business; he must have clerks, and it is no matter whether we call them head clerks, or deputy Adjutant Generals. Let it be as in the Secretary's Office. When you come to the salary, then you can see that they do not get too much.

Mr. ROBINSON had several objections to the bill. He (Mr. R.) agreed in what was said by hon. member for Lincoln and Haldimand. He considered that five years was too long a period

to oblige individuals to serve; during the last war six months was the time that a militia man was obliged to serve, and there was always plenty of volunteers. He (Mr. R.) remembered, though he was only a boy at the time that during part of that period there were no persons but women and children on their farms. He approved of the plan of flank companies; it worked well during the last War. He (Mr. R.) was willing to give the Governor General greater powers than those given by this bill. He (Mr. R.) was pleased with the remarks of the hon. member for Nicolet, and though he was an imperfect in French, he understood every word he (Mr. Taché) said, because he spoke feelingly and from the heart. He (Mr. R.) understood that the hon. member [Dr. Taché] had done good service during the last war. He was also pleased with the spirit in which the hon. member for Terrebonne had spoken. Let us now endeavour to get a bill that will please all parties.

Mr. McDONALD of Stormont.—As the measure before the House involved various considerations, and went to a total re-organization of the militia of the Province, it was one that ought to be viewed with the utmost caution. There are in this House several hon. members who had served during the late War with the United States of America. He begged to call to their remembrance the manner in which the flank Companies of 1812 were organized, that system was found to work well, and he would therefore recommend it to the notice of the House. The bill then before the Committee contemplated the drafting of the Militia for actual service. He (Mr. D.) was of opinion that the spirit of the people of the country was such, that they would volunteer their services when it is necessary for the defence of the country. He would be against calling into active service any large number of any Militia regiment, than one-third of the nominal strength thereof, for the labouring seasons in this country for farming purposes being very short, one-half of any regiment taken from the ordinary pursuits of agriculture would eventually lead to discontent. He could not approve of men being taken to serve under any other than their own officers, for nothing was more revolting to the feelings of men than to be placed under the command of strangers. The measure then before the House will in his opinion require material alterations. The system of enlistment and incorporated corps was also found to answer well; witness the Incorporated Militia and the Glengarry Fencibles who served during the late War—many other instances can be brought to prove that the voluntary system in this country was the best.

Mr. AYLWIN had only one objection to make which was, that it was absolutely necessary in any popular militia bill to do away with flogging. This subject has been discussed in the British Parliament, and popular feeling is decidedly opposed to it.

Mr. BOULTON was very sorry that the hon. member [Mr. Aylwin] was afraid of flogging. The militia of Upper Canada were not afraid of this punishment.

Attorney General DRAPER would, after the discussion that had taken place, and in order that he might act upon the suggestion of the hon. member for Nicolet, [Dr. Taché] to refer the bill to a select committee, move that the committee rise, report progress, and ask leave to sit again.

District Court Act, Upper Canada.
The House went into committee of the whole on the bill to amend the District Court Act of Upper Canada.

Mr. DRAPER moved the adoption of the seve-

ral clauses, which, after a few words of discussion, were carried.

Mr. DUGGAN moved that one of them be amended, by adding a proviso to it, rendering it necessary that all writs be served by the Sheriff, or by his deputy, which gave rise to a long discussion, during which Messrs. Duggan, Baldwin, Roblin, McDonald, Dundas, and Thomson, spoke in favour of, and Messrs. Smith, of Frontenac, McDonald, of Kingston, and McDonald, of Glengarry, spoke against the amendment; the former members maintaining that the Sheriff ought to have the service of all writs; and that if other parties were allowed to serve writs, the Sheriffs would be unable to live by their office; and that then it would be impossible to get responsible men to fill office; and the latter members contending, that great inconvenience and delay would arise if the clause was adopted, as the Sheriff could not always be found in his office when wanted; that no harm could arise from allowing Plaintiffs to serve writs, but that it would be beneficial, as it would lessen the costs of the Defendant, as the Plaintiffs were not allowed to charge any thing for service; and that it would save persons from being obliged to travel great distances to get a Sheriff to serve a writ, as many parties were obliged to do now. The amendment being put to the vote, was carried.

It was then moved that the Committee rise, when Mr. SMITH, of Frontenac, moved that the said amendment be re-considered, which was carried. After some further debate, the amendment being again put, was lost. The Committee then rose and reported the bill.

The House afterwards adjourned.

ROUTINE BUSINESS.

FRIDAY, April 24.

33 Petitions were laid on the table.
The Serjeant at arms, was directed to place Messrs Horton and Warren, (the Commissioners on Middlesex Election,) again at the Bar.

After which they were asked if they had anything further to state in explanation of their conduct, other than that stated in their Petition?

They replied that they had nothing further to state, and were ordered to retire.

Mr. Aylwin moved that the said Commissioners, having neglected and delayed to make a return to the commission issued to them, and having presumed to adjourn the proceedings under the same to a period subsequent to the commencement of the present Session, have been guilty of a high contempt and breach of the privileges of this House.

Mr. Cowan moved an amendment—that the said Commissioners having appeared at the Bar and answered all such questions as were put to them, and having also represented by their Petition—that the cause of delay in transmitting the evidence, was not owing to any contempt of the House, but solely to a misconception of their duty, and to an anxious desire to carry out the orders of the House—they be admonished by Mr Speaker and discharged.

Negative—Yeas, 22; nays, 44.

Mr Solicitor General Sherwood moved as amendment, to strike out all after the word "guilty," and insert (though in the opinion of this House unintentionally) of a breach of its privileges.

Carried—Yeas, 42; nays, 22.

Original motion as amended—carried on same division.

Mr Solicitor General then moved, that they be admonished by Mr. Speaker and discharged.—Yeas, 41; nays, 23.

This motion being carried, they were called to the Bar, and admonished as follows:—

“W Horton and Thomas D Warren, Esquires.—The offences of which you have been declared by this House to be guilty, (though not intentionally,) is of a very grave nature. The neglect and delay on your part to make a return of your proceedings, and the adjournment of your sittings, contrary to Law, for a period of time, subsequent to the commencement of the present Session of Par-

ment, are in direct opposition to the rules which ought to have been your guide, in a matter so vitally affecting the privileges and the very constitution of the House: I have, therefore, to admonish you, by order of this House, which I do, and I intimate to you, the further order of the House, that you be now discharged.

The prisoners were discharged accordingly. A Bill to transfer to "Queen's College at Kingston," certain estates, rights, and liabilities of the "University at Kingston," was sent down for concurrence by the Legislative Council.

The Speaker laid before the House, the Report of the Superintendent of Education for Lower Canada—which was ordered to be printed.

Mr Secretary Daly laid before the House, His Excellency's answer to the joint Address against the annexation of the Magdalen Islands, to Prince Edward, in which His Excellency states, he will have much pleasure in recommending the subject for the favorable consideration of Her Majesty's Government.

The following Bills were passed:— For the establishment and regulation of Common Schools in Upper Canada.

To provide for the preservation of Game in L'Islet.

To enable the Associate Presbyterian Synod of B. N. America, to keep Registers of baptisms and marriages and burials, performed by them.

To vest in Capt Vidal, a certain allowance for a Road in Sarnia.

To indemnify A Leslie, Esq., Inspector of Licenses for the Bathurst District, for having voted at the last Election for Lunak.

To compel the attendance of witnesses before Magistrates in certain cases.

To encourage the formation of Building Societies throughout the Province.

And, the Bill for the relief of John Macara of Toronto, and of other Solicitors, Writers and Advocates, before the Sheriff's Courts of Scotland.

Petitions read:—

Of J. A. Pierce and others, purchasers of land from the late Capt William Duncan, against the bill granting letters of preference to Juliet Vanzandt.

Of J. Krowitz and others, of the District of Brock, for the construction of a harbor at Port Buryvall, and the annexation of Bayham to that district, in exchange for a part of Nissouri.

Of R. Julian, Assistant Harbour Master of Quebec, praying that his duties may be defined &c.

Of W. Tremaine and others, Lumbermen, &c., praying that the mill owners may be required to erect slides of a certain size on their mill dams.

Petitions from Eyendinaga and Caden, praying that a portion of the Clergy Reserves may be vested in the Church Society of Toronto.

Of Rev. D. Gibbs and others, of Granby, praying that the Clergy Reserves may be sold, and the proceeds disposed of as the Legislature may deem fit.

Of P. Carodeau and others, Pilots for Quebec, for amendments to the Trinity House Bill.

Of the Corporation of Quebec, praying that the rights of property in the "Cul-de-Sac" may not be vested in the Trinity House.

Of P. Page and others, Pilots for Montreal, for amendments to the Trinity House Bill.

Of the Municipal authorities of St. Roch des Aulnets, for aid to finish a wharf.

Of F. Murphy and others, for the improvement of the "Middle-Road" between Valcartier and Quebec.

Mr. Price, from the Committee on Private Bills, reported favorably on petitions from Christian Universalists of Canada West.

Also, on petition of Rev. J. Hutton et al., of "New Jerusalem Church," that they did not appear sufficiently numerous in this Province to possess the privileges they desire.

Mr Chauveau reported on the petition of the Corporation of Quebec, respecting the Election of Assessors, and the establishment of a Mayor's Court, and a Bill to amend the Ordinance for incorporating Quebec.

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Also reported favorably on petition of J. C. Gagnaire, et al., respecting Pedlars.

Petitions referred to Special Committees:—

Of John A. Pierce et al. to Committee on Montreal Trinity House Bill.

Of James Ferrier, Esq., Mayor of Montreal, et al.

Of P. Murphy et al.

Mr. L. Tettiere presented a Report on petition of James Alexander et al, and a Bill to make special provision for the pilotage of vessels bound to the River Saguenay. Second reading on Tuesday.

Mr Chauveau moved an address for a copy of all correspondence between the Executive Government, the Quebec Trinity House, and the Quebec Corporation, concerning the beaches of the St. Charles, and of all orders and resolutions of the Council on the subject.

Mr Monto moved a Committee to inquire into the affairs of the Toronto Hospital endowment, consisting of Messrs Monto, Williams, Price, Dickson, and McDowell, Dundas.

Mr Christie moved an instruction to the Committee on Quebec Trinity House, to inquire into the expediency of reuniting the Trinity Houses of Quebec of Montreal.

Mr La Ferriere, also moved an instruction to the same Committee, whether it would not be expedient to establish a navigation school at Quebec, for the gratuitous instruction of Pilot's apprentices and mariners.

A Bill to extend to the Christian Universalist Association of Canada West, the privileges enjoyed by other religious bodies, was brought in by Mr. Powell.—2nd reading on Monday.

The Halton Election Committee has obtained leave to adjourn till 28th inst.

Mr. Rubin moved that the House go into Committee to consider the propriety of repealing so much of the Act 8 Vic, Chap 14, as provides that the Courts of Assizes Nisi Prius shall be held but once a year in Prince Edward, Colborne, and Talbot.—Negatived, Yeas, 25; Nays, 27.

The Bill incorporating the Trafalgar Road Company was ordered to be engrossed.

The Bill to extend the Great Western Railroad from Hamilton to Toronto was ordered to be engrossed.

House in Committee on the Militia Bill, was reported and referred to a Select Committee of Messrs Draper, Atty Gen Smith, LaFontaine, Taché, Seymour, LaFerriere and Riddell.

The Bill to amend and consolidate the laws relating to the Penitentiary was committed and amended. To be reported on Monday.

The Bill to amend the law respecting forgery was read a second time and ordered to be engrossed.

The Bill to amend the Schedule to the District Court Act was again committed and amended. To be reported on Monday.

Adjourned.

MONDAY, April 27, 1846.

Resolutions on the Clergy Reserves.

Mr. BALDWIN—said that in moving the resolutions which he held in his hand, he would not be introducing a new question; it was one with which the House and the country were long familiar. It was known that in the same session of the Imperial Parliament in which the Act for the Re-Union of the Provinces was enacted, a law was passed to settle the Clergy Reserve question which was thought to be final. Under that law inspectors were appointed to value the lands belonging to the Clergy, and the country were informed that the land was to be sold for the benefit of the poor.

find by a publication in a Gazette of last March, that the present Government had granted the very considerable facility to purchasers then announced. But it was with great regret the parties concerned and indeed the country at large, lately heard that the sale of the lands was suddenly stopped. And although the Government with its usual tact styled it suspension, yet it was feared that from the great exertions being made by a certain power in Upper Canada that the gentle announcement was but a step towards a more serious measure, was in fact, a yielding to that power which had upon previous occasions been so efficacious. It was therefore, that he (Mr. Baldwin) and others felt alarmed, and that the hon. member for Lanark had prepared the resolutions which he (Mr. B.) was then about to submit. He (Mr. B.) thought the publication of such a report as that upon which the Government founded its determination to stop the sales was highly injudicious, especially as no intimation was given as to any final measure; he believed that it was calculated to affect injuriously the rights of individuals.

Att. Gen. DRAPER—did not rise for the purpose of opposing the resolutions; but to offer an observation or two upon the drop of bitterness which had fallen into the otherwise agreeable speech of the hon. member for the Fourth Riding of York. He (the Att. Gen.) would state that the reason why no intimation of a further measure was given was, that the Government had no intention whatever of coming to that House with any measure upon the subject; he would vote with great pleasure for the resolutions, and had only to offer an explanation that had been already offered, viz: that the suspension was merely temporary and that the sales would be resumed in the shortest possible time.

Two of the resolutions were then adopted *nom con.*, but upon the third being proposed Attorney General Draper observed, that as he had had no notice of it he thought it ought to be postponed.

Mr. BALDWIN—was not aware that due notice had not been given and was willing to give notice of the consideration of it for Monday next.

Mr. Atty. Gen. DRAPER moved an address of congratulation to His Excellency Earl Cathcart, on his appointment as Governor General, seconded by Mr. LaFontaine. He said that he had searched for precedents, and came to the determination of not pursuing the usual course of moving resolutions, and founding an address thereon, but simply moving an address; and he hoped that the address would be unanimous. The address was then carried.

Mr. Atty. Gen. DRAPER introduced a bill to restore certain persons, who had been attainted for high treason to their civil rights. He said that certain persons had been attainted for high treason, and had received her Majesty's pardon, and this bill was to restore them to their properties.

Mr. BALDWIN said that he had again great pleasure in rendering a due meed of praise to the Government, who had introduced the bill. It had been he said, the intention of the late Government to introduce such a bill; but owing to the difference between the Government and the people, which caused their retirement, it had fallen through. He (Mr. B.) thought, however, that as this was a prerogative of the Crown, it ought to have been sent down with the signature of the Governor, and then read once in each House. He thought that the bill should be made for precedents, and that some previous bill to restore attainted persons should be introduced.

to the determination, after the search had been made, to follow the same course as with other bills.

Mr. LAURIN made an enquiry of the Ministry as to the abolition of *Lods et ventes*.

Mr. Atty. Gen. SMITH said that a bill was just last Session to allow the voluntary commutation; and he thought it premature to take any further steps; it was, therefore, not the intention of the government to act in the matter this Session.

Mr. AYLWIN introduced a bill to regulate the duties between master and servant. He said that the bill had not been prepared by him: it related particularly to the trade on the Ottawa River, where there is a large business carried on in the manufacture of lumber. It was badly situated, far from any courts of justice, for the punishment of criminals, especially on the Lower Canada side of the river. He believed that he could mention a case in which a murder had been committed, and the perpetrator of the act remained at large, till at last he made stipulations—not those detested Ministerial stipulations—with the Government, that if he came down, and was not tried at the term then approaching, he should be allowed to be let out on bail.

Mr. Atty. Gen. SMITH said that he did not rise to oppose the bill, but to correct a misstatement. The Government had made no stipulations with the person referred to; indeed the Crown Officers strenuously opposed bail being allowed.

Mr. HALL suggested that the bill should refer to Upper Canada also.

Usury Laws.

Mr. Solicitor General SHERWOOD—In moving the second reading of the bill to amend the Usury Laws, said that he had taken the course in this matter which had been taken in England, as he thought it prudent to follow step by step the legislation which there led to their repeal. The principle of this measure had been several times negated by the Parliament of Canada, on the last occasion by a majority of one. The repeal of the Usury Law would, in his opinion be followed by great advantages, & altho, some inconvenience might be felt at first, money like everything else would find its level. On the other side of the line 7 per cent is obtained for the use of money, and in Canada money can be invested in real property so as to obtain 6 per cent without any risk, and thus a large amount of capital is prevented from being introduced into the country for the purpose of loaning as persons can invest their money more profitably in other ways. He intended to make the law applicable to bills and promissory notes not having more than twelve months to run, upon which as much interest might be given and received as the parties agreed for, but where no bargain was made, the law as it is at present would regulate the agreement. He was prepared to limit the operation of this bill to one, two or three years; in order to try its effect. If it was wished to restrict Banks, on account of their possessing such a great amount of capital, from demanding a higher rate of interest than 6 per cent, such a clause could be inserted in committee, but he [Mr. S.] was prepared to throw open the money market to the competition of all parties. He had known instances of individuals who could not obtain a loan of money at 10 or 15 per cent in consequence of the Usury Laws and who were obliged to sacrifice their property to the amount of 50 or 100 per cent. He could not be charged with any interested motives in introducing this bill, as he was neither a money lender or borrower; he was however anxious to assist the commerce of the country.

The necessity of the repeal of Usury Laws has been fully discussed both in this Province and in England, and though in former days this project was considered visionary, the force of truth has wrought such a change in the minds of the statesmen of England, that these laws have been repealed.

Mr. BERTHELOT said, the hon. member who has introduced this bill does not remember the past history of mankind, and he has not profited by the lessons of ancient history; for there have always been plenty of persons who where willing to borrow money at any price, in consequence of which, laws against usury have been in existence for many centuries in all civilized countries. The circumstances of England are different from this country; for in England capitalists are often glad to get 3 or 4 per cent for their money. Many individuals in want of money will promise any per centage for it. It is a fact in ancient history, that people have paid 300 or 400 per cent for the use of money. And many persons in a state of intoxication will be induced to sign a promissory note for double the amount they obtain for it.

Mr. ERMATINGER was in favour of the principle of this bill. Many persons might be opposed to the repeal of the usury laws from religious scruples; but, by the law of Moses, simple interest was called usury. He [Mr. E.] did not see why the laws which govern money should be different from those which govern any other commodity, unless it is because money slips through our fingers easier than any thing else. In this country money cannot always be obtained for commercial purposes at 6 per cent; for capitalists can invest their money in property and obtain 6 or 8 per cent, and thus obtain more than the legal rate of interest, and have the best security. The very persons whom we wish to assist by our usury laws are the very individuals who are most injured by them; for many farmers and others who would often be quite willing to pay 8 per cent to keep their property from being sacrificed, are, in consequence of these laws, unable to obtain the advances required. Persons who are indiscreet will be ruined by any bill.

Mr. SMITH of Frontenac—was not prepared to repeal a law which has existed in Upper Canada since 1811, because the hon. member who has introduced this bill had not convinced him of the necessity of its repeal. We have been invited to follow the example of England, but the situation of the two countries is very different—in England money is abundant and capitalists do not often know how to invest it profitably, but here we are obliged to borrow. In England the law restricted the rate of interest to 5 per cent until money became plentiful.—The banks in Canada have collected all the spare capital of the country, in consequence of their being able to pay 8 per cent and sometimes a bonus besides to the stockholders.—He [Mr. S.] was not an old man but he remembered it being often said that money could be more easily borrowed at six per cent before the establishment of the banks than it can now. He [Mr. S.] entirely concurred in the remarks of the hon. member for Kamouraska.—It has been said that a higher rate of interest is allowed in some of the United States of America than in Canada.—what has been the consequence of this? English capitalist have invested large sums of money in the public works of that country, and now many of these states have repudiated their just debts. He [Mr. S.] did not believe that the repeal of the usury laws would cause capital to flow into this province for the moment men of England, are not prepared to lend to us on as favourable terms as to others; as an instance of this he would mention, the loan obtained by the corporation of

Kingston a few years ago. It was thought that the loan would have been obtained for 4 per cent, as money was then plenty in England, but it being known that our rate of interest was 6 per cent, they struck out for that rate and the Commercial Bank having been foolish enough to guarantee it, the loan was obtained at 6 per cent. He [Mr. S.] thought that a farmer in distress would offer any rate of interest, and thus be irretrievably ruined.

Solicitor General SHERWOOD omitted to mention before that this legislature has virtually repealed the usury laws, as respects the Building Societies which have been incorporated; for they are allowed to take any amount of interest. He considered that these Societies will do a great deal of good, by enabling persons of small means to obtain houses of their own. A great deal has been written upon this subject by eminent writers in England; he would read an extract from a memorial that was presented to the Legislature of Massachusetts, as it expressed his sentiments in few and appropriate words [Mr. S. here read the extract]. [He Mr. S.] hoped the members of this House would give this subject, that consideration which its importance demands. The Usury laws are now evaded every day, and any one in Upper Canada who would sue for the penalties would be looked down upon by all his neighbours.

Mr. AYLWIN was surprised that the hon. Solicitor General West had not better evidence in support of his bill, than a petition to the Legislature of Massachusetts. He [Mr. A.] had read some able articles in the English Periodicals which he regretted he had not then at hand, and which, he would say, were more instructive than the second hand evidence quoted by the Solicitor General. "Money," said the hon. member, had one characteristic merit which belonged to no other article of commerce, it was the symbol, the type of the value of all other articles—with money any thing else might be had. It was not so with other things. With sugar or corn you might not be able to procure beef, &c. He [Mr. A.] would, therefore, deprecate the principle assigned by some hon. members, and upon which argument appeared to be based, that money should be subject to only the same rules & restrictions as any other article of trade. If the bill referred only to the mercantile community, he might not be so much opposed to it. Merchants could generally give more than 6 per cent; their constant profits of 20 and 30 per cent enabled them to do so. But the people of the country could not afford to pay high rates of interest, and would be ruined if by inducements such as that bill would afford, they were led into extensive borrowing. He (Mr. Aylwin) thought that the hon. Solicitor General would do better to the country if he were to amend the Usury Law so as to enable usurers to obtain their principal with lawful interest; at present it often happened that the lender and borrower were both rogues, the one sought too much and the other would pay nothing. Besides by allowing usurers to sue for lawful amounts they would be brought into light and suitably branded by society. The hon. member after some further eloquent remarks, declared that he would then as in a former instance warmly oppose the bill, and hoped it would be indignantly rejected.

Mr. McDONALD, of Kingston—In this case like all other innovations upon old prejudices, (and it was purely prejudice that enacted these laws) it would have to be a long time before the public before this principle, as well as unshackled trade, would be received with favour. That great English writer, Jeremy

Bentham, whose work on the subject of the Usury Laws, Sir James Macintosh pronounced unanswered and unanswerable, laid it down as a proposition that could not be disputed, that every adult of a sane mind has a right to lend money on any terms he pleases; and every adult of sane mind has a right to borrow money on any terms he pleases; and any restriction upon this liberty is an infringement of natural right. It is said of this, Oh! this sounds very well in theory, but it will never do to practice. He could not understand how—when a theory was correct, the practice of that theory would not be correct also. At the present time usury was practised secretly, and the borrower had to pay not only for the value of the money, but also for the risk run by the usurer in consequence of the penalties. Many properties were sold by Sheriff's sale for the sixth of their value, which would have been saved to their owners, if they had been allowed to pay a higher rate of interest than six per cent, and thus obtain money. Many such instances had occurred within his knowledge. It was a common thing among young merchants, when pressed for money, to send part of their stock to auction, and sell it at a ruinous sacrifice, which they would not have been obliged to do, if the usury laws were abolished. He referred to several instances that are mentioned in Kelly on Insurance of the bad and ruinous effect of the Usury laws upon the merchants.

Mr. ROBIN said, that the Solicitor General West ought to rest satisfied with the many changes likely to take place in this country, without attempting to push this matter through the House at the present moment, for even if the change he proposed were feasible, it was not the proper time for it. When this very bill was brought up in a former session of Parliament, it was lost by a majority, and he had on that occasion the pleasure of standing side by side with the late lamented Mr. Cartwright, a gentleman who understood the monetary affairs of the Province as well as any one, and who opposed this bill then as he [Mr. R.] was certain he would oppose it now, if living. The hon. member for Kingston had argued on the question very handsomely, that the Usury Laws, as they now exist, interfere with our natural rights. But he would ask what are nearly all our laws but an interference with natural rights for the benefit of the community? [Hear, hear.]—Gie man has £100, and another standing in need of that sum, and being a stronger man, could force him to give the money according to the doctrine of natural rights, but fortunately there stood in the way a law prohibiting such a display of them for the benefit of the community. Such is the case with the Usury Laws; they are intended to prevent the extortion and the robbery which would otherwise be practised. The hon. member for Kingston instituted a comparison between money and all other commodities, and to wish that the same rule should be exercised with respect to all. But there is a vast difference between money, which alone is durable, constantly increasing itself, and all other commodities which are commodities which are perishable, and are purchased by the merchant in order to consume them himself, or to sell them to others; in either case they are perishable. But does the merchant sell his money? No, no. He hoards that up, or else puts it out at interest, thus increasing his stock constantly. But the principal argument used in favour of the passage of this bill is, that by the inducement of a higher rate of interest than is now legal, capital would flow into the Province from other countries; instead of that what

would be the result? Every shilling now due in Canada would have to be paid immediately, or the demands of exorbitant interest would be made on the unfortunate debtors. [Hear, hear.] It would be impossible to form a conception of the confusion and misery that would ensue.—“Pay me what you owe, or give me twenty per cent,” would be the cry on all sides.—[Hear, hear.] He would vote for the amendment from a conviction that the bill is unsuited to the wants of the country, and as he felt convinced that no injury would arise from its being deferred for another year.

Mr. MOFFATT, although not in favour of the abrogation of the Usury Laws, was not disposed to vote for the motion to throw the bill out. He would rather see it sent to a select committee in order to modify the penalties for a breach of the laws. He would consequently vote for the second reading. When comparisons were drawn with the acts of the Legislature at home, he would remind the House that in the interests affected by this bill, there was no resemblance between the two countries. [Hear.] There money was plenty, and land scarce, here it is the reverse, and taking the reverse of the course adopted in England, if the bill were intended to remove the operation of the usury laws as affecting real estate, instead of other securities, he would be inclined to vote for it. The argument on which most stress was laid, was that by the abrogation of these laws, capital would become more plentiful in the Province. Was it for that purpose, was it to invite the introduction of capital that these laws were repealed by the Imperial Parliament? On the contrary, they waited prudently until capital was superabundant, and what would show that there was no danger there of exorbitant interest being demanded, was the fact of its being cheaper in the streets than in the house. In illustration, the hon. member said, that when a merchant had amassed a sum of money, he put it into the hands of his broker, who generally invested it at a lower rate than the banks were discounting. But in this country, from the scarcity of capital, the reverse is the case, money being dearer in the streets than in the house. He repeated if the Bill were intended to remove the operation of the usury laws so far as regarded real estate, he would be inclined to vote for it, and if that succeeded, then he would have no objection to give it a trial on other securities. But under its present form was opposed to it. Nevertheless, he hoped that hon. member for Frontenac would withdraw his motion—[No, no.]—and allow the bill to pass through its second reading in order to refer it to a select committee, as he felt convinced there was not a member in the House who did not think that the existing law respecting penalties was capable of modification.

Mr. DEWITT—said that with regard to what had fallen from the hon. member for Kingston, that money as a marketable commodity, should be but at the same rate of interest as was chargeable on other goods, it struck him that there was a very essential difference. He would like to know, could a man who owed a debt, take his barrel of flour or his barrel of pork and offer it in payment? No, it struck him that that was not a legal tender. The debtor would be obliged to part with three or four barrels of flour in order to make up the amount required. But if a bill were passed making a barrel of flour or a load of wood a legal tender, he would then incur in that hon. member's remarks. The bill as it appeared to him, was one which would have the effect of grinding down all debtors throughout the Province. [Hear, hear.] The hon. member for

Kingston said, that money had been but at twenty-four and twenty-five per cent per month in New York in 1835 and 1836; but what were the results? Was it not known, to every one that the Americans became bankrupts, and the effects of their bankruptcies were felt throughout the colonies. And did the hon. member wish to bring about the same results here, which must inevitably ensue from legalising robbery, [hear, hear.] we have quite enough of that already, and he did not wish to see a law passed legalising it. The hon. member for Montreal had intimated that he would readily remove the operation of the Usury laws as regarded real estate, but if they eat up the farmers what good results would ensue, would the colony be in a higher state of prosperity? No, his creed was to allow all to live together, the farmer as well as the merchant and the tradesman, [hear, hear] and he hoped the motion would be carried.

Mr. BIRDWELL—congratulated himself on his concurrence in opinion with the hon. member for Montreal, when this bill was before the House in a former session, and hoped that this would not be a solitary instance of their sentiments being the same. His attention had been called to the observations of the hon. member for Kingston, whom he always listened to with great attention, being always sure of hearing some arguments bearing on the case, but who on the present occasion, seemed desirous of making no distinction between theory and practice. He [Mr. B.] hoped however, that hon. member would admit, that although on abstract principles it was the interest of the whole human race to follow a course consistent with the laws of their country, yet in practice, it would not do for Parliaments to depend on that alone, but pass such enactments as would punish the infringement of those laws, and he would beg of him to consider what universal suffering, the measure he advocated would cause, for although true in the abstract, he believed it would be somewhat difficult to carry out in practice. During the course of the evening a great many illustrations had been drawn from England, & in the distinctions to be observed in several of these points he concurred. He concurred with the hon. mem. for Montreal in the distinction made by him between the abundance of money and scarcity of landed property in England and the opposite being the case in this country, but he could not agree with him as to the propriety of removing the restrictions relative to landed property, for it was well known what class it was generally possessed by, and who would undoubtedly be overtaken by ruin, if the hon. gentleman's opinion were adopted. He [Mr. B.] would, on the other hand, be rather inclined to throw the doors open to the commercial community, who, knowing the value of money better, would be less liable to suffer from the removal of such a restriction than the farmers. He was convinced that if the usury laws were repealed a very large portion of the landed property of the country would in a very short space of time change hands. [hear, hear.] The hon. gentleman spoke of the difficulty experienced in attempting to borrow money at ten, fifteen, or twenty per cent, and the possibility of merchants being saved from bankruptcy, if it were legal to procure money at that rate of interest. But he was convinced that was a fallacy.—[Hear.]—Merely putting off the evil day, to return at a later period with redoubled violence.

Mr. ROBINSON: And with worse consequences.

Mr. BARNARD: Aye, and so the hon. member said, with worse consequences. He was quite satisfied that any man borrowing money at such an exorbitant rate was only carrying his

own ruin. Could any hon. member suppose for one moment that money was really worth ten or twenty per cent? He would admit that by some speculation, well managed, it might be made to pay that; but what he referred to was the marketable value. He therefore agreed with the hon. member for Prince Edward, that this is not the time to make any change in the existing laws. The hon. member for Montreal had said, he would vote for the second reading, in order to have the bill referred to a select committee; but it appeared to him [Mr. B.] that the object the hon. gentleman designed to gain, that is to say, the modification of the penalties for a breach of the usury laws, could not properly enter into the bill before the House, but should form the subject of a different bill altogether. He [Mr. B.] would therefore feel bound to vote for the motion.

Mr. COLVILLE had listened to the speeches made in favour of the bill with great pleasure, and he was prepared to vote for the second reading as he believed that the operation of the bill would be good. He said that if he believed it would raise the rate of interest, he would not vote for it, he did not coincide with the remarks of the member for Montreal, as it was but an experiment, it was better to try it on the merchant, than on the farmer, and if it turned out as was expected we might then allow usury on Land. The reason that it was not extended to Landed estate in England was that it was found that one-half was mortgaged and it was feared that the other half might change hands.

Mr. ROBINSON. This was a question on which he had thought a great deal, and which had been discussed by the press, but after all his experience he could not see that the allowing of usury would lower the interest. The very argument used by the member of Kingston where he stated that they were paying in New York 7 per cent. and in Georgia 8 per cent. legal interest was against him, for the people because they pay such a large rate of interest are perishing. He did not conceive it any argument to say that many a man has been ruined because he could not get money at 6 per cent. & was not allowed by law to pay more, for he believed that it would be running him more into debt by allowing him to pay 7 per cent or more.

Mr. PRICE said—The principal argument urged by the supporters of this measure was that if the Usury Laws were repealed, capital would flow into this country in abundance, as the high rate of interest would induce the English capitalist to invest his money here, and that money would in consequence become plentiful, and, as a necessary result, the interest would be reduced rather than increased. He [Mr. P.] would ask then how it is that whilst the legal interest of Canada is six per cent, and money is plentiful in England at 3 per cent, that we do not get all the money that is required for the business of the country? The reason is obvious to every reflecting man, and no one knows it better than the hon. member for Montreal, that the monied man in England will not lend his money in this country from uncertainty of getting his interest regularly paid, and the absolute certainty of never getting the principal. If we could inspire confidence in the money market in England, then we could obtain any amount of capital that we might require. Should, however, these laws be repealed, the Canadian capitalist, monied men, bankers and money jobbers, would borrow large amounts of money from England and let it eat to the farmers and the needy merchants in small sums upon mortgages and bills of sale at an enormous increase of interest, and the result would be that the industrious yet

thoughtless and imprudent borrower would be inevitably ruined. He [Mr. Price] was thoroughly convinced that no business in this colony could be profitably carried on with a borrowed capital at a higher interest than six per cent, and any farmer who had to carry on his agricultural pursuits upon a borrowed capital with interest even at that rate might rest assured that sooner or later he would be brought to absolute ruin, and if this were true what reasonable hope could we have, with free trade staring us in the face, of being able to pay a higher rate with any chance of success. Every town and village—in fact, every pot-house and tavern, would be a shaving shop to plunder and rob the simple, the needy, and the unwary.—The Hon. Solicitor General Sherwood, in introducing this measure, had stated that he was not wedded to it, and had no personal interest in it, and that he was ready to be convinced by argument that he was wrong, and when convinced willing to withdraw the bill, and yet with inimitable consistency had abandoned the House during the whole debate.—Had he only attended to the speech of his [Mr. P.'s] hon. friend, the learned member for Quebec, which was, in his opinion, unanswerable, the hon. and learned Solicitor General would have been amply paid for such attention. He [Mr. Price] well knew that many, very many, farmers, who had thoughtlessly involved themselves in debt, and merchants on the eve of bankruptcy, had repeatedly paid 15 and 20 per cent for interest to relieve themselves from present embarrassment, but one and all of whom had, sooner or later, been involved in absolute ruin. The money jobber had obtained the farm and plundered the merchant, and the wholesale merchant in Montreal and London had eventually to suffer the entire loss. Repeat these laws, and the same reckless, thoughtless imprudent men would be the borrowers of the floating capital. The money jobbers in a few years would be the owners of one half of the lands of Western Canada; the people the slaves of an aristocracy of all aristocracies the most hateful—a monied aristocracy. This House is bound to prevent such a result, and to discourage that itching in the yeomanry of borrowing money which has already become an epidemic. He [Mr. Price] knew men in the city of Toronto, who for years, had carried on a system of borrowing money at an extravagant interest to keep up their sinking credit, because they had not moral courage to trust their creditors.—To-day such men would borrow of A to pay B, and to-morrow of C to pay A, and so all the year round, until at length their whole means had gone into the hands of usurers, and the merchant, whose goods had been wasted and plundered, lost everything; and if this bill be carried, and becomes the law of the land, our bankers and monied men will become Jews, shavers, and money jobbers—our merchants reckless, immoral borrowers, always at the mercy of the monied men—our farmers involved in irretrievable ruin. The money that comes here borrowed from England flows back again in an increased stream, draining and impoverishing a country altogether unfit and unprepared for free trade, in money or in any thing else. The Hon. Sol. General, whom he [Mr. P.] now saw in his place, had twitted the opposers of this measure with being attached to antiquated notions. He would inform the hon. member that antiquated as these notions were, they were participated in by a vast majority of the friends of the human family all over the world. The honorable member himself has through life been the very strongest stickler to antiquated notions in human government which every enlightened man of the age had repudiated, and he [Mr. P.] was not unwilling to be

called antiquated because he desired to protect the fair and honest borrower from the mercenary, hungry, unprincipled lender.

Mr. THOMPSON then made a few remarks in favour of the bill, but owing to the noise in the House, we could not catch more than a word now and then in the reporter's box.

The motion for the second reading this day 6 months, was then put and carried on a division—Yeas 43—Nays 18.

Routine Business.

MONDAY, APRIL 27.

The following Bills were passed.

To incorporate the Trafalgar Road Company.

To amend the Law in cases of Forgery.

Petitions read.

Of M. Scott, et al., for a Registry Office in St. Joseph.

Of D. McNab, et al., of Hamilton for alteration in Charter of Kings College.

Of the municipal authorities of St. Antoine de la Baie du Fabre for amendments to the Sleigh Ordinance.

Of Municipal Council of St. Louis de Kamouraska for a Court of Justice.

3 Petitions from the Diocese of Quebec, that the portion of the Clergy Reserves due the Church of England may be vested in the Church Society.

Of W. Barrett et al. of Huntingford, for amendments in school act.

Petitions from Durham, Rainham, and Shefford, that the Clergy Reserves may be sold, and proceeds disposed of by the Legislature.

Of T. W. Lloyds et al., of Quebec, against the alteration in the duties prayed for by the Board of Trade of that city.

Petitions from Wilmot, Pickersham, and Durham, for alterations in the charter of Kings College.

Four petitions from township of Toronto, and 2 from Pickering, that the Clergy Reserves be sold for educational purposes.

Of the committee of the House of Industry of Toronto, for aid.

Of members of the Church of England in Elizabethtown, that that Church may have the control of a portion of the School Funds.

Of the Congregation of St. James' Church, Poth, that a certain piece of Land asked for to build a Roman Catholic Church thereon may not be granted.

From New Market, Dawn, Delaware, Carradoc and Warwick, of the Diocese of Toronto that the portion of the Clergy Reserves due the Church of England may be vested in the Church Society.

From Baptist Congregations of London and Lobo, that the Imperial Act disposing of the Clergy Reserves may remain in force.

From Inhabitants of St. Michel d'Yamaska, for repeal of the Sleigh Ordinance.

Of N. Ducheny et al., of the District of Quebec, for amendments to Municipal and School acts and for the payment of Jurors.

Petitions referred to Special Committees.

Of Sir Allan McNab, et al., (Hamilton Police Act) to Committee on Private Bills.

Of Rev. D. Gibbs, et al., to Committee on Clergy Reserves.

Of T. Little, et al., and of J. Quinsby, et al.

Of M. Scott, et al., to Committee on Petition of F. M. Guay, et al.

Of Montreal Agricultural Society.

Mr. Daly laid before the House copy of a Despatch relative to a repeal of the Duties on Foreign Wheat or Flour imported into this Province—ordered to be printed.

The Chairman of the West Halton Election Committee reported the absence of Mr. Chabot.

The Chairman on the Middlesex Election Committee reported as follows—

Resolved, That the mode of proceeding on the part of the Commissioners appointed to take evidence in the matter of the contested Election for the County Middlesex, in adjourning several months on different occasions without any reason assigned, was illegal.

2. Resolved, that the evidence taken under the commission so illegally executed cannot be received or read as evidence.

3. Resolved, that the chairman do communicate the forgoing resolutions to the House.

The committee on the bill regulating the notarial profession of Lower Canada, reported the same amended. Committed on Wednesday.

Mr. Thompson reported on the petition of H. Bruce, et. al. respecting certain rivulets, or creeks on the Grand River, and recommending the prayer of the Petitioners.

Mr. Webster reported in the petition of J. K. Andrews et. al., relative to a road allowance, that the prayer be granted, and brought in a bill in relation thereto. 2nd reading to-morrow.

Mr. Chalmers reported a petition of Caleb Hopkins, Esq., and others, relating to a plank road from the Home District to Hamilton, and strongly recommended the improvement prayed for.

Mr Baldwin moved certain Resolutions expressive of the gratification afforded the country by the announcement in the Official Gazette of 24th March, altering the terms of payment for Clergy Reserves, and the regret of the House to find by that Gazette of the 9th April, that this arrangement has been suspended.—And expressing an earnest hope that the causes which have led to the suspension of the said arrangement, may be speedily removed.—Carried.

Mr Boulton brought in a Bill to amend the Charter of the Bank of Upper Canada.—2nd reading on Monday.

Mr Draper moved an Address of congratulation on the Appointment of His Excellency as Governor General.

Mr Draper brought in a Bill to restore rights to certain persons attainted for High Treason.—2nd reading on Friday.

Mr Cummings brought in a Bill to explain and amend the Act respecting Ferries in Upper Canada.—2nd reading on Monday.

Mr Aylwin brought in a Bill to regulate duties between Masters and Servants.—2nd reading on Friday.

Mr Leslie brought in a Bill to Establish the Vote by Ballot, for Councillors and Assessors in Montreal.—2nd reading on Monday.

Mr Jessup moved a Message to the Council for the proofs on which the Bill to authorize the devices of the late Hon Charles Jones to convey a certain Town Let to the Board of Police of Brockville—is founded.

Mr Macdonald of Kingston brought in the British American Mining Company Bill.—2nd reading on Thursday.

Mr Duggan brought in a Bill to Incorporate the Etobicoke and Monro 6th Line Road Company.—2nd reading on Thursday.

The Bill to extend the Great Western Railroad, was committed—amended—to be reported to-morrow.

The Bill to amend the Acts relative to the Provincial Penitentiary, as amended, was ordered to be engrossed.

The Bill to amend the Schedule to the District Court Act, as amended on Friday, was reported, and ordered to be engrossed.

On the question for 2nd reading of the Bill to amend the Usury Laws.

Mr Smith, Frontenac, moved that it be read a 2nd time this day 6 months. On which the Yeas and Nays were taken as follows:—

YEAS.—Messrs Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cauchon, Chalmers, Chauveau, Christie, Desauter, DeWitt, Foster, Gowan, Guillet, Jessup, John, Johnston, Lafontaine, Lantier, LaTerrière, Laurin, LeMoine, Leslie, Macdonald (Cornwall) Macdonell (Stormont) McConnell, Merritt, Meyers, Nelson, Papineau, Powell, Price, Robinson, Roblin, Rousseau, Seymour, Smith (Frontenac) Smith (Missisquoi) Smith (Wentworth) Stewart (Prescott) Taché, Taschereau, Viger.—43.

NAYS.—Boulton, Cayley, Colville, Cummings, DeBeury, Dickson, Draper, Duggan, Ermatinger, Hall, Macdonald (Kingston) Moffatt, Munro, Murray, Sherwood (Brockville) Sherwood (Toronto) Thompson, Williams.—18.

The bill to confer certain privileges on J N Dempsey was ordered to be engrossed.

The bill for the registration of titles to lands in

Hastings was committed. Committee to sit again to-morrow.

The bill to prevent the opening of government allowances for road, without an order from the District Council, was read a second time: to be engrossed.

The bill to incorporate the Huntingdon Plank Road Company was read a second time. To be committed on Wednesday.

The bill respecting a Municipal Council in the Magdalen Islands was read the second time, and committed, and ordered to be engrossed.

The bill from the Legislative Council, for vesting in Trustees the sites of school houses, was read the second time. Ordered for a third reading on Thursday.

The bill to increase the salary of the Supervisor of Cullers was read the second time; committed and amended. To be reported to-morrow.

The bill to amend the Toronto and Lake Huron Railroad Act was read the second time, and referred to the Committee on Railroad Bills.

On the question for the second reading of the bill to remove the site of the Niagara District Town,

Mr. Dickson moved that the bill be read this day six months, which was carried. Yeas, 30; Nays, 12.

Adjourned.

LEGISLATIVE COUNCIL.

TUESDAY, April 28, 1846.

Sundry petitions were presented.

A message was brought from the Legislative Assembly stating that they had passed the following bills viz: an act to compel the attendance of witnesses in certain cases before magistrates; an act to amend the laws in cases of Forgery; an act to encourage Building Societies; an act for the relief of Anthony Lesslie inspector of licenses, for having voted at the late general election in ignorance of the law; an act to vest in R. E. Vidal a certain government allowance for a road.

Hon. Mr. GORDON, moved that it be resolved that an address of congratulation to His Excellency the Governor General, on his appointment of Governor General, passed.

[Another message was received from the Legislative Assembly stating that they had passed a bill for the preservation of Game in L'Islet.]

Hon. Mr. GORDON moved that a Select Committee of 3 members be appointed to draft an address founded on the foregoing resolution to consist of the Honbles. Messrs. McGill, Morris and the mover.

The House then adjourned during pleasure.

The Speaker having again taken the chair. The Hon. Mr. Gordon reported the draft of an address, and it was adopted.

On motion the address was ordered to be engrossed and presented by the whole House.

Hon. Mr. IRVING, asked his honourable friend opposite who introduced the subject of the University a few days since whether he meant to press the Government for further information as to its being a Government measure. Hon. gentlemen must recollect what occurred in the other House of Parliament last year when the Government was pledged to stand or fall by the bill, he instanced also the pledges in favour of a University Bill at the last general election, and more particularly the more recent one at London when a member of the Government pledged himself distinctly on the subject. Were these pledges merely to delude the people or were they a mere stratagem without the slightest particle of truth?

Hon. Mr. FRASERSON was not surprised that this matter should be again brought before the House, for it was one which was now agitating the whole of Upper Canada; the question which he had put on a former occasion was, whether it was the intention of the Government to introduce a University bill, and the hon. Receiver General had answered that it was; on the ensuing night, however, he

stated to the House that he had spoken too hastily on a former occasion, in saying that the University bill was to be a Government measure, but it was to be introduced by a member of the Administration. Now he considered that this was miserable shuffling, after what had been stated by the members of the Administration at the election, afterwards at the election for the town of London, and still later in the Lower House last session, when the University bill was brought down, that the Administration would stand or fall by the measure, and now they were shirking it; he would like it to be distinctly understood, whether the University bill to be brought down was to be supported by the Ministry, or whether they were so divided among themselves that they could not agree. If such was correct, it would lower the administration more than they expected. Indeed he could tell them that the people of Western Canada had no confidence in them; and he was surprised to see the hon. Receiver General holding a seat in such an administration. [Another message was brought from the Legislative Assembly, stating that they had passed a bill intitled an act to allow the Courts of Queen's Bench and Chancery to admit J. Macara to practise. Also, a bill to amend the Common School laws; and a bill to allow the Associate Presbyterian synod of North America to keep a register of Marriages; and a message requesting the minutes of evidence taken before the committee to whom was referred a bill to convey a certain lot of land in the town of Brockville, to the Board of Police of that city.] He would now give notice that he would on Thursday next move for an address to His Excellency for copies of certain papers relating to King's College.

Hon. Mr. MORRIS said, that he believed that it was not in order to ask a question of any member of the Government, without having first given notice of his intention to do so.

Hon. Mr. FRASERSON acknowledged that he was wrong, but he had been so frankly answered on a former occasion that he believed he could not be so far out of the way.

Hon. Mr. CROOKS said, that he believed it was a matter of courtesy, so that the administration might consult among themselves. The subject of King's College was one that was of great interest to the country, and he hoped that it would be one that would receive the dispassionate consideration of the House.

Hon. Mr. GORDON—was astonished to hear the statement made by the hon. Receiver General that the University bill was not to be a Government measure.

[A message was received from the Legislative Assembly stating that they had passed a bill to amend and consolidate the laws relating to the Penitentiary; also, a bill to amend the Upper Canada District Court Act, and a bill relating to the Magdalen Islands.]

Hon. Mr. IRVING—said that he wished to be distinctly understood, that he was in favor of upholding vested rights, and not violating them without compromise or a satisfactory adjustment of a vexed controversy.

The order of the day was the third reading Bronté Harbour Bill. The bill was read a third time and passed.

The bills brought from the Legislative Assembly were read a first time and ordered to be read a second time.

The House then adjourned.

HOUSE OF ASSEMBLY

TUESDAY, April 28, 1846.

Mr. DRUMMOND asked whether it was the intention of Government to repeal certain acts,

commonly called Court Martial Ordinances? Atty. Gen. SMITH said the Government had not that intention.

Mr. DRUMMOND would also wish to know whether the Government intended to compensate certain individuals who had suffered during the late rebellion for the loss of their tenements and other property?

Atty. Gen. SMITH said that the Government had no such intention in contemplation. [Hear, hear.]

Mr. COLVILLE moved an address to His Excellency for a statement of law suits on certain lands seized by the Sheriff. He said that a number of his constituents on returning to their homes after the rebellion had found their houses burned down and their lands seized by the Sheriff. The Crown had not sold the lands, and he hoped never would, nor would permit the Sheriff to do so. But the seizure was not taken off, and those people who wished to give them to their children, or otherwise dispose of them, could not do so; and his object in moving this address was that the Government should come forward in an open-handed manner and take off the law costs, so as to enable these unfortunate individuals to take possession of what was rightfully theirs.

Mr. DRUMMOND had great pleasure in seconding the motion of the hon. member for Beauharnois, as it would give him an opportunity of explaining the question he had put the Ministry a few minutes previously. The facts which the hon. member had just stated were not peculiar to his county; and his object in bringing it before the Ministry was to claim their attention to the subject; for it was a strange thing that when he [Mr. D.] had attempted to impugn the illegality of these seizures, a British Judge refused to sign the opposition he had in his hand. That Judge had told him: "Sir, I would sign your opposition, if it were a solitary one; but I fear you have twenty more in your pocket." His [Mr. D.'s] reply was: "no; they are too bulky to keep twenty of them in my pocket, but I have thirty of them in my office." "There, sir," said the Judge, "there it is, by signing these documents we would be placed immediately in opposition to the Crown." A most strange answer, and one which he was sorry to hear from the mouth of a British Judge, to whom the protection of the rights of the subject ought to be paramount to every other consideration. His sympathies were enlisted in behalf of these unfortunate people, who had suffered greatly, and are still suffering; because when others were rewarded, he could not bear to see them still kept from their homes. [Hear.] Any one with true and British feeling must pity them, on arriving in the Province from a long transportation, which was, most undoubtedly illegal [A Ministerial member;—"attempt to excuse them now."] No; he would not make such an attempt. He did not wish to excuse those persons who, by their mad rising, attempted to overturn an established order of things, and whose attempt was highly criminal, when they had not a certainty of success. [Loud cheers.] Did hon. members think that he approved of the efforts of the Poles, ground down by tyranny as they are, to shake off the yoke that oppressed them so heavily? Far from it, he looked upon it as a display of hopeless madness, as in the case which he had just mentioned. He was afraid that hon. members misapprehended him. He admitted that those men were highly criminal in the attempt they made; but did not wish to say that their wrongs could not have been redressed by legal steps, on the contrary, he thought they could; but they were not aware when they took up arms, that they had done so against

the rules of Government, as was proved before the Court Martial which condemned them, and therefore those men should not have suffered through their ignorance, but those who willingly led them to the commission of crime. But having suffered that penalty, when they returned to their homes, they found their houses burned to the ground, and their lands kept from them. He did not believe that such was the intention of the Government, he did not believe that the Government had any desire to exercise such severity, and the reason why he now addressed the House, was that the Government might come to some conclusion at once. At the same time he would admit that the Attorney General had acted in the most generous manner, having offered him every assistance in his efforts to remove the restrictions from the people holding these lands and he hoped that a better state of things would eventually come round. In conclusion he would state his opinion, that he felt certain the motion of the hon. member for Beauharnois was not intended to embarrass the Government, nor had he that end in view in putting his questions to the Government.

Mr. GOWAN was surprised at some expressions which had fallen from the hon. member who had just taken his seat, and which were well calculated to awaken old feelings.

Mr. DRUMMOND had not attempted or desired to do so.

Mr. GOWAN was delighted to hear the hon. member say so. He [Mr. G.] had almost stood alone on a former occasion, on a motion of the nature now before the House, and he trusted there was no necessity for this motion, as it had become an established principle with Responsible Government, that property should not be confiscated for the political principles of its owners. In Scotland the property of the persons who had been out in forty five had been vested in them or their children, and the act of confiscation annulled. In Upper Canada the same clemency was exercised, as he could not see any necessity for observing a different rule with respect to Lower Canada, he was therefore anxious that no obstacle should be thrown in the way of this motion, and hoped the House would give an unanimous expression of its concurrence.

Mr. COLVILLE rose to disabuse the minds of hon. members if they suspected that his motion was made with the view of embarrassing the Government. He hoped no one would think anything of the kind. He had been informed that if the individuals whose claims he advocated paid the law costs, the seizure would be taken off their lands and his object in moving this address was, that the payment of the law costs might be dispensed with. But if that were not practicable he would raise a subscription for that purpose, and would be happy to put his own name on first.

Mr. AYLWIN—could assure the hon. member that there was no necessity for raising any subscription, it being impossible for the Government to recover any law costs, the whole of the proceedings under those Court Martial Ordinances being null and void. [hear, hear.] The hon. member for Sherbrooke cried "hear, hear." he was not surprised at it, that hon. member being himself one of the special Council, [hear, hear.] under whose sanction every description of violence; ay—murders, judicial murders were committed, and if he chose, he could mention one name which would carry weight with it and arouse the feelings of hon. members. The great contrariety of legal opinions as to the acts of that Council he should think would be quite sufficient proof of his assertion, and he would repeat what he had said again and again that the whole of the proceedings under those

Court Martial Ordinances being null and void, and he would give a very high authority on the subject. [Name, name.] The hon. member for Three Rivers could have no difficulty in expressing the opinions that he had given vent to so often. Was that hon. member ashamed of his imprisonment, that on this occasion he was silent. If so, he should say so at once, and it would confirm all that had been said and written of him formerly, by those whom he now supports, but whom he [Mr. A.] could not believe condescended to be his supporters. [Cheers.] The hon. member for Three Rivers was well acquainted with the course of events at that time, and he would ask, why did he sit silent and allow the hon. member for Beauharnois to bring in the motion now before the House.

Mr. COLVILLE, because my constituents were sufferers.

Mr. AYLWIN, and was there anything singular in the position of the hon. member for Beauharnois, that he should be the chosen champion of those sufferers not only in his own county, but in many others. That motion should have been introduced by a French Canadian and if by one member more than another, it should have been the hon. President of the Council. But he had forgot the hon. President, is not now the member for Richelieu, and consequently his position is somewhat altered, and he would appeal to every hon. member in the House, whether they conceived that hon. gentleman was entitled to support [Shouts of "Yes yes" from the ministerial Benches]. Hon. gentlemen opposite cried "Yes," but the first one to do so was a member of the late Special Council, the hon. member for Sherbrooke, the happy representative of a town without a constituency. [Hear, hear from Mr. HALE.] He did not at all wonder at the hon. member feeling a little hurt, since the whole of the Acts he was so fond of were mutilated with the exception of that one which the hon. member for Beauharnois was trying to get rid of, and the pang must be more severe as it was caused by a friend who supported the Government on every occasion, and on all occasions when any small support was required. In conclusion he advised the hon. member for Beauharnois, to withdraw his motion, for he could defy the Government to carry out those proceedings or to recover any law costs; and he could have hoped that the Government which was so liberal in granting indemnities for political offences in Upper Canada, would have extended the same liberality to this part of the Province, and saved the hon. gentleman so much trouble.

Atty. Gen. SMITH—said it appeared that the hon. member for Quebec was under the impression, that opposition on the part of the Government would be offered to the passage of the address. He could assure the hon. gentleman that there would not be the slightest; but he conceived the fact really was that he could not let slip the opportunity of launching some of his anathemas against the hon. President of the Council. He would mention that shortly after being appointed Attorney General, he had received instructions to set all the prosecutions aside, and take the seizures of these lands, on the condition that the claimants should pay the actual law costs, [hear, hear.] and he would take this opportunity of saying that hon. members were altogether under misapprehension if they conceived that the Government threw any difficulties in the way. He, in his capacity of Attorney General, acting according to his instructions, had done every thing in his power to relieve the claimants, but it had been hitherto impossible for him to do so, in consequence of being unable to get from the prothonotaries the

actual amount of costs, the records not being before the Court.

Mr. AYLWIN—Why not dismiss them then? Why not dismiss the prothonotaries?

Atty. Gen. SMITH—The hon. gentleman asked why the Prothonotaries were not dismissed? That in his opinion was not the legal course. [Hear, hear.] But the course which he would take, and which he understood to be strictly legal, was to compel the Prothonotaries, by an order of the Court, to produce the records. [Hear.]

Mr. DRUMMOND rose to offer an explanation. He was far from attributing any intention, on the part of the Crown officers, to obstruct him. On the contrary, with the greatest generosity, they had assured him, if he wished to raise a contestation, that they would aid him with all the means in their power. [Hear.]

Mr. BALDWIN said if he understood the hon. Atty. General East, the reason given by that learned member for not having, some 9 or 10 months ago, furnished the particulars of the costs referred to, was, that the necessary records could not be had from the officers of the court. Was it possible that an officer of the Crown, holding office during pleasure, could resist the Government 8 or 10 months? How long was that to last? If it were necessary to take steps to compel these officers to produce the documents, could it not be done in the course of 8 or 10 months? A great deal was said about delay in the Chancery Courts in Upper Canada; but he thought that if such delay as that then in question were common, a comparison between the despatch of business in the Civil Courts of Lower Canada, and in the Court of Chancery of Upper Canada, would certainly be in favour of the latter. He [Mr. B.] should, however, say, that he thought it impossible that the Government should have pressed their demand. He [Mr. B.] differed with the members who said that was not the time for remarks. He thought it was desirable to elicit the views of Ministers; and therefore it was that an address was preferable to a mere question. He hoped that if the Ministers were not in the present instance prepared to advise a favourable answer to the address, that they would then come out boldly and say so. He agreed with his hon. friend from Quebec in saying that when the Government brought in a measure of clemency in reference to Upper Canada, the people of Lower Canada had a right to look for a similar measure; and he also thought that considering the character and history of the hon. President of the Council, there was a good reason for expecting such consideration for Lower Canada. But he [Mr. B.] thought that the matter of costs was a most miserable, pitiful question to exist between the Crown and the people. He did not know the peculiar regulations regarding costs in Lower Canada; but he was aware of the general principle, that the Crown could neither give nor take costs. But be that as it might, he would repeat that it was most paltry that such a barrier should exist to the removing of the last remnant of those unhappy difficulties which all then regretted, and which should, if possible, be completely swept from the memory of all. [Hear, hear.]

Atty. General SMITH wished it to be understood that the Government did not resist the address, but, on the contrary, wished it to be adopted. With regard to not getting the records, he did not wish to state the reasons why the Government have failed in that particular; but he thought that when they were backed by the address of that House they would be in a better position to press their demand.

Atty. Gen. DRAPEL said that the observations of an hon. member on the other side of the

House were calculated to make it appear that the Government desired to throw obstacles in the way of those individuals regaining possession of their lands, and that a less degree of favour was shown to one section of the Province than another. But he could assure hon. members that the Administration were most desirous to remove all the difficulties of their position. With reference to the expressions of surprise which fell from the hon. member for the Fourth Riding, because the Government could not get the necessary information from some of the officers, he must say, it surprised him [Mr. D.] quite as much as it seemed to do that hon. member, when on going to an officer for information he found the papers were not in his possession. The motion was then carried.

The House again in Committee on amending Acts 6 Vict. cap. 30, and 8 Vict. cap. 3—Mr. Meyers in the chair.

Mr. CAYLEY—would not detain the House. The object that he had in view was not to establish differential duties, but to pay attention to a despatch of the Secretary of the colonies, Mr W. E. Gladstone, dated 13th February, 1846, which stated that unless the duties imposed upon Leather by the 8th Vict. cap. 3 were reduced, that Statute would not receive the sanction of the Crown. He proposed to reduce the duty on British leather to five per cent. Our position is this, as this duty is particularly marked out, it will not receive the Royal assent unless reduced; and thus all protection will be lost to our manufacturers. One year has passed over since this statute was passed, and it can be disallowed within two years. Had it not been for the despatch referred to, the Ministry would not have altered the rate of duties imposed last year.

Mr. AYLWIN—felt it his duty on this occasion as on every occasion, when any change is proposed in our commercial arrangements, to vote against the measure, unless the entire scheme of the Administration was laid before them. He was opposed to this partial legislation. He (Mr. A.) thought that the Inspector General's scheme, as it has been developed, will be materially altered before it passes into a law. He would therefore move, that the Committee do now rise, report progress, and ask leave to sit again.

Mr. CAYLEY—The whole scheme of the Administration is before you.

Mr. HALL—desired to know if the people of Upper Canada and their representatives were prepared to adopt the principle contained in this resolution as he read it. Leather and leather manufactures, when imported via Montreal were to pay a duty of only five per cent, but if imported via Kingston or Toronto, a duty of 25 or 30 per cent would have to be paid. He (Mr. H.) must protest against this as an injustice to Upper Canada. But it seems we are obliged to bow to the commands of the Colonial Minister; if this is the case, it is no use to call us together at an expense of sometimes £40,000—we might as well be governed by despatches from the Colonial office. It is said that this duty of £5 per cent would apply merely to British manufactures, if this was the case he would not object; but as he understood the resolution, all leather manufactures imported by the sea would only pay a duty of £5 per cent.

Mr. DRAPEL—The regulation of our commerce is in the hands of the Imperial Government. He had contended last session—and by the despatch referred to, his opinion was maintained—that we had the power of imposing not exactly differential duties; but of making the duty different, when an article is imported

by sea or by inland navigation. The Government last session, did not propose a high duty as was imposed by the statute 8 Vict. cap. 3, but in order to afford protection to the leather manufactures in Upper Canada, the House was induced to raise the duty on leather. This bill received the assent of the representative of the crown, and went home, where the royal assent will not be given to it unless the proposed reduction is made. The object of the Government then, is to continue the protection as much as possible.

Mr. HALL—perfectly understood that we must do as we are told and not as we wish; how long that is to last he did not know.

Mr. BALDWIN—The protection has been taken away from the farmer, and now it is intended to continue the protection to the leather manufacturers. He was opposed to these differential duties, because they gave one section of the Province an advantage over another. He was always prepared to do justice to Lower Canada, but he wished to see justice also done to Upper Canada. He thought that these resolutions showed a disregard to the farming interests of the country, who were the great consumers, and therefore, he felt bound, as an inhabitant of Upper Canada, and especially as a Canadian, to vote against them. Why should we impose these differential duties, when the British Government repudiates our assistance? The great objection he had to these duties was, that they sacrificed the great farming interest of the country.

Mr. CAYLEY—Are we to understand that the hon. member (Mr. Baldwin) is prepared to go in the very face of the despatch? No, if the hon. member was in the ministry, we would find him advocating a proper respect for it. This duty was put on for the purpose of protecting the Canadian farmer, by enabling him to find a market at home for his hides, tallow, &c.

Mr. HALL cared very little for any despatch. He (Mr. H.) was prepared to pass the bill of last session, year after year, and let the Home Government disallow it if they liked. We ought not to be so tender of the interests of British manufactures, when they have been moving heaven and earth, to place our wheat in the British market, in the same situation as foreign wheat. They care nothing about our interests, and we ought not to mind theirs.

Mr. M'DONALD, Kingston, said that a bill was passed last session giving protection to the manufactures of this colony, and the measure now proposed by the Administration was expressly for the purpose of making the bill of last session effectual, and if hon. members did not make up their minds to carry it through, then they must give up all they had fought for, all they had gained, and resolve to put our manufactures in competition with the convict labour of the American Penitentiary. With respect to Mr. Gladstone's despatch at which hon. gentlemen seemed to take so much umbrage, whether the principles enunciated in that despatch were right or wrong, they must be governed by it. (Mr. Aylwin—we know that.) And he hoped hon. gentlemen would not now raise the question, whether they must submit to the dictation of that despatch. They must do so. They were bound to do so, and as a mere matter of interest, leaving aside altogether a higher principle they would find they would have to submit to it. The danger to our markets was not from British but American manufactures, and whilst British manufactures coming through the United States must of course pay the high duty, coming by the St. Lawrence they would pay an *ad valorem* duty of five per cent, and if hon. gentlemen wished the country to enjoy

that protection they must vote with the Ministry.

Mr. THOMSON—could not see the justice of the argument to allow British goods coming round by sea into the Province at a lower rate of duty than if they came through the United States. He was not one of those to consider the interests of the English manufacturer, the time was come when we should look after our own interests, and in that point follow the example which had been set in England. He had not seen the despatch, the hon. Inspector General had, but it appeared to him (Mr. T.) that by assenting to the proposed measure, hon. members would allow themselves to be gulled. He would propose that British goods coming through the United States with a certificate of British manufacture should be allowed to come in at the same rate of duty as if they came by sea. If the hon. Inspector General saw any valid objection to it, of course his proposition would fall to the ground.

Mr. AYLWIN felt himself compelled to differ on the subject, from the hon. member who had just taken his seat, and from his hon. friend the member for Peterborough, for he was quite prepared to draw a line of distinction between British manufactures coming in by Sea, at the five per cent duty, and those coming in at thirty five per cent higher up. (Hear, hear.) But what surprised him was that while he heard "protection" echoed from all sides, there was at the same time a great flourish of trumpets about Free trade, that was what he could not understand. On the last occasion that this subject was before the committee, he had referred to an article in the Quarterly Review, a periodical which is strongly in favour of the present home ministry, and the article he referred to, came out strongly against Free Trade, written at a time when there was no danger of a *crise ministerielle*; the hon. member for Three Rivers would understand him, but what was his astonishment to find that in the last article of the Quarterly Review there was not a word on that subject, a circumstance which he could only explain by supposing that the writers in the Quarterly Review could not jump Jim Crow quite so easily as some hon. gentlemen not a thousand miles off. He had also said on a former occasion, that this House will compromise itself seriously by assenting to the measures of the Inspector General, and he repeated it again, and was convinced that the Imperial Government will take advantage of these measures to strengthen their position at home. But he hoped they would be defeated in the House of Lords, and he would rejoice to see them repealed by another set more able and more honest, [he might use another term] than themselves. He perfectly agreed with the hon. Inspector General, that a distinction ought to be made between goods coming by Sea, and others coming through the States; but it was very strange, when the difference of opinion on this point was so great, that the hon. gentleman would not postpone his resolutions, until he could inform the House with certainty as to the views of the Home Government, although he cannot inform the House on that point, but gives it another piece of information. "Without you pass my resolutions" says the Inspector General, "the bill you passed last session will not receive the Royal assent." The bill passed last session. It was true it was not the work of the hon. Inspector General, nor of the hon. gentlemen who left the Government, without giving any explanation why he did so, it was the work of a committee of the House, and was it to remain in limbo in the office at home? If that was the case, he should like to know what

use there was in introducing a bill of this kind, when the hon. Insp^r Gen^l was told there were very great doubts as to whether it would receive the Royal assent or not. Why did not the hon. member who introduced it to the notice of the House, say whether he could stand godfather to it at that moment. But now in comes the hon. member for Harou, holding the despatch in *terrorem*, "pass my resolutions, or the bill of last session will not receive the Royal assent?" After remarking on the manner in which Free Trade is introduced into the Imperial Parliament, and comparing it with the cry of "protection," with which it is ushered in the Colonies; the hon. member said he felt bound to move that the committee rise, report progress, and ask leave to sit again this day six months.

Mr. HALL—said there was no doctrine of free trade involved in this question at all. It would appear that the hon. member for Quebec would support the resolutions because a distinction was to be drawn in favour of the St. Lawrence. He supposed that was merely because the hon. member came from the city of Quebec.

Mr. AYLWIN—That is partly the cause.

Mr. HALL—Very well. He hoped the hon. Inspector General would understand the reason why he received the hon. gentleman's support. What he (Mr. H.) wanted to know was, what reason the Upper Canada members would give, or were they prepared to give any reason to their constituents for making them pay a duty of twenty-five or thirty per cent for bringing their goods through the United States, when they could get them at Montreal or Quebec on paying five per cent. There was not the slightest necessity for paying any attention to the interests of the British manufacturers. Hon. members would do much better to look after their own, and if they could get to Upper Canada six weeks earlier than by the St. Lawrence route, and at two and a half per cent as they might do, he contended they had a right to do so, and not allow any British minister to dictate them, "you may get your supplies by the St. Lawrence at five per cent, but you shall pay thirty per cent if they come through the States." He should like to know why an Upper Canada merchant could not send to London and give directions for his goods to be sent by Boston, thus increasing a speedier arrival. He contended that if hon. members from Upper Canada did not take that into consideration they would do their constituents an injustice, and might find some difficulty in accounting for it hereafter. They were not bound to vote for this resolution because they voted for the others, as it involved no principle of free trade whatever, and as to the threat held out by the hon. Inspector General that the bill of last session would not receive the royal assent, he would rather lose it a hundred times and his head along with it, than be governed by such a motive.

Mr. CAYLEY said, the hon. member for Quebec had made a great flourish of trumpets about free trade; but, he would ask, who had made any remarks about free trade but the hon. gentleman himself? He (Mr. C.) was not prepared, at least at present, to carry out the principles of free trade with respect to all the commercial relations of the Province; but he must admit that there are many articles upon which the protective duties are too high, and ought to be modified.

Mr. GOWAN was no friend to what was improperly termed free trade; and he regarded the views lately expressed at a certain meeting held in Montreal as only to be likened to maniac ravings. (Hear, hear.) He would re-

radiate such doctrines as had been enunciated at that meeting; and if it were sent home, that public opinion in Canada was represented upon that occasion, it would be a deception. The hon. member for Peterboro' had said, that he would be for the resolutions if the words "other than by sea" were struck out. He (Mr. H.) would say, that these were the very words which induced him to vote for the bill; and it was by retaining those words that the provisions of the bill of last session could be carried out, and the interest of the farmer protected. Without that provision the American leather would then come in contact with the Canadian; whereas, by compelling the Americans to come round by Quebec, the additional expense they are put to would be so much in favour of the Upper Canada manufacturer.

Mr. HALL could not understand such arguments as were adduced by the member for Leeds, nor could he sit silent while such sophistry was being used, which had the appearance of truth. He (Mr. H.) wished, and this was a chief objection, that goods should be admitted into one port, on the same terms as into another. It was, he conceived, an injustice to the people of Upper Canada, that they should be compelled to pay 25 per cent more for their goods than those of Lower Canada. It had been said that the expense of freight will cover the difference, but such was not the case. The goods that would be brought here by sea from Boston will be carried in vessels that have made a passage from England to Boston; and sooner than come in ballast here they will take a cargo at a very low rate.

Mr. ROBINSON—The law of last session has not had the effect of raising the price of boots and shoes, for they can now be bought as cheap in Montreal as in New York. He had seen good men's boots sold in this city for ten shillings. This law has given confidence to manufacturers and they have in consequence embarked a greater amount of capital in the trade, and employed a greater number of men.

Mr. HALL, enquired of the Inspector General if he was prepared to state how much the revenue would be increased or reduced by the reduction proposed?

Mr. CAYLEY, would answer the hon. gentleman, if he would inform him how many American boots were likely to be brought into the country.

Mr. HALL—when he brought a measure before the House he would be prepared to shew the effect of it. The resolution imposing a duty on leather manufactures imported otherwise than by sea were agreed to without opposition, except one which imposed a duty of 1s. 6d. a pair upon men's boots.

Mr. DEWITT moved that 2s. 6d. be inserted in place of 1s. 6d. He said, a large number of these boots are manufactured in the United States by the convict labour of the penitentiaries; and he was not prepared to make our mechanics compete with this labour. These boots are also manufactured of inferior leather and are a great imposition. We ought not to lose sight of the revenue that will be derived from this additional shilling. He (Mr. D.) was not in favour of giving preference, to any part of Canada over another but he wished to protect our industrious mechanics by whose labour the merchants thrive and make themselves rich.

Mr. MORTART said, he did not understand what was now saying when he contrasted it with what they were then doing. A member said in one breath, have the goods as cheap as you can, and in another, just let us impose this 2s. 6d. on men's boots. He would ask, if by imposing this duty, the price of the article

would not be raised to the consumer? It was imposing a duty to protect the manufacturer, for which the consumer will again have to pay in the high price of men's boots. He had for a long time been steadily watching the course of events in England, and he saw it gradually working its way to free trade. He was not, however, as yet prepared to adopt it wholly, although ultimately, he believed, that all protective duties would be done away with.

Mr. MERRITT would not agree to the motion then before the House, because he conceived that when high duties were imposed the revenue was defrauded. A few hides were entered at the Custom House, and the rest were smuggled. He could not, therefore, agree to impose a higher duty on manufactured men's boots than 1s. 6d. per pair.

Mr. DEWITT, in explanation what the hon. member for Montreal had said, would state that it had not as yet happened in this city, that because the duty was high the price of the article was raised to the consumer.

Mr. Sol. Gen. SHAWWOOD said, the arguments used by Mr. DeWitt were very strong in favor of this branch of protection, and if he would reduce it to two shillings, he had no doubt the Inspector General would accede to it.

This proposition was agreed to by Messrs. DeWitt and Cayley.

Mr. HALL said, weeks and months were spent about very trifling matters, but when it came to a question of importance, they were hurried over in a few minutes. (A member, "The question is boots.") He knew very well they were at that moment speaking of boots. (Laughter.) It was not often he troubled the House, but when he saw Upper Canada members said, he could not sit silent. He saw the Sol. Gen. West in his place, and he would ask him, would he consent that the merchant who sent him here, and who orders a case of goods from London, should be charged twenty five per cent more if it came by way of Boston, having it six weeks sooner, than if it came by way of Montreal. He for one would never consent to it, and it appeared to him that few Upper Canadians standing on Upper Canadian ground would like to say they would consent to it. And what was the object? To protect the interests of British manufacturers? A set of fellows they had never seen, and who had subscribed thousands of pounds to injure them in the most vital point. What he contended for was, that the duty should be the same every where, if twenty-five per cent above, then it should be twenty-five per cent at Montreal, but if it were to be only five per cent at Montreal or Quebec, then the Upper Canadians were quite as well entitled to have their goods at the same rate of duty. With reference to what had been said respecting smuggling, he would tell the hon. Inspector General that he would do well to take a leaf out of the Custom House book at the other side of the lines which gave to the informer one-half of the amount of seizure, and the consequence was that there was no smuggling for thousands of miles on the American frontier.

Mr. CAYLEY said, by the existing laws, the seizing officer gets one half and the Crown the other half.

Mr. HALL.—Yes but if the Crown were left out altogether, there would be ten times as many seizures as at present.

After an intimation on the part of Mr. Aylwin, that he would make a motion not to receive the report of the Committee, and then take the yeas and nays on it the proposition was put from the Chair.—Yeas 34, Nays 27.

Quebec Forwarding Company.

Mr. AYLWIN moved the second reading of the bill to incorporate the Quebec Forwarding Company.

Mr. Attorney General SMITH—a bill to incorporate this Company was thrown out last session; he had looked into this bill and did not think that it differed materially from the one introduced last session.

Mr. AYLWIN.—This bill differs essentially from the bill of last session, for in the former one the liability was limited, but in this it is not so. The object of this bill is merely to enable the Company to sue and be sued in a corporate name, so that all the partners of the Company need not be made partners in a suit. The object of the Company is to facilitate the transport of goods through our inland waters.

The Company did not deserve any exclusive privileges for suits in Lower Canada, the legal domicile of the Company was declared to be in Quebec, and in Upper Canada the legal domicile, in Kingston. Every dollar of the capital has been paid up, and the public have not only the guarantee of the individual partners, as their obligation is solidification that is, a joint and several obligation, but they have also the security of the boats of the Company, and their creditors can proceed *in rem* against their boats.

Mr. Solicitor General SHAWWOOD, objected last session to the bill, and he would object now to it, for there is no clause which states that the stockholders are responsible for more than their shares. He held that all persons who subscribe to a Company are only responsible for the amount they subscribe.

Mr. AYLWIN, directed his attention to a proviso which extended the liability of the partners. Mr. Shawwood read the proviso, and said it referred only to the debts already contracted, and not to those that might be incurred hereafter. He (Mr. S.) considered that by the very act of incorporation you limit the responsibility of the stockholders to the amount of the shares held by them. It is well known that upon no persons are greater responsibility thrown by the common Law, than upon common carriers, and it is proper that it should be so, for they are entrusted with an immense amount of property, and so much valuable property may be lost by negligence or fraud on the part of these individuals. If this bill was passed Henderson and Hooker, H. and S. Jones and the other Forwarders would also be incorporated, so that their liability might be limited, and thus confidence in trade would be destroyed.

Mr. AYLWIN.—The Solicitor General had given himself a great deal of trouble without any necessity. Railroads are common carriers, and their liability is always limited. He (Mr. A.) denied entirely that persons situated as the stockholders of the Quebec Forwarding Company are, are subject to the liabilities of common carriers. They do not insure the goods, they merely transport the goods from one place to another. He wished them to be subject to the law Marine; and to the jurisdiction of the Admiralty Court.

Mr. McDONALD of Kingston.—This company can get the right of suing and being sued without being incorporated, they can form a sort of quasi-corporation, and sue in the name of the clerk or manager. He was opposed to the limited liability.

Mr. DEARRE.—This bill creates a corporation, and by that very act limits the liability of the stockholders. This he could affirm to be the law in Upper Canada. He did not approve of limiting the liability of these companies, as they might have 3 or 4 times the

amount of their stock of property in their boats, and if this property was lost, the owners could have no recourse against the parties; and the boats might also be destroyed or they may have been only hired by this Company; as there was nothing to prevent this Company from making an engagement with all the Forwarders and hiring all their boats.

Mr. HALL.—There is no analogy between Railroads and Forwarding Companies, as in the former, we have never found that any great damage has been done by them, while the latter often lose four or five times the amount of their boats.

Mr. BOURTON—supported the bill. He considered that merchants, when they forwarded their goods, did not trust to the responsibility of the parties who owned the boats.

Mr. LAFORTAINE—was opposed to a limited liability of stockholders, but he was in favour of the second reading of the bill.

Mr. MERRITT—considered that it was proper to incorporate companies with limited liability, to build canals, railroads, &c., which opened up channels of communication; but when these channels are open to the public, he would make them free to every one, and give no parties exclusive privileges on these roads, and he thought an advantage would be given to this company over others if their liability was limited.

Mr. BALDWIN—could not see any difference between this bill and the one of last session, and he must record his vote against it if the hon. member for Quebec did not consent to alter it. He had no objection to the second reading, if it was understood that it was to be modified in Committee. It is a bad thing to resort to Corporations where they are not needed; he did not know but what banks were injurious to the country. There are too many Corporations, and we have now applications for the incorporation of St. George, St. Patrick, and Odd Fellows' Societies, and he did not know how many others.

Mr. AYLWIN.—These are all from Quebec, there would be no objection if the applications were from St. Catharines.

Mr. BALDWIN.—There is too much legislation on this subject, and he thought it a question well worthy the attention of the Government, whether some law ought not to be passed so as to obviate the necessity of these numerous applications.

Mr. HALL.—The hon. member for Quebec had voted against his bill to incorporate the Sherbrooke Cotton Company and he would now retaliate upon him, especially as this was a measure connected with his native city, by voting for his (Mr. Aylwin's) bill. He recommended that this bill be referred to the Quebec Committee—Messrs. Chabot, Chauveau, Cauchon, Laurin, and Aylwin.

The bill was then read a second time and referred to a select Committee named by the House, of Messrs. Aylwin, Chauveau, Sol. Gen. Sherwood, Baldwin, and McDonald of Kingston.

Montreal Court House.

Mr. Attorney General SMITH, in moving the second reading of the bill, to rebuild the Montreal Court House, said, it contains no new provisions—it allows the Government to advance the necessary funds to rebuild the Court House, that has been burnt, either upon the site of the present one, or some other convenient situation. If the site is removed the land upon which the old Court House stood can be sold, and the remainder of the expense will be made up by a tax upon law proceedings. This principle has often been sanctioned by the House of Assembly of Lower Canada, and is

the way by which most of the Court Houses in this part of the province have been built.

The motion was agreed to, and it was referred to a committee of the whole on Tuesday next.

ROUTINE.

Tuesday, 28th April.

Three petitions were laid on the table.

The following bills were read a third time and passed.

To amend the act in relation to School monies. To enable the inhabitants of the Magdalen Islands, to establish a Municipal Council, and to extend the like privilege to certain localities in Saguenay and the Madawaska Territory.

To prevent the opening of the government allowance for roads without an order from the District Councils.

To amend the laws relating to the Provincial Penitentiary.

To amend the District Court Act of Upper Canada.

To authorise J. W. Dempsey to practice as an Attorney in Upper Canada.

The Oxford Election Committee obtained leave to adjourn till Thursday.

Petitions referred to special Committee.

J. T. Brondgeest, et al., to Committee on Montreal roads.

E. Mansenult, et al., and E. G. Dugré, et al., to Committee on petition of E. Bessé and others.

Mr. Scott presented a report on petition of Rev. Mr. Paquin, et al., and a bill to allow the formation of more than one Agricultural Society in the several Counties in Lower Canada, &c.—Second reading on Friday.

The special Committee on the Registry bill reported it amended—to be committed to-morrow.

The Committee on Private Bills reported the bill to amend the act extending the charter of the Commercial Bank, with an amendment. To be committed tomorrow.

Also on the petition for the extending of the limits of Hamilton, &c., and on the petition of the Sisters of Charity of Montreal, (*Sœurs Grises*) recommending their prayers.

A message from the Legislative Council stating that they had passed the bill extending the provisions of the Brome Harbour Act.

Mr. Colville moved an address for a statement of the law costs due on certain lands belonging to persons transported for being implicated in the late rebellion.

Mr. Secretary Daly laid before the House the following, as answers to addresses:—

A document relating to the expenditure of £30,000, granted for improving the road from Toronto to Lake Huron.

As also, a statement of all location tickets issued for mining purposes.

He also stated that His Excellency would receive the House with its address of congratulation at 10 o'clock to-morrow.

Mr. Aylwin brought in a bill to Incorporate the British Canadian School Society of Quebec. Second reading on Tuesday.

Mr. Jessup brought in a bill to afford relief to the owners of mill-dams in Upper Canada. 2nd reading on Monday.

Mr. Murney brought in a bill to compel owners of mill-dams on the River Moira, to erect slides of certain dimensions. 2nd reading on Monday.

Mr. Jessup brought in a bill to amend the act defining the limits of counties and districts in Upper Canada, as far as respects Carleton and Grenville. 2nd reading on Monday.

Mr. Laurin moved the House in committee to consider the expediency of allowing to Advocates and Attorneys practising before the Commissioners Courts in Quebec, Montreal, and Three Rivers, the same fees as are allowed by the Act 7 Vic., in actions of the 3rd class, brought at the Inferior Terms, and Circuit Courts. Committee rose without reporting.

Mr. Secretary Daly laid before the House the following, in reply to several addresses:

Correspondence respecting the *Cul-de-Sac*, and a statement of Tenders for the Lease of the Falls on the Cascades Plank Road.

The report of Select Committee on petition

of R. H. Bruce, et al. Referred to Committee of whole on Thursday.

Mr. Smith, Wentworth, brought in a bill to incorporate Hamilton as a City. Second reading Monday.

The bill relating to Queen's College at Kingston, for second reading on Thursday next.

The Middlesex Election Committee obtained leave to adjourn till Tuesday next.

The bill to extend the Great Western Railroad from Hamilton to Toronto, and bill increasing the salary of the Supervisor of Cutlers, as amended yesterday, were ordered to be engrossed.

The bill for imposing a duty on the distillation of Spirituous Liquors—was read the 2nd time. To be committed on Tuesday.

The House went again into Committee on the Customs, and several resolutions were agreed to. To be reported to-morrow.

The bills to provide for the registration of title deeds in Hastings, was again committed and amended. To be reported to-morrow.

The bill to amend the laws relating to assessments in Brockville was read the second time, and referred to the Committee on private bills.

The bill to incorporate the Quebec Forwarding Company was read the second time, and referred to a Select Committee. Adjourned.

LEGISLATIVE COUNCIL.

WEDNESDAY, April 29.

The House met at half-past 2, and proceeded to the Government House to present an address of congratulation to His Excellency Lord Cathcart on his being appointed Governor General, to which His Excellency returned a most gracious answer. (For the reply, see routine business of House of Assembly.)

The House having returned, sundry petitions were presented.

The first order of the day was the second reading of the Witnesses Attendance Bill for Lower Canada.

Hon. Mr. BRUNEAU moved the second reading.

Hon. Mr. NEILSON considered that the present bill established and legalized tyranny; he considered that the law as it at present exists is sufficient for the purpose proposed; in his opinion this was a bill that no legislative body of any Christian country ought to sanction.

Hon. Mr. BRUNEAU made some remarks in French in reply to the last speaker, and contended that this bill did not give any powers which could be easily abused; he said that the most virtuous and correct legislation could and would be abused.

Hon. Mr. CARON, Speaker.—The English law in this case is defective, as he had been informed by the Law Officers. It had been said that the power given by this law would be abused, but he did not think that such was the case, from the manner in which the power given by the bill is defined. The warrant was not to issue for the arrest of the person till he had refused to give his attendance as a witness. He believed that on the whole it was a very useful bill.

Hon. Mr. KNOWLTON said that the magistrate performed his duties gratuitously, and he conceived that there ought to be some mode of compelling witnesses to attend to give evidence—for often the course of justice was thwarted by persons who have been summoned as witnesses refusing to give their attendance.

Hon. Mr. CROOKS.—In Upper Canada, where the same English Criminal Law exists as does in Lower Canada, no such want has been discovered. The law was, he considered well enough guarded.

The bill was then read a second time and referred to a select committee, consisting of the Hon. Messrs. Moore, Massé and BrunEAU.

A message was received from the Legislative Assembly stating that they had passed the following bills, viz:—An act to incorporate the Great Western Railroad Company; an act to increase the salary of the Supervisor of Cutlers; an act to provide for the appropriation of money for school lands.

The second order of the day was the Forgery Amendment Bill.

Mr. SPEAKER said that the object of this bill was two-fold; under the existing law it was necessary to describe particularly and give a fac simile of the forged document; the last of these was done away with, and again interested persons who were not allowed as witnesses under the present law are allowed as competent witnesses, it being, however, provided that no case could be decided unless witnesses other than the interested persons were produced.

Hon. Mr. NEILSON.—The present law in cases of forgery was the same as the present law of England, and the English law had been administered by the ablest Judges and Law Officers, and they had never as yet found any necessity for altering it in the way proposed; he did not, therefore, think it advisable that this little legislature should take upon themselves to amend a law which had stood the test of ages; he protested against altering the common law of England.

Hon. Mr. FERGUSON would not go so far as to call this Parliament a little and insignificant one; he believed it to possess as much intelligence and common sense as did ever the Parliament of Great Britain. He did not like the method now pursued of referring bills to select committees; he agreed rather with the Hon. Receiver General that they ought always to be referred to committees of the whole House. The bill was then read a second time and ordered for a third reading to-morrow.

The fourth order of the day was the second reading of Vidal's Road Bill.

Hon. Mr. GORDON.—The object of this bill is to vest in Richard R. Vidal a certain Government allowance for a road received by him under the sanction of the local authorities of the Western District, in exchange for a new line of road through his property in the township of Sarnia. It appears that in consequence of the original line of road referred to passing over swampy and otherwise unfavourable ground, rendering it impracticable as a highway, the inhabitant freeholders of the township petitioned, in the usual manner, for a new road. The Surveyor of highways reported favourably on the petition. The Justices of the Peace in Quarter Sessions confirmed the report, and ordered a deed to be made to Capt. Vidal for the Government line of road, as an equivalent for the land taken from him. Accordingly a deed was made, but some time afterwards, it was discovered that owing to a recent change in the law—or rather, he should say, a misapprehension of the then state of the law—that deed did not give a good and legal title. Capt. Vidal then applied to the Municipal Council of the District, but neither had that body authority to make a conveyance, and at length he has been driven to the necessity of applying for a legislative enactment to secure him in property obtained in good faith, and which, from various circumstances growing out of the transaction, has cost him far more than it is worth. I do not imagine there will be any objection to pass the bill, but there being some against it, I intend to move for its being referred to a select committee, together with that petition, in order that a full investigation may take place, and that justice may be done to all parties.

Hon. Mr. Crooks dissented from the second reading of the bill; he had received a letter on the subject, and he did not think from what was stated in the bill that it was a principle that ought to be admitted.

Hon. W. MORRIS was very sorry that the hon. gentleman opposite dissented from the bill and intended to oppose the second reading. It would be a very hard case if the bill was not passed: he was not acquainted with Captain Vidal, but from certain papers that he had seen, it appears that the road allowance set apart by the Government passed through a deep gully, and a swamp, the inhabitants had therefore requested Mr. Vidal to grant them a dry road and he had at once acceded to the request, expecting that the Government allowance would be made over to him, the Inspector of roads had done so, but it afterwards appeared that the Inspector had no such power. The inhabitants now, when they found that the Government allowance was found-passable had refused to stick to the bargain, he hoped however that this House would not sanction such injustice.

Hon. Mr. FERGUSON.—The petition which he had presented against the bill spoke the truth, but it was deficient in not speaking the whole truth.

The bill was then read a second time and referred to a Select Committee consisting of the Honbles Messrs. Ferguson, Kuowlton and Gordon.

All petitions on the subject was ordered to be referred to the same Committee.

The 5th order of the day was the second reading Macara's relief bill.

The bill was read a second time and referred to a Select Committee consisting of the Honbles Messrs Crooks, Bruneau and Gordon.

The next order of the day was the common school bill for Upper Canada.

Hon. W. MORRIS, believed that this bill would be found an improvement on the old one, it had been found ambiguous, and needed amendment, many principles however of the old bill had been retained in the present one.

Hon. Mr. NELSON, suggested that this bill should be referred to a Select Committee, as it could not be so thoroughly examined, in a Committee of the whole House.

Hon. Mr. MORRIS.—It would not be convenient for him to refer it to a Select Committee if he were expected to attend that Committee, as the fore part of the day he was busily engaged in public business.

The bill was then read a second time and ordered to be referred to a Committee of the whole House on Friday.

The 7th order of the day was the second reading of the Penitentiary bill.

It was read a second time, and referred to a Select Committee consisting of the Honbles Messrs Crooks, Ferguson, Gordon, Jollicette, Massue, Neilson, and W. Morris.

The next order of the day was the second reading of the District Court bill of Upper Canada.

It was read a second time and ordered to be referred to a Committee of the whole House on Friday.

House then adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 29.

Bill to remove the site of the District Town of the District of Niagara to Port Robinson, in the Township of Thorold.

Mr. CUMMINGS said in moving the second reading of this bill, he would remark, that the inhabitants of the District of Niagara, have long suffered great difficulties and laboured

under serious inconvenience, in having to travel to the present District Town, situated as it is, as an extreme angle of the District—so long ago as the year 1816 after the war with the United States of America, the selection of a site, to erect a Gaol and Court House upon, was left to the Magistrates of the District. At that time there were but few, and those only along the frontier, the back Townships being without any, and it has only been within a few years past that these Townships in the interior were supplied with Magistrates. The village of Stamford was a place selected by some of them but from the influence at that time possessed by those residing around Niagara—it was carried as he understood by a majority of one or two, and the present Court House was built in a swamp at that time a mile from the Town to the great annoyance of those having to attend the Court—after that decision and the erection of the Court House the inhabitants were obliged to be content for some years. But in 1836 it appeared by the Journals of the Legislature of Upper Canada that John Clark Esq., and about 1600 others, petitioned for its removal to a more central and convenient place, which petition was referred to a Select Committee, who reported in favor of the petitioners, which report I will read. (Here Mr. C., read the report.) The unfortunate disturbances taking place in 1837 prevented the inhabitants from following up their petition for its removal, until May 1842, when they petitioned the District Council, that Council petitioned this Hon. House, praying to remove the site of the District Town to a more central and convenient place. A Select Committee to which the said petition was referred, reported in favour, but that the District Council should name the place. The subject was again taken up by the District Council, and by an unanimous vote of that body, excepting the Council for Niagara, it was carried that Port Robinson should be the place and accordingly they again petitioned this Hon. House naming Port Robinson, from its natural position, to be the place for the future site of the District Town. The Council again petitioned in 1844, and at the last Session of the Legislature a Select Committee again reported favorable for a removal from its present site. At the present Session, the petition from the Council has been strengthened and backed by petitions most numerous signed, from almost all the Townships in the District. Further Niagara is retrograding, no business done there, no attraction to cause the inhabitants to go there, and no one now visits that Town, unless dragged there at great sacrifice and inconvenience to attend the Law Courts. It is completely an isolated place at an extreme point, cut off by St. Catharines, Thorold, Alleburgh and Port Robinson, all flourishing places of business. At Port Robinson, there are several good Inns affording every accommodation for public convenience and comfort, it is situated on the Welland Canal on the Banks of River Welland, with roads branching to all parts of the District, besides water communication from Port Dalhousie and St. Catharines by the Canal from the Grand River by Packet Boat down the feeder, from Port Colborne by Packet Boat, and from Fort Erie and Chippewa by Steam Boat and from Casior, Canborough and Gainsborough down the River Welland—it has excellent water privileges for Mills and Machinery. The road from St. Catharines and Port Dalhousie, on Lake Ontario by land is about 14 miles from Port Colborne, on Lake Erie about the same distance, from Fort Erie 20 miles and from Niagara 20 miles. Building materials of all descriptions can be taken to Port Robinson as cheap as any other

place in the District. Further he (Mr. Cummings) was satisfied the District Council will never vote an appropriation of money to rebuild a Gaol and Court House at its present location—neither would the inhabitants of the District be reconciled until a more central and convenient place was selected, thereby making a great saving to those obliged to attend the Courts, as well as a great reduction of the cost attendant on the Administration of Justice. He would move the second reading of the bill, seconded by Mr. Thompson.

Mr. DICKSON said, as representative of the town of Niagara it may be naturally supposed that I will offer a strenuous and determined opposition to the measure now before the House, and it is to me a source of great satisfaction that in so doing I can advance strong arguments against it without resting my opposition on those which alone might be considered untenable; and only advanced in opposition to the measure as an act of duty in my representative character, offering resistance to a measure injurious to those whose interests I was sent to that House to watch over and protect. I intend, sir, to grapple with this question, in the first place, by shewing to the House the impropriety of passing a bill such as the one now submitted for its consideration, upon the principle that so doing would be sacrificing the general interests of the people of the Province to the convenience of a portion of the inhabitants of the district, whose personal interests and sectional advantages influence them to make the application now before the House: I contend, Mr. Speaker, that a county town is not, nor ought it to be, placed for the mere convenience of those persons residing in the District. I would ask, if the convenience of a few jurors and witnesses that may be required to come to the county town once a year is to be considered of more importance than the great interests of the people of this Province? The present county town was originally the Seat of Government, in the early settlement of the Province, and was the place where the U. C. loyalists rallied round the British standard at the close of the American Revolution; and from that period to the present has been the county town, situated at the mouth of the Niagara River, on the margin of Lake Ontario. And, Mr. Speaker, it has been the policy of the Legislature, with few exceptions, to select sites for county towns on the margin of lakes or navigable rivers, thereby affording facilities of travelling to all those who might be required to attend the courts. I would ask, Mr. Speaker, if this House passed the present bill for sanctioning the removal of this county town, where are you to stop, provided you admit the absurd abstract proposition contended for, that the District Council having asked for it, therefore it must be granted? Pass that bill, and next session you will have a number of petitions presented to this House for the removal of others; as in some instances, and he might instance the Home District, the more remote townships are eighty miles and more from the City of Toronto, and from Amherstburgh to Cornwall. When practicable the County towns have been invariably placed upon the water. Some hon. members seemed to think no more of moving a county town than transferring a pawn upon a chess-board. Having made these general remarks, Mr. Speaker, let us examine the foundation upon which the application to this House is predicated. It is, as the hon. member for the county of Welland has told you; upon petitions presented to the Legislature in 1836 and 1842, and a report made in each of those years by the House of Assembly. And, sir, one of

the great causes of complaint that then existed has been removed, and a cause for its removal which did exist, done away with, by transferring from townships in the part of the District most remote from the county town to other and more contiguous districts—two being attached to the Gore and two to the Talbot Districts, by the act passed by this hon. House during its last session; consequently a great number of those who petitioned in 1836 and in 1842 cease to have any interest in the matter, as the inconvenience they experienced is remedied. The hon. member for the county of Welland had endeavoured to press upon the House the fact that the District Council, were so much disposed to consult the interests of those they represent that they wished to have the county town in the centre of the district; but did their acts correspond with their professions. They select a place for it nine miles from the geographical centre, being in lot No. 18, in 8th concession of Pelham, and nine miles from the beautiful village of Port Robinson. And having said this much, Mr. Speaker, on the imprudence of this removal as a matter of public policy, I now propose to offer my opposition, to it on the ground of the gross injustice which must result to the inhabitants generally, and the public officers in particular, who have received their appointments from the Crown, and who have their comfortable residences situated in that town; and who, if this act passes, must either resign their situations, or emigrate to that beautiful village on the banks of the Welland Canal, called Port Robinson. The town of Niagara during the last War was reduced to ashes by the devastating hand of a ruthless and invading enemy, and notwithstanding the protracted period at which a portion of the loss sustained, was recompensed. That town has risen from its ashes, and notwithstanding the remarks of the hon. member from the county of Welland, is by no means in that deplorable state that he is desirous of representing. Ent sir, I feel sorry for the hon. member, for he has a bad cause to advocate, and he is driven to the necessity of making these statements. As to the reduced value of property in Niagara or its locality—the jail dilapidated, placed in a swamp, and I can excuse him, he is bound to advocate the wishes of the Council, of which he is a member, and he will do his duty. The hon. member for the county of Haldimand has presented petitions from the county, he represents, and mark the insidious character they say, pray, move it, but not to St. Catharines, rather leave it where it is, this is liberal. But, sir, it has had its grand effect by shewing the selfishness of the proceeding. How Mr. Speaker, it is not necessary or expedient that the inhabitants of the Niagara District should be taxed to the extent of six or eight thousand pounds, for public buildings, when it can with great propriety be dispensed with. The Corporation of Niagara intend during the present year, erecting a Town Hall, which will contain all the necessary accommodation for holding the Courts, with Jury rooms; Judges rooms, and every thing that is necessary; and the present Court-house and Jail can be constructed into a Jail exclusively, and thereby rendered available to the public purposes of the district, which it would not be if this bill passes. I therefore conceive that the interest of the inhabitants of the Niagara District will be best consulted by the rejection of this measure, and the necessity for the imposition of any tax on the inhabitants of the District, rendered unnecessary, and consequently, I now move, seconded by Mr. Solicitor-General Sherwood, that the said

bill do not now be read a second time, but be read a second time this day six months.

Mr. Thompson said, the hon. member for the Town of Niagara has, in his laboured speech, sought to prove that the interests of the many should continue to be sacrificed to that of the few, or in other words, the interests of the Niagara District to that of the paltry town of Niagara. He [Mr. H.] trusted that this House will not, for party purposes, entertain any such absurdities, nor yet, that the length of abuse will be taken as a justification for its continuance. Sir, that hon. member has told you that the town of Niagara was once the seat of Government for Upper Canada, and continued to prosper as the District town, so long as the inhabitants continued to rally around it. That it is located at an extreme corner of the District. That although the trade it long since enjoyed from the District has been superseded by prosperous surrounding towns; that yet it retains some trade from the inhabitants residing on the American shore of the Niagara River, and still a few highly respectable inhabitants continue to reside there, to whose interests the residue of the District should continue to be sacrificed. That the removal of the site would be a death blow to the said town, and therefore it is thus he claims the sympathy of this hon. House. Now, sir, although his assertions appear conclusive justifications for its removal, yet he (Mr. T.) had supposed he would have gone further to enlighten your sympathies by adding the fact that those very residents in said town have actually sought at the hands of the Municipal Council of that District, and from the justice of their importunities, obtained their influence by petitions to this hon. House, praying that the assessed value of real estate therein be reduced by Act of Parliament, to the fixed value of the most worthless swamp back in the vicinity of Lake Huron, for which no Sheriff could realise 2s 6d pro.c. Sir, this is the estimation entertained by the very inhabitants whose opinion ought to be intitled to weight. And, sir, what is more, that application is entrusted to and ably urged by the hon. member himself. Mr. Speaker, can any hon. member with the least knowledge of the valuable and prosperous condition of the Niagara District, well settled as it is throughout with numerous thriving villages, affording at the doors of every neighbourhood mills of all kinds, as well as a cash market for the entire growth of a District, where real estate is sought after at almost any price, presume that the public business of the District should be dragged miles past their place of business for the sake of keeping up this very out of the way place, and that too at so great an indirect sacrifice. It is reasonable to presume that in the course of the year 8000 inhabitants have—as Jurors, Witnesses, Suitors, Municipal Councillors, Registry of Deeds, Searchers, &c. &c.—to visit the District Town, which, by the removal to Port Robinson, would average a saving of 20 miles in and out—40 miles in all, at the usual fees of four shillings, 20 miles would amount to £4000, and much would be saved on Sheriffs and other fees. Again, in the present necessity of conveyance to and from that out of the way place, in fact we may presume that £6000 is thus undeniably lost in each year, which I contend cannot be justified. That all those public matters should be conducted in the most central part of the District so as to accommodate the greatest number of the inhabitants, at whose expense and for whose interest the public buildings are erected and maintained. That therefore it is the bounden duty of Government to support the present measure.

That it does not follow that if the present measure carries other Districts would pursue the same course. None are nor yet can be so placed. (Hear, hear, hear.) Now, sir, as to the causes of this great blunder—After the war of 1812 to 1815, an act was passed authorising the magistrates of the district to locate the public buildings, up to which period, and indeed long since, no magistrates were appointed, unless recommended by those very highly respectable gentlemen of that town, whose notions of right and wrong was not over liberal. And they took good care to insure harmony on the Bench, by recommending none whose interests might clash. The result, therefore, was that the location was made fully 1½ miles out of the town, in a low, sunken place, properly termed a swamp, and which, at certain seasons of the year, could only be approached on foot; but which, by a misapplication of the District funds has been considerably retrieved or improved. Still the inmates of that unfortunate goal suffer from the location. At the time of said location it was loudly protested against by those who had no power to enforce justice, as their worship were fortified by an act of Parliament. The result of this unfair expenditure of the public money I have sufficiently shown, and all of which has been honorably paid. The district is now out of debt, and prosperous. Since that time the whole is well settled, the population of the county of Haldimand, which I have the honor to represent, has doubled within two years, villages have grown up within sight of each other. Hydraulic power is used there to an astonishing extent; and that county, although clipped of some of its glory by the unwarrantable action of last session, for corrupt motives, is fast rising in magnitude, and already ranks in prosperity and independence, with the foremost county in the Province, and surely is entitled to claim at your hands justice. He asked nothing more: nothing less would be expected. In fact the whole district, with the exception of the towns of Niagara and Queenston, was unparalleled in improvement. Look at the rivers Welland and the Grand River; the Welland Canal and its feeders providing water communication with Port Robinson for almost every part of the district; and again, its grand leading roads intersecting that central position. Now, Sir, as to the position of Port Robinson: it is on elevated ground, by the deep cut, at the conjunction of the Welland Canal with the River Welland, healthy and well watered: It is a thriving village, embracing several merchants' shops, respectable inns, with hydraulic water power, &c. &c. Mr. Speaker, the inhabitants of the district have for years petitioned for the removal of this site to a central position. The present petitions are numerous signed from all parts of the District, and so convinced were the inhabitants of the township of Niagara of the justice of its removal, that they would not consent to sign a counter petition, & fortified by the unanimous vote of the Municipal Council of that District, praying not for money, nor yet aid, but for permission to remove the site from the present unhealthy location to one more central; the greater number of petitions say Port Robinson, which as already shown, would be a saving to the inhabitants in one year of expense quite equal to defray the erection of proper substantial public buildings with fire-proof vaults. Still he was not insisting on Port Robinson being named; let the bill be read a second time and referred to a special committee, who can, if they think proper, so alter the bill as to leave the location to the Municipal Council

who, notwithstanding the opinion of the hon. member for the town of Niagara, are quite competent to deal with this matter. In conclusion, he begged to insist on the justice of the petitioners' prayer, they are mostly interested parties and defray by direct taxation, the local expenses of the District, they have a right to claim at your hands that sought for, it is but equity and justice. He would now leave the matter to be dealt with, by the House relying upon an impartial decision.

Mr. DICKSON—This measure I find is very strenuously supported by the hon. member for Haldimand, the hon. and learned Mayor from Toronto, and an hon. member from one of the Ridings of York, Mr. Duggan. The observations of these gentlemen prove one of two things, that they are guilty of misrepresentation or ignorance, though one, I cannot suppose, the other is self-evident. The hon. and learned Mayor of Toronto seems to treat this matter with a degree of levity, and with which I am by no means disposed to permit; and he has made a great attempt at wit, which proved a failure; and I am satisfied that no member of this House is so much pleased with his speech as the hon. gentleman himself.—The hon. member for Haldimand, like the hon. member for Weiland, very naturally supports this measure, but he does so in a very different manner; he makes statements having no foundation in fact, and which represents a state of things he wishes did exist; but does not that hon. gentleman say that Niagara is so reduced that the people are praying to be released from certain taxes, and that I have introduced a bill for that purpose. Why did he not state the fact as it is, that I have introduced a bill upon a petition from that same body, the District Council, they knowing the impropriety of said tax being permitted to exist as lots in Niagara by the operation of the statute 59th George III. chap. 7; are rated at the sum of fifty pounds per annum, and he knows that this tax is not paid by other towns in the District, where, according to his own showing, land is more valuable, and he well knows that independent of the District tax, to which we are liable, that we are a corporate town and have to pay the taxes imposed by the Corporation, which was last year 14d in the pound. He represents the jail being in a swamp, and in fact would lead hon. members to believe, if they placed any confidence in what he says, that Niagara was a loathsome and desolated village. Now a little in its favour: it is the most healthy town in Canada, situated on a point of land with the river on one side and the lake on the other, and the hon. member says nothing about the works of the Dock Company, on which £25,000 have been expended. Where were those beautiful steamers built that are floating on the bosom of Lake Ontario? at Niagara, where the hon. member or any one else, if they will pay for them, can get them turned out complete, lock, stock and barrel, with everything, from the engine to the most insignificant article required in their construction, furnished at these works. I did expect that in the course of this debate my hon. friend, the member for North Lincoln, would have taken part, but I am to attribute his not doing so to the circumstance of the petitions presented by the hon. member for Haldimand; saying don't take it to St. Catharines. This is a staggerer for my hon. friend, and literally places him upon the fence, he considering no doubt that St. Catharines would not be an ineligible position. I consider it unnecessary to protract this debate, Mr. Speaker, and if hon. gentlemen who were desirous of expressing their opinions have done so, I am now disposed to take the sense of the House on my amendment.

New Commission to take Evidence on the Middlesex Election.

Mr. AYLWIN thought it was perfectly clear that a new Commission ought to be granted. An error was committed—he might call it more—by the late Commissioners, which rendered their proceedings nugatory, and in consequence of which it was impossible that they could again be honored by the commission of that House.

Solicitor General SHERWOOD had some doubts of the power of the House to appoint a second commission. He had expressed that doubt in the committee room to the hon. member for Quebec, and that hon. member had promised to show him a precedent on the journals of the Parliament of Upper Canada. He (Mr. S.) hoped his hon. friend would then produce the precedent.

Mr. AYLWIN did not recollect whether it was to the journals of Upper Canada, or to those of United Canada he had referred in his conversation with the hon. Solicitor Gen. If he named the former, he was in error. It was United Canada he meant. He found it on the 28th July, 1841; that case was not identically the same as the present, but it was one in which a new commission did arise. If ever there was a case in which a commission ought to issue it was that in question. The petitioner had complained at the bar that the sitting member for the county of Middlesex was a usurper. A commission had been issued to take evidence; but those to whom it was entrusted, either from ignorance or villany, failed to execute it. For this ignorance or villany no one was responsible. The sitting member was not responsible for it. The parties themselves had been discharged after a punishment which was more an honor to them than any thing else; and the petitioner alone had to suffer the heavy loss and inconvenience attendant upon such a monstrous proceeding. And when he (Mr. A.) proposed a course, by which justice might ultimately be done the petitioner, he was asked to produce a precedent. As well might he be asked to produce authority for looking at the sun, or for breathing the air of heaven. Instead of aducing authority, he (Mr. A.) thought he would be justified in asking where is the law which forbade what he demanded? What! were they going to legalise—not acts by the badge, for these were comparatively respectable—but were they to confirm the act of the knave or the villain, who, if it were ruled that a second commission was not, under any circumstances, to be allowed, could easily evade the orders of the House, and thereby perpetrate the greatest injustice. He (Mr. A.) felt the deepest sympathy with the petitioner, who had done him the honor of appointing him his nominee; but, irrespective of that, he would appeal to hon. members to do justice for their own sake. He would ask, was there one in that House who would agree to hold his seat under the tenure which the hon. Sol. General would appear to wish to establish?

Sol. Gen. SHERWOOD complained of the tone of the hon. member of Quebec, and particularly of his attacks upon the Commissioners, whose characters for honor and integrity were as high as that of the hon. member himself, and could not be injured by such insinuations as had been thrown out. He (the Sol. Gen.) had not said that he was opposed to granting a new Commission, he had only asked for a precedent. He thought the Niagara case, referred to by the hon. member for Quebec was not a precedent; in that case the commission was returned without any action having been taken upon it, and that was the same as if a commission had never existed; in the present instance, evidence had been taken. He, the Solicitor General still doubted whether the House could issue a second commission, after one commission had been acted upon; his doubts had not been in the least removed by the speech of the hon. and learned member for Quebec, and he trusted that the hon. and learned member for the Fourth Riding would favor the House with his views.

Mr. WILLIAMS was of opinion that under the statute authorizing a commission was contemplated; it was clear that the House had power to

appoint a second committee; he thought the evidence being illegal, was the same as if no return had been made, and therefore, a new commission ought to issue.

Mr. BALDWIN would have risen immediately after the appeal that had been made to him by the Solicitor General West, had he not expected that the hon. Attorney General was prepared to offer his opinion for the information and guidance of the House, and he was much surprised that when the learned Solicitor General felt himself deficient in information, he did not apply to higher authority, that he did not seek it at that source from which the House had always a right to expect prompt information; and he was also not a little astonished that the hon. Attorney General should allow the House to want his aid and advice for one moment in a matter of such serious importance. He (Mr. Baldwin) most willingly endorsed all that had been said by the hon. member for Quebec, respecting the importance of the question before the House; he felt warmly upon it, and was prepared to resist to the last any attempt to defeat the just demand of the petitioner. (Hear, hear.) He (Mr. B.) understood the Solicitor General West to construe the act, so that but one commission could issue under it. The answer of the hon. member for Durham to that was irresistible; the act allowed a second committee, and also left it optional with the parties to furnish evidence either by commission or *vice versa*. A second committee could not act without evidence, and it was nonsense to suppose that the parties interested would not have the same right under a second committee as under the first. But irrespective of all that he would ask was it to be said that the law was meant to be a mere mockery—(Hear, hear)—to be a piece of net work in which parties having just claims were to be entangled beyond the possibility of help being afforded to them. (Cheers.) Were the claims of petitioners at the bar of that House to be left to the mere mercy of commissioners? Was there to be no control, no redress? The language of the hon. and learned member for Quebec was not too strong upon that point. (Hear.) If the House decided that a second commission could not issue, persons contesting seats in that House, would thenceforth be abandoned to the ignorance or villany of commissioners. (Cheers.) There would be no responsibility, no redress, beyond the miserable mockery of punishment they had seen dealt out at the bar the other day, a punishment that was only calculated to encourage offence, to embolden parties to violate the rights and privileges of the House. Yes, he (Mr. Baldwin) would warn the House that unless they showed that they had the will as well as the power to punish their servants, their authority would be laughed to scorn, as he had no doubt it was in the late instance to which he had referred.—(Cheers.) With regard to the evidence that had been received by the committee, he (Mr. B.) would have regarded it as legal, because he considered that part of the statute under which it was taken as merely directory. Was he called upon judiciously to pronounce upon it, that would be his decision. But it was not for him, or that House to judge. The Committee had decided that the evidence was illegal, and the House was bound by that decision. The proceedings under the late commission having then been declared illegal, it was clear that, for the purposes of the act, no evidence had been taken; and that the mass that had been sent was as so much waste paper. Supposing that instead of sending the evidence the commissioners had chosen to fold up, seal, and address a number of blank sheets, would it be, therefore, true that the commission had been executed. It was the utmost force to argue in that way. Either the commission had been executed for the purposes of the act, or it had not; if it had not, there should be no torturing of the law in order to do injustice to the petitioner. A distinction had been attempted to be drawn between the present case, and that on the journals—the Niagara case, referred to by the hon. member for Quebec; but it was evident that for all valid purposes they were alike. (Hear.) In the one

case the commission had not been acted upon; in the other, the action taken was declared illegal. It was, therefore, manifest that for the purposes of the law nothing had been done in either case. In a legal point of view there could be no difference between them.

Mr. HALL.—(Hear, hear.) There was a great deal of difference.

Mr. BALDWIN.—The hon. member for Sherbrooke said hear, hear, and spoke of a distinction. He (Mr. B.) could well understand how certain hon. members of that House could swallow any doctrine however monstrous. He knew with what facility they would, as had been said by his hon. friend from Quebec, divide a hair between North and South; and he was, therefore, not surprised to find them favouring the absurdity then raised. But he felt satisfied that no judicial mind in that House would take such a view—(Hear, hear.)—would countenance any thing so atrocious [Cheer.] Yes, so atrocious; he would say, that if another commission were refused it would be an atrocious denial of justice to the petitioner. [Loud cheers.]

Mr. DRAPE.—Before he heard the speech of the hon. member for Quebec did not know that this question was coming before them, and he was not, therefore, as well able to give an opinion as he would had been if he had 24 hours notice of the motion. He did not think that he was justly subject to the censure of the hon. member for the North Riding of York. The argument of the hon. member for Quebec was perfectly correct, if his premises had been correct. But he (Mr. D) knew that his premises were unfounded; he (Mr. A) had asserted that there was a proviso in the act allowing a second commission to be appointed—this was not the case. His opinion was that a second commission could be issued, and the reason for forming that opinion was, that the proviso already referred to, allowed the House, in certain circumstances, to appoint a new committee, and it was reasonable to suppose (as this committee must receive evidence with *ubi vobis*, or by a commission,) that a new commission may be issued.

Mr. MURPHY sympathized with the petitioner (Mr. Notman) for he had been placed in a similar position during the last Parliament, and he had then received no sympathy from the majority. He was then obliged to listen to the sarcastic remarks of the hon. member who introduced this motion, (Mr. Aylwin). This gentleman took good care not to sympathize with him. He even said that it was folly to attempt to unseat the then sitting member for Hastings [Mr. Baldwin.] It is very easy, by high flown declamation for a ministry to complain of the acts of the majority; but these parties ought to remember that they, when they formed the majority, refused the favor of granting me a commission, although my witnesses resided 150 miles from the seat of Government, and I affirmed, and still believe, that I had the majority of legal votes on that occasion. The subsequent election showed that this assertion was correct. [Hear.] It would therefore, be no more monstrous or atrocious for a commission to be refused on the present occasion, than it was on the case referred to. The majority, however, will not refuse the commission in this case.

Mr. BALDWIN.—The hon. member for Hastings had forgotten to state the circumstances under which a commission had been refused him. The charges made by the hon. member were of such a character that it was considered that *vide supra* evidence would be the only satisfactory means by which to determine them, and although the distance at which the hon. member wished the enquiry to take place was about one hundred miles from the seat of Parliament, the daily passing of boats rendered it quite convenient for parties to attend to give evidence in person. There was no desire on his part or that of any friend of his to stifle enquiry in that case; he was satisfied that he held his seat by a legal majority of votes, and no investigators could have disturbed him.

Mr. SHERWOOD of Brockville—thought that if the commission then applied for was refused, it would be no more atrocious than was the refusal

referred to by the hon. member for Hastings. He (Mr. Sherwood) would vote against the motion, not because he thought the petitioner was not entitled to a second commission, but such was the manner in which all the commissions issued by that House had been executed that he was of opinion that no more should issue.

The motion was then carried by 55 to 4. It having been mentioned that Mr. Ermatinger had voted, the Speaker observed that in his opinion the hon. member had no right to vote.

Mr. HALL thought as it was rather magnanimous for the hon. member to vote with the majority the vote ought to be allowed to stand.

Mr. BALDWIN thought the vote was irregular and would be a bad precedent. The vote was then struck off.

ROUTINE BUSINESS. WEDNESDAY, April 29.

Mr. Solicitor General Sherwood presented the Report of the Select Committee on the petition of T. G. Ridout, E. Q., et al, and a Bill to incorporate the Mechanics' Institute of Toronto. Second reading to-morrow.

The Select Committee on the Bill relating to Ayles passed before N. Jones reported certain amendments. The Bill, as amended, to be committed on Friday.

Mr. Solicitor General Sherwood moved an address for a return of the Harbor dues collected at Toronto in 1845, and a statement of the balance (if any) due the Government on account of sums advanced for constructing the Queen's Wharf in that Harbor.

Capt. Petrie presented a Report from the Special Committee, to which were referred the various Petitions, opposed to a Division of the Clergy Reserves.

On motion of Capt. Petrie, 1000 copies were ordered to be printed.

The Bytown Incorporation Bill was reported with amendments.—To be referred to a Committee of the whole on Monday.

Mr. Goswami, Chairman of the Standing Committee on Printing, presented a report recommending that the tender of Messrs. Campbell and Petrait, for the Printing, and Messrs. A and R Miller for the Binding of the Journals and Appendix, be accepted. The House in Committee on the same to-morrow.

Mr. Chabot was excused for his absence yesterday from the Union Election Committee.

Mr. Aylwin moved that a New Commission be issued to James G. Wms. John Wilson, and Henry C. Beecher, Esquires, to take evidence in the matter of the *M. v. Lesca* Contested Election.—Carried: Yeas, 54; Nays, 4, viz, Messrs. Hall, Riddell, George Sherwood, and Henry Sherwood.

Mr. Secretary Daly laid before the House a Return to an Address for certain documents relating to the sale of L. T. 10 and 11, Water Street, in Cornwall.

And the Report of the Commissioners appointed to ascertain the amount of Losses sustained in consequence of the Rebellion in Lower Canada.

The Resolutions in the Customs agreed to yesterday, in Committee of the whole, were reported.

The following Resolution was carried on division:—

Resolved,—That an *ad valorem* duty of 5 per cent be imposed on all kinds of manufactures or non-manufactured matter, the production of Great Britain or of the British Colonies, imported by sea, or direct from any British Colony, and that in leather or leather manufactures otherwise imported, the following duties be imposed:—

PRESENT DUTIES. 5s On goat skins, tanned, tawed, or in any way dressed, per doz - 2 6 2s 6d On lamb or sheep skins, tanned, tawed, or in any way dressed, per doz - 5 0

ed, or in any way dressed, per doz - 2 6 6d Calf skins, tanned, tawed, or in any way dressed, per lb - 0 4 3d Kip skins do do - 0 2 2 & 1/2 Harness leather, upper leader, and sole leather per lb. - 0 4 6d Leather cut into shapes, per lb - 0 1 1/2

LEATHER MANUFACTURES. 7s 6d Women's boots, shoes and calashes of leather, per 12 pairs - 5 0 7s 6d Women's boots and shoes of silk, satin, jean, or other stuffs, red or morocco, per doz pairs - 5 0 2s 6d Girls' boots, shoes and calashes of leather, under 7 inches in length per doz pairs - 2 0 3s Girls' boots and shoes of silk, satin, jean or other stuffs, kid or morocco, per doz pairs - 2 0

YEAS—Messrs. Boulton, Cayley, Chalmers, Christie, Colville, Cummings, Daly, De Witt, Dickson, Draper, Duggan, Ermatinger, Foote, Gowat, Hale, Jessup, LeMoine, Macdonald, (Cornwall,) McConnell, Moffat, Mouro, Murray Papienau, Peirce, Riddell, Robinson, Seymour, Sherwood, (Brockville), Sherwood, (Toronto), Smith, (Frontenack), Smith, (Missisquoi), Taschereau, Viger, Webster, Williams, Woods.—56.

NAYS—Aylwin, Baldwin, Berthlot, Bertrand, Cauchon, Chabot, Chauveau, Desauter, Drummond, Guillet, LaFontaine, Lantier, LaTerrière, Lauin, Leslie, Macdonell, (Stormont), Méthot, Nelson, Powell, Prie, Roulin, Rouseau, Scott, Smith, (Wentworth), Taché, Thompson.—26.

The next resolution was carried on division of 37 to 24. (Mr. Meyers having voted with the yeas, and Mr. Hall and Jobin voting with the nays.)

2s 6d Mrs' boots per pair - 1 3 1s Mens' shoes do - 0 6 1s 3d Boys' boots, under 8 inches in length per pair - 0 9 9d Boys' shoes under 8 inches in length, per pair - 0 4

The next resolution was carried without a division.

Resolved,—That salted or cured meat, for the use of the fisheries in the Gulf of the St. Lawrence, shall be admitted free of duty.

Mr. Cayley brought in a bill on the foregoing resolutions. 21 reading on Friday.

The bill to provide for the registration of deeds in Hastings, ordered to be engrossed.

The bill to amend the Great Western Railroad Act was read a second time and referred to Committee on Railroad Bills.

The bill relating to *India Bills of Exchange*, and the bill relating to damages on protested Foreign Bills of Exchange, were read the second time and referred to a select committee.

The bill from the Legislative Council to facilitate the partitioning of real estate in L. C., was read the second time.

Mr. Moffat moved that it be referred to a select committee.

Mr. McDonald, of Cornwall, moved that the consideration of the said motion be postponed till to-morrow—which was carried.

The bill to regulate assessments in Niagara and Queenston, was read a second time, and ordered to be engrossed.

The bill to divide the municipality of Hochelaga was read the second time and referred to a select committee.

The bill to incorporate the St. Patrick's Society of Montreal, was read the second time, and referred to Committee on Private Bills.

The Albion Road Company Bill was committed and amended.—To be reported to-morrow.

The Bill to regulate Temperance Houses was committed, and the House resumed without resorting.

The Bill to Incorporate Les Dames de Charité du Bon Pasteur, was read the second time, committed, reported, amended, and ordered to be engrossed.

The Bill to Incorporate La Banque des Marchands, was read the second time, and referred to the Committee on Private Bills.

The Wolf Island and Toronto Railroad Bill was read the second time and referred to the Committee on Railroads.

The bill to regulate Sheriffs' poundage was read the second time. To be committed to-morrow.

The bill to incorporate the Peterboro and Port Hope Railroad Company, was read the second time, and referred to the Committee on Railroads.

The bill to incorporate the Quebec Cutlers' Benevolent Society, was referred to a Select Committee.

The bill to remove the Simcoe Registry Office (is now made applicable to the several districts) was committed, reported, amended, and ordered to be engrossed.

The bill to revive the Cobourg Railroad Act was committed and amended. To be reported to-morrow. Adjourned.

LEGISLATIVE COUNCIL.

THURSDAY, 30th April, 1846.

The select Committee to above was referred the bill to vest in R. E. Vidal, Esq. a certain road allowance, reported the bill with a verbal amendment.

The report was concurred in, and the bill was ordered to be engrossed and read a third time to-morrow.

Hon. Mr. BRUNAN introduced a bill entitled an act to provide for the safe keeping of books, records and papers, and the prompt registration of deeds and memorials in the Registry offices in Lower Canada.

It was read a first time, and ordered for a second reading on the 6th of May.

Hon. Mr. FERGUSON.—In introducing his motion for certain papers relative to King's College Council, hoped that he might make two assumptions without hazard of contradiction. He would in the first place, presume that every member of this House, in common with every inhabitant of Canada, felt deeply and strongly the importance of an economical and proper use being made of the University funds. He would further assume that no man throughout the Province, (sure he was, that no man within the walls of this House) would impute personal or party motives to him in making the present motion. It was also a source of satisfaction to feel a strong assurance of support from his honourable friend H. M. Receiver General. The public of Canada would not soon forget the zealous and laborious efforts of that hon. gentleman during a long and public career, in bringing to light the scandalous abuses which at all times disgraced the acting members of King's College Council. He (Mr. F.) would never forget the friendly and anxious manner in which his own attention was directed to the subject by the hon. Receiver General when he (Mr. F.) first took his seat in this House, and if his attention has continued awake and his desire to reform abuses has since increased, he unquestionably must thank H. M. Receiver General for that increase and for a sturdy resolution to probe the evil. It would be quite superfluous to enter upon long details of the disgraceful management, or rather mismanagement of the University estate. It was certainly a matter of great marvel, that in the face of all which has come to light, the management and conduct of the Council seemed to be even to this hour, as reck-

less, as shameless as ever. It seems to illustrate the old adage, "*Quem Deus vult perdere, prius dementat.*" Yet it has been avowed with unblushing confidence by men high in station and whose word ought to pass for something with the country, that there is no public institution conducted in a more economical and effectual manner than King's College. He (Mr. F.) could only express his astonishment at such an assertion. For more than two years a charge has been left unanswered by a Rev. Doctor in charge of the young men attending this institution,—a charge he observed, not made by an ephemeral writer in a newspaper, but gravely and seriously published in a work upon the University affairs. If this charge is false (and happy indeed would he be to find that it was false) then let no time be lost in proclaiming Dr. McCaul's innocence to the world. If upon the other hand it should unhappily prove correct, assuredly not a day should pass without removing such an individual from the care and training of our youth.

In a very able and temperate pamphlet upon the University we read at page 82 as following:

"During the Chancellorship of Sir Charles Bagot, a Schedule of Salaries and Duties was laid before his late Excellency by Dr. McCaul, and which was professedly framed in reference to a statement of the income of the University. In that Schedule Dr. McCaul estimated his own services, as a Professor, at £100—while the sum of £250 was attached to the office of Vice-President. Sir Charles Bagot reduced the salary of Vice-President to £150, and raised that of the Professorship to £500—thus meeting in another form Dr. McCaul's own ideas of his importance. A Statute was prepared by Sir Charles Bagot in accordance with this appropriation, and transmitted to the Council. This statute was intercepted and cancelled—the Chancellor's severe illness having offered a favourable opportunity for defeating his intentions. On the arrival of Sir Charles Metcalfe, a new Statute was framed by the parties in Toronto, in which, taking advantage of the addition made by Sir Charles Bagot to Dr. McCaul's salary, as a Professor, the sum stated was £500, and also taking advantage of Sir Charles Metcalfe's ignorance of the former Chancellor's arrangement of the salary of Vice President, the sum stated was £250. Will Dr. McCaul hazard an explanation of the discrepancy?"

Should hon. gentlemen require any thing more to induce them to concur in this motion before the House, it is will be found in a transaction which he (Mr. F.) had the strongest grounds for believing to be authentic and which may be demonstrated superlatively atrocious, even in the annals of King's College. It would seem that the Rev. Dr. Beaven, not considering his services adequately recompensed by a Professor's chair, worth £500 sterling per annum; and house, fuel, servants &c., goes to the tune of some £250 more. Casting himself upon the generosity of the Council, a new office was created for his behoof styled *Dean of the University*, duties unknown but salary fixed at £100. This was pushing the game however, rather too far, and Lord Metcalfe positively refused his sanction. No sooner however, had his lordship been obliged to leave the Province, from a cause too well known and by all lamented, than the disappointed clique most shamefully carried the appointment into effect, and actually gave Dr. Beaver a cheque for a sum covering what they termed arrears, that is, nullifying the Chancellor's act and establishing their original appointment. Mr. F. presumed it was quite unnecessary for him to detain the House longer, and he would therefore move for copies &c.

Hon. W. MORRIS—stated that he did not wish to oppose the address, but he considered that the Governor ought not to be asked for those papers as Governor but as Chancellor of the College. [He went over the same ground and raised the same objections to the address as were raised by the hon. Attorney General West on the same subject in the Lower House.] He stated the papers were now being busily prepared for the lower House, and would be laid on the table in a few days, and it would be useless to compel them to go over the same ground again.

Hon. Mr. FERGUSON—said that the address moved for in the lower House was not so comprehensive as the motion which he had presented. He was afraid that the Receiver General had not profited much by his public life in connection with the present Ministry. He was sure that if the Receiver General could speak out, his candour of heart would say get the papers and correspondence desired.

Hon. Mr. MORRIS, if the hon. gentleman opposite, thinks that he had altered his opinion on this subject he is quite mistaken he (Mr. M.) was not afraid to discharge his duty, but he was afraid of exceeding it; he would ask, if the friends of the hon. gentleman opposite had interfered with the College while in power: for himself he heartily desired that an investigation might be had into the matter.

Hon. Mr. GORDON, was as anxious as the Hon. Mr. FERGUSON, that every information on the subject should be afforded to this House, indeed he would enlarge on the information requested and ask for the furnishing correspondence between the Chancellor and any individual member of the Council. He felt confident that there were no persons so desirous of every information being afforded, and an investigation being had in the matter as the persons accused.

Hon. Mr. FERGUSON, was sorry that he could not make the motion to suit the hon. Receiver General; but he had a precedent for the course pursued; at Kingston, his hon. friend on his right (Mr. Ferrie) had moved a similar address and was then supported by the Receiver General.

Hon. Mr. FERRIE.—In 1841, he rose and stated from information that he had received, he believed that the management of King's College was grossly corrupt, and that the funds of the College were being misapplied, he then asked for papers and accounts, and the then Pres. of the Council Mr. Sullivan, said that from the earnestness with which he (Mr. F.) spoke he must have some sure and certain information, and Mr. Sullivan laid the accounts on the table in a few days. Without leaving the House, he (Mr. F.) had pointed out the sum of £8000, which had been marked down as bad debts, of which he remarked that over £6,495 were due and owing by the wealthiest individuals, and it was an astonishing fact that this sum was almost immediately as if by a miracle paid into the Bursar's hands, it was not, however, paid with interest as it ought to have been done; if compound interest had been charged the sum would have been nearly doubled. The Legislative Assembly then took it out of his hands, and he had expected that it would have been vigorously carried forward, but such has proved not to be the case, for since then he believed no searching enquiry had taken place.

The motion was then postponed till Monday next.

The third order of the day was the second reading of the Building Societies bill.

Mr. SPEAKER, said, that this bill was introduced to give to Upper Canada the same priv-

ileges in reference to Building Societies as were possessed by the city of Montreal, the only material difference between the present bill, and the bill incorporating the Montreal Building Society, that any 20 persons, can form a Society, having made a declaration, and filed the same with the Clerk of the Peace, and it should then be considered as a corporate body. There is another alteration the propriety of which he doubted, that the Secretary is at the same time Treasurer and also allowed as a competent witness in any case in which the Society is concerned. The bill passed last session was one that was passed in that hurry that characterised the doing of business towards the end of last session and it was not therefore very surprising that there should be some defects, &c. In the bill, there are some principles which he conceived ought to be expunged, for instance any mortgage, lien &c., made by any officers after their acceptance of the situation having only a secondary claim, the Society having a prior claim, it is a monstrous provision, and one that it is not to be found any where else.

The bill was read a second time and referred to a Special Committee consisting of the Honbles. Messrs Crooks, Bruneau, Ferguson, Walker, Gordon, Neilson and Massue.

Ordered that it be an instruction to the Committee to consider the expediency of extending it to the whole Province.

The next order of the day was the second reading Trafalgar Road bill.

The bill was read a second time and referred to a Select Committee consisting of the Honbles. Messrs Crooks, Ferrie and Gordon.

The 5th order of the day was the second reading, wild fowl in Lakes bill.

Some discussion arose, on the propriety of protecting the wild fowl in the manner laid down in the bill, as it was contended that it was a protection to the rich.

Hon. Mr. Bruneau, moved that it be read a second time this day 6 months.

The House were equally divided and the Speaker voted for the further consideration of the bill.

It was then read a second time and referred to a Select Committee consisting of the Honbles. Messrs Walker, Neilson, Gordon and Irving.

The 6th order of the day was the second reading of the Presbyterian Marriage Registry bill.

The bill was read a second time and to the same Committee as was referred the bill for the relief of Christian Unitarians.

The last order of the day was the second reading of the Magdelaine Island municipality bill.

It was read a second time and referred to a Select Committee consisting of the Honbles. Messrs Walker, Massue, McGill, Jolliette and Neilson.

A message was received from the Legislative Assembly stating that they had passed the following bills, viz; an act for the incorporation *Les Dames de Charité du Bon Pasteur*; an act respecting appropriations for Schools in Bathurst District; an act for the registration of titles in the County of Hastings; an act to alter the modes of assessment in Niagara and Queenston; an act to provide for the removal of any Registry Office of any county, in Upper Canada when the public convenience required it.

The above bills from the Legislative Assembly were read a first time and ordered for a second reading.

Hon. Mr. Ferguson gave notice that on Monday next, he would ask Her Majesty's Receiver General when the University Bill

was to be introduced, and whether it was to be a Government measure or not.

Hon. Mr. MORRIS—said that he could as well answer the question now. The University bill will be shortly introduced, and it is to be an open question.

Hon. Mr. MOORE moved that the select committee to whom was referred the bill for the relief of Bible Christians, be discharged, and that the said bill be referred to the same committee as was referred the bill for the relief of the Christian Unitarians.

The select committee to whom was referred Huron District Tax bill, reported the same with several amendments.

The bill and report to be considered by the House to-morrow.

The House then adjourned.

HOUSE OF ASSEMBLY

THURSDAY, APRIL 30.

Board of Works.

Mr. HALL—moved to refer the report of the Commission appointed to enquire into the proceedings of the Board of Works, and the report of the Board of the Works to a select Committee.

Atty. Gen. SMITH would oppose the motion; it meant to take the disposition of the Board of Works out of the hands of the Government, who alone were, as they ought to be, responsible for the conduct of the department; the government have not been neglecting the question of the state of the Board of Works, and would soon introduce a measure in reference thereto.

Mr. HALL had no objection to leave the question in the hands of the Government, and was glad to hear that it had at length endeavoured to take action upon it. It was of the greatest importance that the doings of the Board should be enquired into. He (Mr. H.) could say that there was a statement in the Report of the Board in reference to the county to which he belonged, which was false.

Mr. WILLIAMS, I say the same.

Mr. HALL did not desire to run counter to the Government, or to embarrass them in any way in regard to the measure they intended to introduce, and he would therefore change his motion to a notice.

Mr. ROBINSON said, that in seconding the motion before the House, he had not had the slightest intention of embarrassing the Government, but it was with the intention of calling the attention of the Government to the necessity of a change in the system of the Board of Works; he would not allude at all to the persons composing it, and he thought he would be able to convince the Government of the necessity for such a change. In 1841, the sum of £30,000 had been voted for his district, but as no works had been commenced up to the time he took office, the first thing he did, on entering into the Government was to make enquiries respecting the expenditure of this sum, but a short act was introduced and passed last session to relieve doubts as to the expenditure of these 30,000, and it was perfectly well understood by himself, the Chairman of the Board of Works, and the Government, that the sum of £2000 should be spent in his county. ("Hear, hear," from Mr. Lafontaine.) But he found that this sum, with the exception of £700, was laid out on the Yonge Street road; but even the Yonge street road was of great importance to his constituents in enabling them to reach market. He had himself offered to show every foot of the route to the engineer, and having done so, requested him to advertise for Tenders for the Work, but was told that it could not be done

without orders from his superior. This was in June, and one of the finest seasons that could be for carrying on the work, but from that time, until the rainy season, in October, nothing was done, but writing backwards and forwards, and at length he (Mr. R.) received a very civil answer in reply to some of his letters, that his suggestions were complied with, and the work was commenced, but they made the road so impassable, that his constituents could not reach market, and there are statements now before the Government, shewing that some of them had lost from three to five thousand pounds in consequence. He repeated that his intention was not to embarrass the Government, but to have this subject brought before a committee, where he and his brother members, including some members of the Administration might consult on the subject. To show fully his object, he would beg hon. members to look at that part of the report respecting his county, and they would find that on roads there had been nothing done while postage alone amounted to nearly £40 and every one did not know what good might be done even with £40 in the back roads of the Province. (Hear, hear.) All he required was the adoption of some system, in order to repress this extravagance, and if a local board were appointed in any part of the Province where any specific sum was to be laid out, he felt confident it would go a great way towards effecting his object; he had recommended it last year, and if his recommendation had been followed, the road would have been finished by this time.

Mr. CAUCHOX was speaking to the question in French, when he was interrupted by Mr. Gowan who advised him not to enter into a discussion of the Board of Works now, but wait until the bill promised by the Government should be introduced.

In reply, Mr. CAUCHOX said, the Government had made so many promises which they had not kept, that he no longer put very great faith in them. He then went on to say that he held Mr. Killaly unfit for his situation, his estimates of expenditure being almost always incorrect, when he estimated that a work would cost of £200,000, it generally turned out that it cost double or treble that sum. (Hear.) When the President of the Board of Works made great promises of deepening and widening the Channel of Lake St. Peter, it must be evident to every one that the money was uselessly thrown away, for the water was too deep and the current too rapid to effect the object proposed. He (Mr. C.) was not opposed to ameliorations, he would be glad to see the St. Lawrence so much improved that sea going vessels might reach the Upper Lakes, but when money was thrown away as in Lake St. Peter, he would wish the Government make some inquiry, and see whether Mr. Killaly was really incompetent to perform his duties, and if so impose some check upon the vast expenditure of the House.

Mr. WILLIAMS—said, that by referring to the report of the Board, hon. members would observe that there had been a project to connect Lake Ontario with Rice Lake by a road in his county. Not ten days since he had enquired of the Ministry whether an order had been given to levy tolls on this road in its incomplete state, and he had then stated that the northern end of this road was graded but not macadamized and about a mile and a half of the southern end, neither graded nor macadamized. The Government had then informed him that no such order had been made, but what was his astonishment to find in the report in his hands, that the Rice Lake and Ontario road

was completed. He repeated that the northern and southern ends were not finished and the report was therefore incorrect. (Hear, hear.)

Mr. BALDWIN—said, that before the motion was withdrawn, he would call the attention of the House to a work, respecting which he had laid on the table a great number of petitions both last Session, and the present Session, and which was second in importance to none of the second class works in the Province, he referred to the Scugog Road (hear, hear) respecting the progress of which he had wished to obtain some information, but had not demanded it from the Government, as many hon. members had done so and were uniformly told they would receive a satisfactory statement in the report of the Board of Works. However he had nothing to do with the Board of Works, it was the Executive he would hold responsible, it was their duty to investigate the conduct of their servants and if they were found incompetent for the discharge of their duties, then they should appoint others. He did not care what commissions they chose to issue to inquire into the proceedings of the different departments, although it might appear a little strange to do so, but whoever the Commissioners might be, or whatever might be their duties, he would, according to English practice, hold the Executive responsible for the outlay of the public money, and the progress of the public works. In the report of November 1844, and when of course the preliminary investigation must have been gone through, the Board of Works recommended the extension of the Scugog Road westward in order to open up the fine country in that direction and speak of the benefits derivable from such a road. The Board of Works had completely made up their minds to recommend the formation of this road to the Legislature and the Government acting on that recommendation had last Session passed a vote of £2,000 for the purpose of making this survey. Well after that, what would hon. members suppose was the action of the Board and the Administration with respect to this road: An engineer was sent to survey a line, and as was always the case, and always will be the case, whatever route is selected private interests will recommend another line, and he (Mr. B.) became the organ of communication with the Government, forwarding petitions from that part of the country, and he could have hoped that after having lost all summer, he would hear something of the survey in the report of the Board. Now he would trouble hon. members to look at what the report did say. That the survey having been made, and a map and estimate of the line recommended completed, yet being founded on local interests, he (Mr. Killaly) thought it best to suspend any expenditure. He must say that was nothing less than an attempt at a return to the old system of jobbing. Hon. members of the Administration might smile, but he would tell them that it was their duty to force the Board of Works to give a satisfactory report, and it was then he would hold responsible for the execution of those works, it was their duty to prevent any of this jobbing and not leave things to a system of *hocus pocus*. And this brought him to a question he was anxious to ask the hon. member for Peterborough, it was whether in making his motion he had the intention of referring the report to a Committee in order to adjudicate on all these matters.

Mr. ROBINSON—In the absence of the hon. member would answer for him, that such was not his intention, but merely to bring the report before the House.

Mr. BALDWIN—If such had been the object, he would say that the Government should take

the initiative in it, and see that every public servant did his duty, and if he were incompetent give some reason why he was continued in his situation. He would set aside the commissions altogether, he would hold the Administration responsible—the hon. member for Three Rivers smiled, he did not know whether it was in assent or dissent, if the latter it placed him (Mr. B.) in a great dilemma as he received a smile of approval from the hon. Attorney General, and a smile of dissent from the hon. President of the Council, a fresh proof of the unanimity existing in the Cabinet (hear, hear.) Mr. VIGER—made some remark we could not catch.

Mr. BALDWIN—was perfectly satisfied as he did not wish to misinterpret even the smiles of the hon. member. He would merely say in conclusion that he hoped the Government would come before the House speedily and deal with this subject as it deserved.

Mr. GOWAN—said this appeared to be a smiling subject to the hon. member for the Fourth Riding, and when comparing the smiles of the hon. member for Three Rivers, with the smiles of the hon. Attorney General, it struck him (Mr. G.) that the hon. member in some respects resembled a certain lady who could have been very happy with either of her lovers if the other was away. His sentiments with respect to the Board of Works were not at all altered since last Session, when he had charged the Board with serious offences, offences of an aggravated nature, and the Government had then promised that Commissioners should be appointed to investigate into the allegations made against it. With respect to what had fallen from the hon. member for the Fourth Riding he must say he was delighted with his speech, when he remembered with what ability the hon. member had defended Mr. Killaly last Session, and he was glad to hear that hon. member say the Government must be held responsible for the proceedings of the Board of Works. In his opinion there were facts stated in the report of that Board which called loudly for the dismissal of the officer at its head, and he wondered that the Government had dealt with him so leniently hitherto. What did that report show? That £9000 which were voted for making a road had on his own responsibility, and without any order from the Executive, been loaned to the Cobourg Harbour Company. That £60,000 had been spent in cutting a feeder for the Welland Canal. That the expenditure had exceeded the estimates by half a million. All these facts in his opinion called loudly for inquiry. Many hon. gentlemen had just grounds of complaint, that the works for which large sums had been voted last Session had not been carried on, but it must be remembered that the improvement of the St. Lawrence navigation was of the greatest importance, and when the expenditure had exceeded the estimates, he thought the Government or the Board of Works whichever it was, was justified in making a selection, in order to carry that work on.

Mr. LAFONTAINE.—You will always get votes.

Mr. GOWAN continued—He sincerely hoped the Administration would, and for his part he had no doubt of it. But returning to the question, he would say that the conduct of Mr. Killaly was totally indefensible, and when he spoke of that gentleman, it must be borne in mind that he (Mr. K.) had stated to a committee that he had no Board, that he was in fact the Board itself, and consequently was alone answerable for its proceedings. After stating that he had interrupted Mr. Casselman in order to remind him that the Government had pro-

mised to bring in a bill to remodel the Board, he advised Mr. Hall to withdraw his motion, and wait till the bill was introduced.

Mr. LAFONTAINE spoke at considerable length in French.

Mr. MCCONNELL said his name had been called in question by the hon. member for Terrebonne, who, if he understood him rightly, had said that as long as money could be procured from the Government, he (Mr. M.C.) would vote with them.

Mr. LAFONTAINE had not said so, but had no objection to say it. [Hear, hear.]

Mr. MCCONNELL would tell the hon. member why he voted with the Government. The county he represented had always supported that hon. member for many years, and he (Mr. M.C.) as a Canadian had from conscientious motives followed that hon. member, till he found the country in rebellion—[Hear, hear, from Mr. LaFontaine]—and suffering a great deal of misery. Even after the rebellion he followed that hon. member, because he did not believe he had that end in view, but when he saw him come into power, and moving towards the same point,—[Hear, hear, from Mr. LaFontaine]—taking away the prerogative of the Crown—[Cheers and laughter]—and coercing one of the best Governors the Colony had, he transferred his support to the present Administration, and would always be happy to give them his vote; but as to giving his vote for money, he despised the idea.

Atty. Gen. SMITH admitted at once the responsibility of the Administration for the proceedings of the Board of Works; there could not be the slightest doubt of that. But if he remembered right, by the law of 1841, which established the Board, the Chairman is bound to send in his report of the duties which devolve upon him within fifteen days after the opening of the session, and when the question came before the House at the proper time, he would show that the Chairman was alone responsible for the report. The report of the Board, he was well aware, was made to the Executive, but he wished to know if they differed from the Board in opinion, could they prevent the report being laid before the Legislature? The reading of the law, he thought, would fully bear him out, that the Executive was the channel of communication, but they had no power to withhold the report. ("Certainly.") The Chairman of the Board is alone responsible for it, as it is not in the power of the Administration to control one single item which it contains, but are bound to maintain it in the House as being the work of one of their servants, and if they cannot justify him and justify themselves, then they must take a different course. He repeated when the question came fully before them, he would maintain his position, but must decline to do so now, merely confining himself to opposing the present motion on the principle that it was entirely subversive of the existing system of Government. As to the question which had arisen, as to the responsibility of the Government for the acts of the Board, he declined to enter into a discussion now, but on another occasion, he will do so fully, and show that it is not the present Government nor the last alone which is responsible for many of these acts, whose effects will be felt for years hereafter; but if a debt exists now, yet he hopes in a few years if no accident occurs, our revenues will be in such a flourishing condition, that we may be enabled to pay it all off; but every one must bear his share of the responsibility, as he was prepared to do. As the hon. member for Terrebonne had asked, which he had a perfect right to do, whether it was the intention of the Government to prosecute within fifteen

days, he would tell them that it was not their intention to prorogue within fifteen days; but as soon as their measures passed through the House. He would again say that the motion now before the House, involved a vital principle of the Government, and he felt bound to oppose it.

Mr. HALL consented to allow his motion to stand over as a notice.

THURSDAY, April 30.

Seven petitions were laid on the table.

Bills read a third time and passed.

To incorporate *Les Dames de Charité du bon Pasteur* at Montreal.

To enable the Bathurst District to receive the school monies appropriated in 1845, notwithstanding the District Council did not levy an equal sum.

To remedy certain defects in the registration of titles in Hastings.

To provide for the removal of any Registry office of any county in Upper Canada, where the public convenience may require it—and

To alter the mode of Assessment in Niagara and Queenstown.

Petitions read.

Of G. L. Perry, et. al., for the improvement of the road between Montreal and the Parish of Sault au Recollet.

Of Rev. A. Duransaux, et al., of Lachine, praying that Railway trains may be prohibited from running on the Lord's day.

Of Hon. A. Cuvillier, et al., of Montreal, for repeal of duties on American Wheat, provisions &c.

Petitions referred to select Committees.

Of J. Reid, et al., to Committee on Medical bill.

Of John King, et al.

Of D. McNab, et al.

Mr. Christie, from the Committee on the Gaspé Marriages bill presented a report, and on several petitions relating thereto—reported the same as amended, to be committed on Thursday—report and petitions to be printed.

Mr. Launier was reported absent from the Oxford Election Committee.

The Committee on Rail Road bills, reported the Toronto and Lake Huron Rail Road bill amended. And the bill to amend the St. Lawrence and Atlantic Rail Road act, without amendment.

The bill to amend the Toronto and Lake Huron Rail Road act. Committee amended and to be reported to-morrow.

The Chairman of the West Halton Committee Election, reported the following resolutions.

Resolved.—That the evidence taken by the Commission on the matter of the Committee Election for the County of Halton, cannot be received by this Committee—for the want of observance by the Commissioners of the provisions of the statute regulating and providing for the adjournments and proceedings of the said Commissioners.

Resolved.—That the Commissioners were guilty of a neglect of their duty for having in the course of their proceedings as Commissioners adjourned contrary to the provisions of the law.

Mr. Sol. Gen. Sherwood moved an address for a statement of all fees and enactments received in 1845, by the Clerk of the Crown in Upper Canada; and a statement of the number of Clerks in his office during that year, with their salaries.

On motion of Mr. Baldwin, it was resolved that this House are of opinion that such an alteration should be made in the regulations in the Crown Lands office, as will enable parties buying land from the original purchasers of any quantity not less than 50 acres, to have their purchases recognised, and on production of the proper assignments, and tender of the sums due on such portions of land, that transfer to the assignees, be made in the books of the department, and that deeds in due course of time be issued to them.

Leave was given to the West Halton Election Committee to adjourn till Wednesday.

The Committee on the Hochelaga Municipa-

lity bill was instructed to consider the expediency of inserting a clause for erecting the *Bentvue* of Three Rivers in a distinct Municipality.

Mr. Moffatt brought in a bill to enable the *Sœurs Grises* of Montreal to dispose of a part of their property—2nd reading on Monday.

A message was received from the Council stating that they had passed the bill for the relief of Anthony Lestic Esq., of the Bathurst District.

Leave of absence was granted to Mr. Boutillier.

The Albion Road Committee Bill. The Niagara Suspension Bridge Bill, and the bill to revive the Cobourg Rail Road Act, as amended yesterday, were respectively reported, and ordered to be engrossed.

The bill to amend the act for the relief of the Portuguese Congregation of Jews in Montreal was read the second time, and referred to the committee on private bills.

The bill to empower the Sheriffs to make judicial sales in certain cases was read the second time and referred to a select committee.

The bill to incorporate the St. George's Society of Quebec was read a second time, and referred to the committee on private bills.

The bill for the relief of the Christian Universalist Association of Canada West was read a second time, and ordered to be engrossed.

The bill to provide for the Pilotage of Vessels bound to the Saginay, was read the second time, committed and amended—to be reported to-morrow.

The bill to vest a certain road allowance in J. R. Andrews, was read the second time, committed and amended—to be reported to-morrow.

The bill to vest a certain road allowance in J. R. Andrews, was read the second time, committed and ordered to be engrossed.

The bill to regulate the notarial profession in Lower Canada was read the second time, committed, and amended. To be reported to-morrow.

The Upper Canada Registry Bill was committed. To sit again on Tuesday. Adjourned.

LEGISLATIVE COUNCIL.

FRIDAY, 1st May, 1846.

Several reports were presented from Committees. The committee on the bill relating to the Penitentiary reported, that they had made an amendment respecting the delivery of bodies for the purposes of dissection, to the effect that no bodies excepting those of criminals who had been confined for a greater space of time than three years should be so delivered. Some conversation took place respecting this amendment.

Hon. Mr. BRUNEAU said that it was absolutely necessary that facilities should be given to the doctors for procuring bodies for the instruction of youth, and to prevent the violation of tombs, which had too often occurred.—He could see no objection to the bodies of criminals being so disposed of, when persons who had died in the hospitals were given up.

Hon. Mr. M'GILL could see no great impropriety in delivering these bodies to the doctors. It was necessary for the preservation of the lives of the living that doctors should have bodies in order to acquire information, and in his opinion this was the least offensive method of supplying them.

Hon. Mr. NELSON said that if this proposition were consented to, twenty four hours between death and delivery of the body were not sufficient to enable the relatives of the deceased to come forward and claim the body. Some of the criminals might be from Gaspé or the other extreme of the Province, and in such a short space of time it would be impossible for their relatives to present themselves in order to claim the body.

Hon. Mr. FERGUSON was inclined to support the amendment; and thought that a line of distinction ought to be drawn between crimes of an atrocious nature, and others which were

trifling in comparison. He could not imagine anything more harrowing to the feelings of a parent coming some hundreds of miles to visit his child, confined perhaps for some trifling offence, and to be told that his body had been given up for dissection.

Hon. Mr. FERRIE had great objections to giving up the bodies of people confined for trifling offences. Instances had occurred of persons being sent to the Penitentiary for a petty theft of two or three shillings—one girl for stealing a pair of old shoes, and a soldier for a similar trifling offence.

Hon. Mr. BRUNEAU could not see why the bodies of criminals, if unclaimed, should not be placed at the disposal of the faculty as well as the bodies of poor people who died in the hospital. The Legislature thought that in permitting this it would be some slight compensation for the expense of the hospitals; and did not the Penitentiary also put the Province to great expense? All he wished was, that if the bodies of criminals dying in the Penitentiary were not claimed, they should be given to the doctors, but if claimed by relatives of course they would not have the power to do so.

The report was concurred in after some further conversation.

Hon. Mr. IRVING said that in accordance with the order of the day he would ask the Hon. the Receiver General, why the appointment of Warden for the District of Simcoe was not filled up for so long a period; and he would briefly state his reasons for so doing. It would appear from information he had received, a period of upwards of a year had elapsed since the resignation of the late Warden without any successor having been named, which was a great dereliction of duty on the part of the Government towards a remote and very thinly populated district as Simcoe, the proportionate number of councillors being small, it was extremely inconvenient that one of that body should be discharging the office of chairman for so long a period. He feared the reason was too obvious. That the government not being able to procure one of their own political views who they desired to appoint were regardless what consequences might befall the district, rather than appoint those opposed to them in politics, however qualified. The hon. gentleman then at length alluded in strong terms of commendation to two gentlemen in the district whom he described as thoroughly competent and amply qualified to fill the office of Warden so long disregarded. But that their great crime in the eyes of the government, and must render them utterly incompetent was that they had on two occasions proposed and seconded the candidate opposed to the present government. He (Mr I.) considered this the more glaring in consequence of the appointment of a Warden for the Huron District having been immediately filled up by it was unnecessary to say, one of their own decided political opinions; in fact to buy up parliamentary influence.

Hon. Mr. MORRIS said the observations of the hon. gentleman were very amusing to him, as they were no doubt very amusing to himself, he looked so good natured. The hon. gentleman asked why the vacancy had not been filled up. Now he (Mr M.) was not very sure the Government would feel bound to tell him why they did this and why they did not do that.—But if he had asked when the appointment would be made, he might have received an answer, and then after putting his question the hon. gentleman turned round and gave his reasons why the gentlemen he mentioned had not been appointed. If the hon. gentleman knew so well the reasons for the vacancy, he might

have spared himself so much trouble, and he (Mr. M.) could not give him any information he did not already possess. He would be bound that such a question had never been put to any Government before. The Government might as well ask the hon. gentleman why he resigned the Wardenship? As a true patriot, he should have stood by his post, and not surrendered it without some strong reasons; but perhaps the hon. gentleman would say that he had done so, because he would have nothing to do with such a corrupt Government.

Hon. Mr. IRVING.—Yes, that is true.

Hon. Mr. MORRIS.—As though it were a patriotic course to forsake the people in his neighbourhood, whom he was so well able to serve, by his great talents and knowledge of the wants of the country. The Government was now called on to say why they had not filled up the office which he (Mr. I.) resigned, and which his successor had also resigned, although he could not complain that the chair is not now ably filled. On the contrary, he says the chairman is very capable of acting as Warden. If that were the case, why did not the hon. gentleman bring his name under the consideration of the Government in order to have the appointment conferred upon him? He flattered himself that both the late appointments had been judicious. Surely no one would venture to say the hon. gentleman (Mr. I.) himself was not capable of acting judiciously in that situation. But, nevertheless, he found it convenient to resign, and now charged the Administration with acting with great impropriety in not filling up the office, being at the same time quite prepared to answer his own question. The only answer he could give the hon. gentleman was, that he imagined the Administration felt some difficulty in making the appointments keep pace with the resignations, and he hoped that when the hon. gentleman is again appointed Warden, he will hold his post a little longer, and not give it up because he would have nothing to do with the present Government. On the contrary, he should act more patriotically, assisting his neighbours with his great talents, and improving the highways which he was so fond of using.

Hon. Mr. IRVING said in reference to the reason assigned by the Receiver General for my resigning the office of Warden for Simcoe in 1843, that I would not serve such a government, I have only to add I should be happy to hear he had resigned his office in the executive and assign the same reason.

The Hon. SPEAKER opposed any further discussion, there being no motion before the House.

Hon. Mr. FERGUSON had but one word to say. He had never heard a more unsatisfactory answer.

Hon. Mr. WALKER, on the contrary, had never heard a more satisfactory answer.

Government Road Allowance Bill.

Hon. Mr. GORDON said, that this bill was framed for the purpose of preventing lands, set aside for a road, but enclosed by the persons whose lands they bounded, being trespassed upon. It had often happened that the fences enclosing such lands were thrown down, thus causing serious damage to crops, and the Bill proposed that such lands thus enclosed, should not be thrown open without an order from the Municipal Council.

Bill read a second time.

Supervisor of Culler's Salary Bill.

Hon. Mr. MORRIS said, that it was proposed by this bill to increase the salary of the Supervisor of Cullers from four to five hundred pounds, out of the large surplus remaining

after defraying all the other expenses of the office. The Government had, however, under consideration, a new tariff on Timber, in order to collect merely sufficient to pay the expenses of the office.

Hon. Mr. BRUNEAU said, it appeared to him to be a most extravagant proposition to give £500 to a man whose only duties were during the summer season, a space of five or six months, and that at a time when the House had not come to any conclusion as to the salaries of their own servants, whose services were far more arduous.

Hon. Mr. GORDON was led to believe that the quantity of lumber taken to market this year will be far less than during several preceding years; if that was the case, and the tariff were reduced, there would be some difficulty in paying this large salary. He thought the House should hesitate before consenting to the bill.

Hon. Mr. CROOKS was in favor of allowing the bill to go to a select committee. As it was a money bill he did not think that they had any right to amend it.

Hon. Mr. MASSUE said, the bill had been introduced into the other House by a gentleman who had had great experience in the timber trade, and it had undergone a strict examination before coming under their consideration. He was not himself acquainted with the Supervisor of Cullers, but understood he had given great satisfaction in the performance of his duties.

The bill was read a second time and referred to a select committee.

FRIDAY, May 1, 1846.

Sheriff's Sales.

Mr. CHRISTIE, in the absence of Mr. Aylwin, moved the second reading of the bill, "to empower Sheriffs to make certain Judicial Sales," he stated that this bill was prepared by Chief Justice Vallieres de St. Real, and he had such confidence in this gentleman's legal talent, that he had no hesitation, though unacquainted with its details, to move the second reading.

Mr. CHABOT, was opposed to the principle of this bill, but as the introducer of it was absent he would postpone his opposition until a future occasion.

This bill was read a second time and referred to a select committee.

Registry Laws. U. C.

The House in committee on the bill to amend the Registry Laws of U. C.—Mr. Ernaninger in the Chair.

Mr. Solicitor General SHERWOOD.—The House decided, when in committee on a previous occasion that the registration should be memorial instead of Registering the Deed at full length. The only alterations that have been made use to accommodate the bill to this decision.

Mr. BALDWIN, was opposed to obliging the Registrars reside in the county. The Registrar of the county of Simcoe will be affected by this bill; if he would move across the road he would be in the county. No inconvenience has resulted from his non residence; for his office is one of the best kept in the province.

He moved that the words resident in the county, should be struck out.

Mr. MURNEY.—Thought that this was one of the most important and valuable features in the bill. The registrar of the county of Hastings has not been in the county for 20 years, and even since 1832, the office has been in such a bad state, that we have been obliged this session to legislate with respect to it.

Mr. THOMSON.—It appeared to him that the Registrar ought to reside not only in the county, but also in the county town, and that they should also be obliged to build an office with fire proof vaults at their own expence; and they should hold office at the pleasure of the executive. If the present incumbents did not wish to keep their offices on these conditions, there would be plenty of applications for their situations.—He mentioned an instance of a vacant Registrarship having been refused to a gentleman, who had offered to build an office with fire proof vaults, and given to a favourite of the Government, and now the county is to be put to the expence of building vaults.

The motion was lost.

Bankrupt Law.

Attorney General SAUNDERS, in proposing the second reading of a bill to continue and amend the Bankrupt Law, said he had no doubt that hon. members were aware of the importance to the province of the law he proposed to renew. It would also be admitted that the Government had no option with the matter; if there be no other means of relieving the unfortunate debtor the Law should interfere. Hon. members knew the wretched condition in which the debtor was placed up to the period of enacting the Bankrupt Law, no matter what were the accidents or misfortunes of trade if he could not satisfy all his creditors there was no relief for him. He (the Attorney General) held that a Bankrupt Law was necessary wherever trade flourished and could not be dispensed with until some better scheme were devised. The Law that had been in existence in this province for some time was about to expire and the Government felt bound, under all the circumstances, to renew it. If it were a new measure the course would be different, but as it was he conceived they had no option. That there were many defects both in the Law itself and in the Administration of it he did not deny, but he thought that if hon. members were not absolutely opposed to a Bankrupt Law, the measure he then introduced was such as might be agreed to. He (the Attorney General) would state that the bill was intended for both sections of the province and that it was absolutely necessary. Persons in Upper Canada having commercial connections with this city knew the effect of the system before the passing of the present Law, that system ought, under no circumstances, to exist and if the bill then before the House was not applicable to the entire province it ought to be thrown out.

Mr. DEWITT asked whether it was the intention to refer the bill to a special committee; he thought that was necessary considering the many errors of the present Law. More evils occurred from the present Law than had arisen for 30 or 40 years before. He was not exactly opposed to a Bankrupt Law, but he thought it ought to afford some protection to the honest creditor of whom so little was said while there was constant clamour about the debtor. In reference to whether there should be a Law for each section of the province he (Mr. Dewitt) would say that he was decidedly opposed to such a principle.

Mr. DUGGAN was in favour of the principle of the bill; some of the details however needed alteration; he hoped and trusted that the bill would pass.

Mr. MCCONNELL was opposed to the bill altogether—it might be necessary in the cities, among merchants, but in his part of the country it offered an inducement for fraud.

Mr. DRUMMOND thought the present law produced a large amount of fraud and perjury. He was not in favour of any Bankrupt system.

founded on the same principle as the existing law, or the one about to be introduced; he would like much to see *cessio honorum*, as it existed under the old French system, with another termed a grant of Letters of Respite; and which enabled the bankrupt to go on for 6 or 8 years, without molestation. It was a well known fact that a bankrupt law was introduced into the United States Senate, and passed, founded on the same principles as the bankrupt law here; and which had the effect of transferring hundreds of thousands of pounds from honest creditors, and was at last repealed by Congress, at the expressed wish of the whole people. To give an instance of the working of the law, he would mention the case of a young man of good family, who, on that account, easily obtained credit to the amount of about £2,500 in goods. He set up a store in a distant part of the province; his first and second payments he met, instantly, but when the third came due, he asked for indulgence for four years, and on that being refused, he went and got a friend to make him a bankrupt, for a debt which he supposed was well secured, of £200. In a few days his accounts were laid before the Court, and they showed in assets plenty of debts, but no goods or money, the debts were all under £15, and the debtors unknown; in a short time they were brought to the hammer and sold for £15; in about 3 years the young man was again in business on his old stand, after harvest the farmers all came in and paid their debts, and by skilful management the young man cleared about £3,000. Again every indulgence is shown to the debtor, indeed so much so that the case that he had known, a commissioner refused to grant a short delay to a creditor; and the reason given was that it would delay the granting of the certificate, and thus keep the bankrupt from again entering into business for a longer time. He had also known cases in which he had attended Sheriff's sales to buy a bankrupt estate for a creditor, and the person he found that opposed him was the bankrupt himself; who bought perhaps property to the value of £3,000 for as many hundreds. He knew that the case of England would be cited; but he begged it to be remarked that there was this difference, that the trade of England was sure and steady, on the contrary our staple trades in flour and lumber are lotteries; again in England no man commenced a capital, in Canada the contrary was the case; in England, it was the exception for a man to begin business without capital; in Canada, it was the exception for a person having a capital to commence business. He hoped that the bill would be referred to a select committee, in order that it might be entirely changed.

Mr. CHABOT thought it would be an improvement of an agreement by one half the creditors were made binding upon the whole.

Mr. McDONALD of Cornwall was much pleased with the remarks he had heard from the hon. and learned member for Portneuf. He (Mr. McD.) was opposed to a Bankrupt Law because of its tendency to discharge parties altogether from the obligation to pay just debts; he also thought that this country was too new for a Bankrupt Law; property had not yet attained to its proper height here, and could not, as in England, maintain its own against the circumstances of the day. In England everything brought its value, whereas in this country, and especially in Upper Canada, goods did not on the day of Sheriff's sale bring within 20 or 30 per cent. of what they were worth the very day before. He also disliked that 2 or 3 creditors should have the power of putting a party into the Bankrupt Court; that sometimes led to a debtor being harshly dealt with,

and it also tended to fraudulent agreements being entered into; he had known cases of parties going into the Bankrupt Court by agreement with that number of creditors at a time where their assets were quite equal to their liabilities. He was disposed to agree with the hon. member for Portneuf that the facilities of obtaining credit in this country rendered a Bankrupt Law much liable to abuse. In Upper Canada Merchants, as they were called, they were shopkeepers, got goods from the Montreal Merchants and when the time of payment came round and the Montreal Merchant visited his Upper Canada debtor one would really suppose that the relative position of the parties had changed, such was the air of defiance with which the Merchant was greeted. It was usual in such cases for the Merchant to hear the *sans froid* proposal "will you take 10s. in the pound—if not I will go into the Bankrupt Court;" and in many instances when the latter expedient was resorted to the supposed Bankrupt afterwards went on in a flourishing business. These facts he (Mr. McD.) referred to without, heaven knows, having much pity for the Montreal Merchants for it was well known they made fortunes, honestly and honorably no doubt, by their dealings with Upper Canada. (Laughter.) He (Mr. McD.) was rather against the bill before the House, but still he feared there was an insecurity arising from the too sudden change of laws, not so much the feeling that such change was dangerous would induce him to vote for the bill. It had been said that the debtor should get every relief; he (Mr. McD.) thought that for the last ten years they had been legislating for the debtor; the extent to which debtors were relieved amounted to almost repudiation, and reduced the value of property some 75 per cent. Such legislation also injured young men of honest dispositions; they were, in consequence of the extent to which credit was abused, unable to obtain what their character would otherwise secure for them. If it were possible for human wisdom to devise a scheme which would protect the unfortunate debtor and at the same time protect the equally unfortunate creditor he (Mr. McD.) would rejoice in it, but he feared the present law did not afford that extent of security; indeed he thought the old law was better under which a debtor was imprisoned and a certain sum per week allowed him, and finally when he was discharged, it was not from the debt but from the present disadvantages of it, any property which he might afterwards acquire was answerable. The present law had been in operation about two years and many persons had been, as it was called, whitewashed under it and then started anew. Now he thought it would be better to allow debtors to go on say for 10 years and then relieve them (laughter) in the meantime property might undergo a profitable change so that it would be a mutual advantage to have a wiping off of all claims. Under the law as it then stood more fraud and perjury was committed than from any other cause. There was also the law of last Session against a fraudulent preference being given which actually pointed out the way in which such a preference might be acquired; that law ought certainly to be amended. He (Mr. McD.) would repeat that he was rather against a continuance of the present law but was willing to be influenced by any sufficient reason that might be adduced in the course of the debate.

Mr. SHERWOOD of Brockville—agreed with the sentiments that have been expressed by the hon. member for Portneuf. The Bankrupt law is not popular in Upper Canada, especially

since the insolvent debtors act was passed last Session, which allows as great relief to the debtor as the hon. member for Portneuf considered he ought to have. This law induces wild speculation and gambling, for if a person keeps his accounts correct he can easily be whitewashed. If individuals knew they could not get rid of their debts, they would be more careful how they entered into engagements. The merchants of Brockville are opposed to the Bankrupt law. He would therefore vote against its continuance, but he had no objections that all the business commenced under it should be completed.

Mr. DRAPER—The Bankrupt laws have excited a great deal of discussion in all commercial countries; and it is a matter that may now be considered as decided from the experience of the old and great commercial countries, that Bankrupt laws are necessary to commercial countries, for in the greatest one (Britain) they have existed since the reign of Queen Anne, and have only been amended from time to time as experience showed the necessity of these amendments. It is therefore, almost too late to enquire whether a bankrupt law was necessary to a commercial country or not. He would take it for granted that it was necessary, and only discuss the question whether this colony requires a bankrupt law, or whether there should be no other remedy given to the creditor than the ordinary remedies of the common law. With regard to this measure, which it is intended to continue with some amendments, it was not a ministerial measure. It was introduced by him with the concurrence of the then Administration in 1843 into the Legislative Council. He had prepared this bill in consequence of such a measure having been repeatedly called for in the Upper Canada Parliament, and from a conviction that the country required it. For himself he could have no interest in the matter, unless it tended to bring suits to lawyers' offices. He would state a fact, whether caused by the bankrupt law or not he could not state, that official returns received by him from the clerks of the different Courts in U. Canada, prove that litigation has decreased to a great extent since this law was passed—these returns were called for by him, not for the purpose of proving any thing in connection with the bankrupt law, but in order that he might see whether the same system of building Court houses might not be introduced into Upper Canada as has been in force in Lower Canada, viz: by a tax upon law proceedings. Many persons said when he introduced this measure; "if that bill passes, you will ruin the lawyers," the expenses in winding up a bankrupt estate being so much less under this law.

Mr. DRUMMOND knew an instance in which the costs of winding up a Bankrupt estate amounted to £850.

Mr. DRAPER, without knowing the facts, he could not say whether it was proper or not, but it did seem to him to be an extraordinary sum. Having assumed, from the experience of other countries, where the greatest minds have devoted their attention to commerce and political economy, that the principle of a Bankrupt law is correct; we may enquire, what is there in the state of Canada that should lead us to object to carry out this principle in this country. The arguments which had been urged by different gentlemen, who opposed the continuance of this law, appeared to him to be very contradictory. On one hand, it was said that the existence of the Bankrupt system prevented credit being given to many honest and enterprising young men; while on the other hand, it was stated that it was the means of too much credit being given, and of encouraging wild speculation, fraud and perjury. Is it

an argument against a Bankrupt law that fraud and perjury are often committed by those who receive its benefit? It is rather an imputation upon the moral characters of the people. He was anxious to make people more cautious whom they trust. He did not want to prevent credit, but to put credit on a safe basis, to prevent credit from being given to those who are unworthy of it. He acknowledged that you could not by law prevent fraud and perjury, but you can make your law so strict, so that they will be more difficult of commission, and when they are committed, more severely punished. It is not to be supposed that the Bankrupt law creates these frauds; for in England, before this system was adopted, the Legislature was obliged in the times of Queen Elizabeth and Charles 1st, to pass laws against fraudulent conveyances. And in Upper Canada many an execution has been taken out by parties who were not in fact creditors, merely for the purpose of keeping a *bona fide* creditor out of his just debt. A seizure was made for a sham debt to prevent the property from being taken in execution for a real debt. Brothers and other relations have often ranked upon an estate when they possessed no valid claims. In his opinion, evils as great, if not greater, existed before the Bankrupt law came in force, as can possibly have existed since. He adopted no novel system in the bill referred to, he only endeavoured to adapt the English bankrupt system to the circumstances of this country. The boldest departure was this. In England previous to 1842 a man could make himself a bankrupt. Our bankrupt law requires that an individual must be made a bankrupt by his creditors, and this principle has been since adopted in England. It has been said that our legislation for the last ten or twenty years has been all in favour of the debtor. He admitted that our legislation during that period has been vacillating,—first we had the system of weekly allowance to the debtor, which led to monstrous abuses and perjury. He had known individuals persecute others and receive the weekly allowance, and then the real debtor would come forward and swear that he had not received the allowance; individuals have also speculated upon the chance that the five shillings would not be tendered in the right time. It was, in consequence of these abuses, found necessary to give a little relief to the creditors. The debtors were obliged to answer certain interrogatories, and if these were not answered satisfactorily they received no allowance. We then favoured the debtor by establishing goal limits, under which system we found debtors establishing business in the name of another person, and acting as his clerk, under the very nose of their creditors. These abuses are to some extent obviated by a bankrupt law, for under it, when a debtor is making away with his property he can be immediately put into the bankrupt Court, and all his property either in *presenti* or *futuro*, is taken from him and vested in assignees. He considered that these laws were passed for the advantage of the creditor and not the debtor. It is no argument against the law that there is fraud committed by bankrupts, unless it can be shewn that the system itself creates the fraud—it is true, it is a strong argument for amending the law, so as to endeavour to prevent fraud. He did not believe it was a sound system of credit that was based upon the power of incarceration of the body of an unfortunate debtor; it is contrary to the principles of modern commercial policy. Before the bankrupt system was established, the creditor who seized first had an advantage over the others; the principle was, first come, first served; but the principle of the bankrupt law is, that all the creditors should receive

equally their share, be it little or be it much. He mentioned several instances to illustrate the inefficiency of the remedy by attachment; One of them was the celebrated case of Williams vs. King, in which three-fourths of the assets were spent in costs; and another case, where a debtor ran away from the Niagara District who had good assets to the amount of 30s in the £, but whose estate, in consequence of costs, did not pay more than 10s.—Under a sound state of credit, a merchant will only give credit where he has a reasonable hope of getting back his money. He had often heard it said as an argument *ad captandum*, by lawyers when addressing a jury, why an individual should not pay his just debts, "that Upper Canada had been ruined to build up the Montreal merchants." And he had been grieved at the state of moral feeling, that persons using such an argument must suppose to exist. He (Mr. D) did not mean to say that the present Bankrupt law is a perfect law, but he was free to confess that some of the blame that was thrown upon it, ought to be laid to the charge of those who administer it, for he considered that many persons have received certificates who would not have received them in England. The judges must exercise a *sound discretion* in granting a certificate, and then this certificate requires to be confirmed by this Court of Review, and the creditors can oppose the granting or confirming it. It is not a sound argument, that because abuses have arisen under a law, you ought to repeal the law, and return to the old system, under which as great if not greater abuses exist. You ought rather to make those amendments that experience have shown to be necessary; and to make the law more stringent, so that it may not be easily evaded. He wished to have such a law, by which every honest creditor should have right to get a share of what was in possession of the debtor; and every honest debtor when he gave up every thing he possessed, should have a right to his discharge from all his obligations.

Mr. MOFFATT would make one or two remarks. First he would say, that since the introduction of the Bankrupt Law, a state of things had grown up which was the real cause of many of the errors imputed to the law, and which tended more perhaps than any thing else to throw the law into discredit. He was also satisfied that much of the alleged fraud and mismanagement under the law arose from want of attention on the part of the creditors. He could not agree with the hon. member for Quebec (Mr. Chabot) that one half of the creditors ought to have it in their power to relieve the debtor; one of the faults, of the present system was that it afforded the debtor too much facility. Neither did he concur with the hon. member for Portneuf, that the debtor ought to obtain rather a respite than a discharge; under a respite an honest man would be held back—his friends, afraid of old claims, would not be willing to aid him to start again. He (Mr. Moffatt) thought there were no other means than to take from the honest debtor all he had, trusting to his honor and honesty to pay the rest when he was able. He thought something might be borrowed from the system in England. At present the creditor had but little voice in the disposal of the bankrupt; in England a certain portion of the creditors had control. He believed that the change made in the law by the hon. and learned member for Terrebonne, by which the Circuit Judges presided in succession in the bankrupt court, had been injurious in its effects.

It had been asked what was the opinion of the Board of Trade upon the present law, he (Mr. Moffatt) could not state what was the

opinion since the late election; before that election a change was desired.

Mr. BALDWIN felt the grave importance of the subject before the House. If the question was whether a Bankrupt Law was injurious in its general effects or otherwise he was not sure that he would not vote for the former view; but it appeared to him that as the question stood there was no option. The Administration of 1842, were seriously circumstanced; they found a Bankrupt Law existing in one section of the province and felt it necessary to continue it and make it applicable to the province at large. He (Mr. B.) did not agree with the hon. member for Port Neuf that this was not a ministerial measure; the ministry were undoubtedly bound to take it up; but it was one thing to say that it was a ministerial measure, and another that it ought to be a matter of party contest; he did not regard it as a question for party contest. He (Mr. B.) thought that the bill ought to stand or fall upon its fitness for the united province; it was not perhaps possible to make it answer all purposes at once; it was by gradual operation it would attain that height of utility. With regard to the general question whether the measure would facilitate or lessen the obtaining of credit he thought that anything that would effect the latter purpose was the more desirable, and if it were correct as had been argued by some hon. members, that a Bankrupt Law had that tendency he (Mr. B.) thought that so far from its being an argument against the Law it was much in its favour. He was desirous of placing the obtaining of credit upon the moral character of the applicant alone. Had he known that the question of sweeping away the Bankrupt Law would arise he would have prepared himself to go more fully into the subject, but with the lights he then had he thought the safer way was to amend the machinery and give it another period of trial.

Attorney General SMITH next addressed the House.

Mr. DRUMMOND moved that the 2nd reading of the bill be postponed till this day six months. Yeas, 18; Nays, 40.

The bill was then read a second time, and referred to a select committee.

ROUTINE BUSINESS.

FRIDAY, May 1.

Mr. Laurin brought in a bill to remove the Circuit Court and Registry Office for Lotbiniere 2d reading on Wednesday.

The committee on private bills reported the bill to vest a certain road allowance in Barton in Mr. Hamilton, without amendment. To be committed on Monday.

Mr. Attorney Gen. Smith brought in a bill to amend the Judicature Act of Lower Canada. 2d reading on Tuesday.

On motion of Mr. Papineau the House went into committee on the expediency of amending the Land Act of 4 and 5 Vic., and a resolution for amending the said Act, was reported and agreed to.

Mr. Papineau brought in a bill in conformity thereto. 2d reading on Friday.

On motion of Mr. Moffatt, it was resolved that the Montreal Gas Company be heard at the bar against the bill to incorporate the Montreal Consumers Gas Company at the second reading of the bill.

The Registry bill as amended was ordered to be printed.

Mr. Draper laid before the House a message from His Excellency transmitting copies of communications between the Executive Government and the Royal Institution and McGill College, in relation to the affairs of the latter, and stating that as the affairs of the College

have been brought under the consideration of the Imperial Government, he cannot communicate, pending Her Majesty's decision, the correspondence between the late Governor in relation thereto.

Mr. Lantier appeared in his place as stated upon oath the cause of his absence from the Oxford election committee, and was excused by the House.

The following bills, as amended yesterday were reported and ordered to be engrossed:

Bill to amend the St. Lawrence and Atlantic Railroad Act.

Bill to provide for the pilotage of vessels round the Saguenay.

Bill to organize the notarial profession.

The bill to amend the laws relating to the Customs, was read the second time and ordered to be engrossed.

On question of second reading of the bill to amend the Bankrupt Laws, Mr. Drummond moved that it be postponed for 6 months, on which the yeas and nays were taken as follows:

YEAS.—Messrs. Berthelot, Cauchon, Chauveau, Colville, Desamir, DeWitt, Drummond, Jobin, Lacoste, LaFontaine, LaTernière, McConnell, Méthot, Nelson, Powell, Price, Sherwood, (Brockville), Thompson.—18.

NAYS.—Messrs. Baldwin, Bertrand, Bon-Pon, Cayley, Chabot, Christie, Cummings, Daly, DeBleby, Dickson, Draper, Duggan, Ermatinger, Foster, Gowan, Guillet, Hale, Hall, Jessup, Lamer, Leslie, Macdonald, (Creston), Macdonald, (Kingston), Macdonald, (Stromont), Moffatt, Munn, Murney, P. J. Poirer, Pettie, Riddell, Robinson, Roblin, Sherwood, (Terente), Smith, (Missisquoi), Smith, (Wentworth), Stewart, (Prescott), Tscherniean, Viger, Webster, Williams.—40.

The bill was then read and referred to a Committee consisting of Messrs. Au General, Smit, Moffatt, Drummond, Leslie, DeWitt, Macdonald of Kingston, and Duggan.

The bill relating to duties on ships, was committed and amended. To be reported on Monday.

The bill to restore the rights of certain attainted persons, was read 2d time; to be committed on Tuesday.

The bill to amend the Cornwall Incorporation act, was read the 2nd time, and referred to a Select Committee.

The bill to incorporate Kingston, was committed and Amended. To be reported on Monday.

The bill to amend the Toronto Incorporation Act, was read 2d time and referred to a select committee.

The Wolf Island and Terent Railroad bill, and the Peterboro' Railroad bill, were ordered to be committed on Monday.

Adjourned.

LEGISLATIVE COUNCIL.

MONDAY, May 4, 1846.

The Hon. Mr. MASSUE reported from the Committee favourably of the Supervisor of Cutlers Salary bill. The Committee had had before them the petitions of Lumberers and Shippers of Timber, praying for the increase of salary recommended by the bill, and had thought fit to recommend the bill, as it was these persons who would bear the expense themselves.

Hon. Mr. BRUNEAU had seen some gentlemen from Quebec who considered £400 as quite sufficient, and he would therefore vote against the bill, that amount of salary being secured to the Supervisor by another bill.

Hon. Mr. WALKER thought that as the Manufacturers of Lumber, were the petitioners,

and were those who paid this tax it should be disposed of in whatever manner they thought fit, and if they wished that this gentleman's salary should be increased, there could be no objection to it, more particularly as it did not come out of the public funds.

Hon. Mr. FERGUSON said it appeared to him that there was some delusion on the mind of the hon. gentleman who had just sat down, for although it was true this salary did not come out of the public revenues, it came out of the public pocket. He would oppose the bill.

Hon. Mr. NEILSON said that the duties of this office of Supervisor had nearly doubled since it was established, and he would feel no hesitation in voting for the bill as it was the wish of the Manufacturers and Shippers themselves. He was one of those, who had in the Lower House opposed the vote of £500, but now he was prepared to grant that salary, £600 now not forming as great a compensation as £400 had been at the time the establishment was formed.

Hon. Mr. CROOKS had at first opposed the increase of salary, but since the bill had gone to the Select Committee he had had time to gain information on the subject, and would now offer no opposition to it. When he saw that not only those individuals who brought the Lumber to Market, but also the great Shippers were in favour of the increase, he could not do otherwise. It was true that the time during which the season lasted was not very long, he believed not more than five or six months, but while it lasted, a great deal of business was done, and besides, a great deal of responsibility was attached to the office.

The report was then received.

The Committee on the Forgery Bill reported the bill without amendment.

The Committee on the Bill to enforce attendance of Witnesses before Magistrates, reported the bill without amendment.

Hon. Mr. NEILSON gave notice that he would move for the reading of the 57th rule of the House, with a view to extend the time for receiving private bills.

The Hon. RECEIVER GENERAL gave notice that he would move for a committee to enquire into the administration of justice in the District of Montreal, with a view to its more efficient administration.

The School Monies bill was referred to a select committee, at the suggestion of the Hon. Mr. Neilson, who conceived that one of its clauses was ambiguously worded.

Several other bills, which had gone through the previous stages, were read a third time.—Great Western Railroad bill read a second time—referred to a select committee.

Hon. Mr. FERGUSON rose to make a motion, pursuant to notice, for copies of papers and correspondence relative to the University of King's College. He had deferred his motion until the present moment, in order to save the public officers trouble, as a motion on the same subject had been made in another branch of the Legislature. But it struck him that the papers moved for by an hon. member of the other House would only bear on one part of alleged mismanagement of the University.

The Hon. RECEIVER GENERAL.—Would the hon. member be satisfied if all the papers be required were produced in answer to the address of the other House?

Hon. Mr. FERGUSON.—Certainly. If that were to be the understanding, he would let his motion lie over.

The motion was then laid on the table. Bills read a second time and referred to select committees.—County Registry Offices Removal bill, Bathurst District School Monies

bill, Hastings Registration bill, Female Penitents Asylum bill, Toronto and Lake Huron Railroad bill, Universalist Association bill, Cobourg Railroad bill.

The amendments to the Agricultural bill, reported by select committee, were adopted.

The District Courts Bill was passed through committee of the whole.

Hon. Mr. GORDON moved that the petitions of the people of the United Church of England and Ireland respecting Clergy Reserves be referred to a select committee. Carried.

Hon. Mr. FERGUSON said that since this motion was brought before the House, he would move that the petitions of a counter description be also referred to a select committee; for if one end of the table groaned under petitions praying that these reserves should be vested in the English Church, the other end of the table was groaning under those praying for another disposition of them.

The motion was carried, and the House adjourned.

HOUSE OF ASSEMBLY.

MR. MERRITT'S NOTICE.

Mr. MERRITT.—On Monday next will submit, for the consideration of this house Sundry Resolutions, on which to found an address to Her Majesty, praying that in as much as an equivalent has been extended to the Agriculturists in Britain for the protection withdrawn on their products, that she will be pleased to extend a similar equivalent to the Agriculturists, of Canada.

First.—By removing all duties on the products of Canada, when admitted into the Ports of Britain.

Secondly.—By repealing all Imperial Acts, relating to duties on commerce, navigation, revenue, trade, or intercourse between Canada and any other country thereby relieving her commerce from all restrictions, except what may be imposed by Her Provincial Legislature.

Third.—That Her Majesty's Government may be pleased to open a negotiation with the Government of the United States for the purpose of obtaining free access for the products of Canada into their markets, on the same terms that American products are to be admitted into the markets of Britain and Canada.

Fourth.—Also, that the free passage of the River St. Lawrence, and the canals connected with the same, from Lake Ontario to the ocean, may be opened to all nations. Subject to no greater restrictions than, in passing the Welland Canal, around the Falls of Niagara, to secure a revenue from tolls for the cost of their construction.

MONDAY, May 4, 1846.

Mr. MERRITT in moving the resolutions on the subject of agricultural protection said, The resolutions which will be submitted for the consideration of this House, are designed to counteract the effect which the recent change in the commercial policy of Britain is likely to produce; no subject of greater importance is likely to occupy the attention of the Legislative Assembly during the present Session; I trust therefore, the House will indulge me with more time than usual, to bring the subject fully before them, particularly as no measure has yet been proposed to meet the altered circumstances of the country. It is true, the hon. Inspector General has gained great applause, by his exposition of the finances and revenue. I feel much satisfaction in congratulating him on his promise of future usefulness, for few, with his Parliamentary experience, could have done so well. At the same time, I must confess I have been disappointed to find a measure, which above all others, most interests the inhabitants of Canada, wholly overlooked. A measure, which brought forth one of the most able, and powerful speeches ever produced by any statesman, in any age, or in any country, in which every conflicting interest, was fully canvassed and balanced against each other, and the advantages

so clearly pointed out, that prejudice and interest gave way to reason and intelligence—a measure which occupied twelve successive nights debate! although one, in which the agriculturalists of England can not feel a deeper interest than the agriculturalists of Canada. Except a war with the United States of America, no event could have created greater apprehension in the minds of the agricultural population of Upper Canada, than this unexpected change in the commercial policy of Great Britain; this apprehension arises from the fact, that since 1842, when wheat and flour was admitted at a nominal duty, in the ports of Britain, they have been in a state of unprecedented prosperity—their products yield a fair profit—a stimulus has been given to industry—the culture of wheat has been extended—capital freely invested, and property increased in value; they realize those advantages and feel content.

Ask any farmer to what cause he attributes this increased demand and price for wheat; his reply will be protection. Although in England a difference of opinion may exist between the landowner, farmer and labourer, on this subject, no difference of opinion exists here, the three are united in one. Notwithstanding this union of interest here among the population, there is a marked difference in its representation in the councils of the nation. The agricultural interest predominates here, it finds scarcely an advocate; still, I can safely believe, there is a small number who will not admit that under the existing system, the agriculturalists in Canada owe the present prosperity wholly to protection.

I desire not to be misunderstood or misrepresented on this subject. I do not allude to the alleged protection imposed by the colonial duty on articles passing through our inland waters to distant markets. I allude to the protection they received in the markets of Britain—this protection will soon be withdrawn, what equivalent or what compensation is proposed to the agriculturalist in Canada in lieu thereof.

It is to me, unaccountable, to witness the apathy which prevails here on this subject. On the first announcement, in the part of the country I represent, an immediate change in the minds of all, was apparent: buildings were suspended and property decreased in value, to an extent no other circumstance could have produced, and you may rely that all who hold a stake in the prosperity of Canada, are now looking to this Legislature for some remedy.

It is my intention to go back to the time when this change was first promulgated, and follow up every movement relating to it, that it may be fully understood. In the first place, what says Sir R. Peel:—

“I am not prepared to select that great interest, connected with the agriculture of this country, and call upon them to resign protection, unprepared at the same time to call on other protected interests to make the same sacrifice.”

The protection withdrawn from the agricultural interests, was duty on cattle, provision, corn, other grain, and various other articles, and a greater reduction on wheat to cease in three years. The equivalents were:—

First—The removal of all duty on the raw material except Timber.

Second—Cotton manufactures, calico prints, now subject to a duty of 10 per cent—to be free.

Third—Cotton made up to protect the industry of the country, now 20 per cent—reduced to 10 per cent.

Fourth—Woolen and Linen goods made up, now 20 to 10.

Fifth—Metals—15 to 10

Sixth—Bricks, earthenware, carriages, now 20 to 10.

Seventh—Silks—30 to 15. Ten per cent to be the maximum.

He also makes other arrangements not affecting the interests of other parts of the community, but which will materially benefit that interest in whose welfare the country is so deeply interested—which are thus enumerated:—

First—The greatest burden which is justly complained of by the agriculturalists, is the rate levied on highways, which is reduced from 6d and 9d on the pound to 1d and 3d.

Second—The law of settlement, which will relieve agriculture from an oppressive burden, besides injustice on the labouring man. (Amount of this reduction not stated.)

Third—The encouragement of agricultural industry, by the Government loaning money on the security of land, for draining and improving the same, which will develop agricultural improvement throughout the country.

Fourth—Charges of expenses of prosecution now paid from local rates, to be borne altogether from the Treasury, estimated for England and Ireland at £117,000.

Fifth—In Ireland the whole expense of the police force is borne by the land, hereafter by the treasury.

Sixth—One-half of the medical relief sustained by poor laws by the treasury, in England and Scotland £115,000, and expense of prisons in Scotland £12,000.

Seventh—Education of youth in work-houses, estimated £30,000; poor law auditors £15,000.

On being asked what would be the whole amount of those various charges? He replied the estimate upon the consolidated fund was £530,000.

Then we have a clear practical and substantial equivalent for the agricultural interest, although it was considered inadequate and so admitted. The removal of import duties on the articles he requires for consumption, and the removal of taxes and other burdens from the land. It is to be regretted that the agricultural interest of Canada did not occupy some small portion of his comprehensive mind; if it had, all duties on their products at least, would have been repealed when admitted into the markets of Britain.

We also find in the speech of His Excellency, a most appropriate allusion to this important charge, from which the country is led to believe, that their claim to protection is admitted, and will not be overlooked. A few days after we find in a despatch from the Colonial Secretary, 3d March last, the policy which His Majesty's Government recommended for the adoption of Provincial Legislature.

After an assurance that the interests of Canada have occupied the place to which they were justly entitled on this important subject, he states, “With regard to corn, I have much satisfaction in reflecting that if Canada will have to enter into competition with the Western States of America, and to engage in this rivalry, when no longer covered by any protective duty, at least she will not be called to make the effort without some advantages on her side, among which I view her light taxation.”

It is by no means surprising that the Colonial Secretary should fall into this common error. It is but reasonable to suppose that a Government with a revenue exceeding £400,000 from imports, should be in a position to relieve its inhabitants from every other description of taxation; but so far from this being the case, not only are the local taxes in Upper Canada higher than in the Western States, but they possess many other advantages which we do not. The Canadian farmer is subject to high duties on all American manufactures, as well as on tea, coffee, and many foreign articles, from which the Western farmer is exempt.

It may be said as an offset, that the latter pays higher prices for wool, fine fabrics, and hardware, and those articles on which a high duty is imposed, for the support of their Federal Government, and for the protection of their manufactures; but whether it arises from an evasion of the duty, facilities in obtaining supplies, quick returns, small profits, or whatever cause, those articles are sold as cheap there as here, or so near it, that you cannot discover any material difference. Of the truth of this, every merchant in Montreal must rest satisfied. What amount of British manufactures is consumed in Vermont; when no impediments exist in the navigation? The same result is experienced on the borders of the St. Lawrence, Niagara and Detroit Rivers, as every member in this House well knows.

Another advantage pointed out is “the assistance Canada has received from British credit, in the construction of internal communications, and the means of carriage without shipments by the St. Lawrence, which cannot be had by way of the Erie Canal.”

From the same cause, the Colonial Secretary has fallen into the same error. Who could be made to believe at a distance that one of the most magnificent navigations that any country, either in Europe or America can boast of, should, through neglect or mismanagement, encrease instead of cheapening transportation? Such, be it known, is at this moment the situation of the St. Lawrence Canal. The Colonial Secretary thinks the price of transit from Montreal to Britain will be as cheap as from New York. The same opinion is expressed by the Inspector General, although at this moment the charge on a barrel of flour is 4s 6d from the former and 2s 6d from the latter. It is supposed that the increased demand for American products in Britain will have a tendency to increase the price from N York, and thus equalize freight; but it is questionable whether the increase of shipping will not keep pace with this demand.

It is argued on the other hand by the Inspector General, that the greater the stocks at Quebec, the more vessels will come out, and thus cheapen the freight by competition. I coincide in the view taken by the Attorney General on this subject. Increase your import trade: this will give freights both ways, and lessen prices; but under any circumstances, I have my apprehensions the freights will not be reduced to this to Britain as low as from New York.

Let us now refer to the measures introduced by the Provincial Government. The first was a bill by the Attorney General, equalizing taxes in proportion to the value of land, still leaving the burden to be sustained by the Land — —. The second, by the Inspector General, to impose a duty of 2d per gal on whiskey. This tax is also borne by the crown and placed on land. Its object is to relieve the several District Revenues from the expense of the Administration of Justice, and placing it on the Provincial Revenue. The effect is this: Instead of being taxed directly as usual in each district in Western Canada, and paying the money into the Treasury, the money will be paid into the Provincial Treasury and the tax paid out of the coarse grain in the same district—it is merely paying out of one pocket instead of the other. I should have been gratified to find some proposition for the reduction of internal taxes duties on imports, and the public expenditure worthy of notice—some measure to save our remaining public land, and creating a fund therefrom to educate the rising generation—some measure to relieve the burden on land and placed more equitably on other property or some equivalent to the agricultural interest; and some measure or attempt to meet the great change to which this country must shortly be subject. The despatch, praying for a removal of the 1s per qr duty on wheat, grain, pulse, &c, is well as far as it goes. It is to be regretted it did not extend to all products. The measure designed to benefit the mercantile, carrying and shipping interests, for the next three years, is the removal of the three shillings per qr on wheat passing through our states to distant countries, as will so soon become inoperative, it is to be regretted the act will not come into immediate operation.

The rapid increase and extent of the great western country has been well and truly described by the Inspector General; it is a prize worth contending for, and one which we can secure by adopting the proper remedy; but we have intelligent active rivals, who are not to be met by letting everything take its usual course, as heretofore. Sir, it is pleasing for me to witness the striking change which has come over the minds of those who formerly opposed the construction of the St. Lawrence Canal; now but one feeling is entertained respecting it; on that work alone rests all your hopes of commanding this trade. What would have been your prospects if it had not been constructed on the enlarged scale, or had been suspended under Lord Sydenham's administration, and the remainder of four million and a half squandered away for what is called improvements without an expectation of any return whatever? In December last I endeavoured to draw the attention of the government and the public to this work, by making a comparison of the charges made by forwarders on the Erie Canal from Buffalo to Albany, prior to July, 1845, on which a barrel of flour was conveyed 366 miles for 9d, when 1s 9d per brl was charged for 180 miles from Kingston to Montreal. (I do not include on either.) The honble Inspector General, on the true responsible system, turns

those figures against me, says it would lend the public to believe the tolls were equal on both routes, thus increasing the price of freight on the St. Lawrence over the Erie Canal. Had he read that letter he would find it states that the government are not only deprived of all toll, but the means of raising a revenue—the forwarders descending the St. Lawrence without payment of toll, and ascending the Rideau, not leaving as much as would pay the lock tenders. I should not have alluded to this except for the purpose of repelling a charge which was not warranted. I am not surprised at the government expressing some feeling on this subject; because their inattention or neglect has subjected the entire commerce of Canada to a most oppressive and unnecessary tax during the coming season.

Sir, it is unnecessary to enter into any calculations to prove the St. Lawrence will be a cheaper conveyance than by the Erie Canal, because all those calculations depend upon circumstances beyond our control; for instance if you found your calculations on the Government of New York keeping up higher tolls, to pay the interest on their canal debt, you will find by the comptroller's report of 1845, that the debt created for public improvements was . . . \$31,239,035

In 1844 it was reduced to . . . 29,713,005

In 1846, on 1st January, to . . . 17,216,119

While our canal debt is rapidly increasing, we will also find that in 1845, while the toll on the Erie Canal increased \$199,877, the toll on the Welland Canal decreased about \$20,600. To what cause is this extraordinary result to be attributed? The Inspector General says, "to the fluctuation of trade," why has this trade fluctuated all one way, leaving the St. Lawrence and seeking the Hudson? He will find the true cause, to be a vigilant, intelligent personal superintendance on the one part, and a total neglect, arising from an impracticable system of management on the other—the one lessening prices of freight, the other increasing it.

Throughout the world, the prices of Freight are governed by one rule,—the larger the body of water, longer the voyage, & larger the canal, without transhipment, the cheaper the price of Freight, compare the discharges of the navigation on the St. Lawrence, with the Erie Canal, with this rule, admit both works to reduce the toll to the lowest minimum, which will ultimately take place, and no person can doubt, which must prove, under equal management, the cheapest route.

The Inspector General, infers from the statement of prices of wheat on the Baltic, produced by Sir Robert Peel in 1842, when he first commenced reducing protective duties, that the Canadian grower can successfully compete with the grower on the continent of Europe, against cheaper labor, and cheaper freights. It appears, however, from the returns of exports of Breadstuffs from the United States, not over three per cent of the entire quantity reaches the markets of Britain; if these Statements be true, and Americans from their more southern ports cannot successfully compete with them, it is doubtful if the Canadian, from the more distant markets, with other impediments, can.

But admitting the Canada grower can successfully compete with the European, and that the markets of Britain, will ensure a fair price for wheat, he will still have to compete with the American grower, on his border; this is the only competition we have to fear, and no sound reason has been assigned, why the prices of produce will not be higher in the United States, than in Canada.

The recent letters published by Isaac Buchanan on this subject have been either passed over unnoticed or treated with ridicule. He recommends obtaining free access for our products into the markets of the United States, because, in his judgment, New York market, will offer a higher price than the English market: in this opinion, I fully concur, should the grower in Canada not obtain as high a price for his products, as the grower in the Western States. The consequences anticipated by Mr. B., are not to be disregarded, we only differ in the means to obtain access to the markets of the United States. Mr. B. recommends the imposition of high duties, to force them to admit our products. This would be impracticable, but by drawing their trade through our

channels as long as we can, they will be introduced to remove restrictions to regain or increase their trade.

It requires no figures or calculations to prove which will be the best market. After 1848 the Western farmer will have access to two, the Canadian but one, assuming the limited demand for the Montreal market, will be governed wholly by the prices in England. This advantage will give the American farmer and merchant, the entire command of the wheat trade (except for our limited consumption) in the Western States. What follows? On the one side capital will be freely invested, and every description of property increased in value, while, on the other side, every thing will remain stationary, if not retrograding, and apathy and dissatisfaction will prevail. This is no experiment; the same result was witnessed in 1833, '36, and examine the Journals of Upper Canada during that period; you will find the efforts then made to obtain access to the markets of the United States. A petition, numerously signed, was forwarded to Congress, praying for admission of their products. The state of the markets, no doubt, was one of the ruling causes which led the inhabitants of Upper Canada to open rebellion, and a resort to arms in 1837.

If no remedy is provided, the same cause will again exist in 1849. Let us now apply our minds to the application of a remedy.

Can we adopt the American policy—encourage manufactures by protecting the home market—to consume the products of our soil? No, we cannot. And why? First, an adverse interest would immediately arise between the Mother Country and the Colony; and secondly, the extent of boundary and frontier offered for smuggling, renders it impracticable.

Sir Robert Peel very justly observes, that high duties, called protection, is a false reliance, a delusion on the part of the labourer, and a clear loss to the revenue, both are robbed by the smuggler. Houses in Paris will guarantee the delivery of goods in London for 15 per cent—if with their numerous excise, coast guard, and customs goods can be smuggled there at 15 per cent, they can let for one-half, 7½ per cent. No person can be induced to embark capital in manufactures in Canada, unless the expectation, that any duty, however high it may appear will protect him from competition in the same article from the United States.

It is evident, Mr. Speaker, that if protection be withdrawn in the markets of Britain it is impracticable in Canada; we have no means of enforcing it; we are powerless. We have then but one other course open to us, that is the removal of all restrictions on commerce, the agricultural interest may then safely rely on the increase of that commerce to provide a corresponding advantage, and thereby ensure a home market for the productions of the soil—as well as obtaining every thing from consumers at the lowest prices. This policy fairly carried out will prove a sound durable remedy, and will not only give an ample equivalent to the agriculturist of Canada, but place him in a far better position than the farmer in the Western States. To attain this end, it is proposed to submit the following resolutions:

Resolved,—That, in adopting the principle recommended in the Despatch of the Colonial Secretary of the 3rd February last, in which we are assured "That it is the desire of Her Majesty's Government, that the Trade of Canada may, in all respects, approach as nearly to perfect freedom, as the descriptions of its inhabitants, and the exigencies of the public Revenue there, may permit" it is just and reasonable that every existing restriction on the Trade of Canada should be removed.

Resolved,—That under the existing Colonial Policy of Great Britain, this Province has undertaken the construction of Public Works of great magnitude, for which a large debt has been incurred, and its present agricultural prosperity is chiefly attributable to the protection its products have received since the reduction of duties on Wheat and Flour in 1843, in the markets of the Mother Country.

Resolved,—That, fully appreciating the advantages this Province ought to possess, over the Western States of America, inasmuch as the citi-

zens of those States pay duties on imports for the support of the Federal Government of the United States, whilst the inhabitants of Canada are subject to similar duties for the support of the British Government, nevertheless, from our present fiscal system and other causes, existing restrictions on commerce, they are not realized and there is reason to apprehend the contemplated change, in the Commercial Policy of Great Britain, will confer still greater advantages on the citizens of the United States, than on the inhabitants of Canada.

Resolved,—That, inasmuch as it is proposed to relieve commerce and extend an equivalent to the agriculturists, in Britain, by a reduction of Import Duties on all articles consumed, by removing various burdens on land and by providing for the encouragement of agricultural industry, by means of loans raised on the credit of Government to improve the same, the agriculturists in Canada have reason to believe that Her Majesty's Government will speedily extend a similar equivalent to them for the protection about to be withdrawn.

Resolved,—That an humble Address be presented to Her Majesty, praying that she will be pleased to admit all articles, the growth and produce of Canada, into the markets of the Mother Country, free from duty; also,—That she will be pleased to recommend, to the Imperial Parliament, that all Imperial Acts relating to duties on the Imports, Revenue and Trade of Canada, may be repealed, and her commerce relieved from all restrictions except what may be imposed by the Provincial Legislature.

Also,—That Her Majesty may be pleased to open a negotiation with the Government of the United States for the purpose of obtaining access for the products of Canada into the Markets of that Country on the same terms that American products are to be admitted into the Markets of Britain and Canada. Also, that the River St. Lawrence from Lake Ontario to the Ocean, may be opened to all nations, subject to no greater restrictions than now exist in passing through the Welland Canal around the Falls of Niagara, in order that a revenue from Tolls may be ensured to repay the cost of the construction of the Canals connecting those waters.

The first resolution requires no comment, the truth of the second will also be admitted. The third draws the attention of the Government of Great Britain, our Provincial Government, and the Country to a fact, which no quibbling, no dissimilarity, can conceal, and no man can deny. The advantages we are entitled to, as a Colony, have never been fully realized. Never having been left to our own resources, the necessity for a rigid examination into our actual position never occurred; that time has now arrived when a thorough investigation cannot fail to prove beneficial, and give a proper and correct tone to public opinion.

Suppose a separation to take place, and this Province to be united with the American States, what advantages would we gain in revenue? We would, in the first place, not only be compelled to surrender all our public land, but become subject to a heavy duty on imports; for what? the protection of the Federal Government; and in addition we would have to support our Provincial Government, without the aid of either of those resources; whereas the Government of Great Britain extends that protection to us at this moment, without exacting our land, duty on imports, or any tax whatever, but merely for the extension of her trade and commerce.

To illustrate this contrast more fully and more strikingly, suppose the Government of Great Britain, had appointed her own officers of Customs collected all duties on the articles we consumed, and remitted the amount to her treasury; and supposing a despatch from the Colonial Secretary stating that Her Majesty's Government had withdrawn all protection in the markets on our products; but as an equivalent for the protection thus withdrawn, she had repealed all duties on our imports, withdrawn all her officers of Customs, and thus enabled our farmers to obtain every article they consume at the cheapest rate, placing you not only in as favorable a position as the farmer in the

Western States, but wholly relieving you from the tax they pay to their Federal Government, and a heavy responsibility rests on them, if they do not avail themselves of the opportunity; and in addition thereto, the Government of Great Britain will continue to perform the same duties as the Government of the United States, only for the benefit of your trade.

Would not the announcement of such a despatch, conferring so great a boon, make any farmer in Canada feel he had received a full compensation for the protection withdrawn. This can be brought about. It is in the power of the Provincial Government.

4. The advantages here referred to are more fully pointed out in my remarks on Sir R. Peel's speech.

5. This resolution is in accordance with the principle by which I have been governed for many years. Since the removal of all duties between this and the Mother Country in 1852, I have advocated placing discriminating duties on our imports from foreign ports, as an equivalent for the protection our products received in the markets of Britain. However, as it is but reasonable we should urge Her Majesty's Government to concede to the productions of Canada what she recommends the Home Government to concede to other countries. The principal articles will be butter, cheese, hops, &c.; but it is not so much the amount of the duty as the extent of the trade on those articles for which we contend, as for the principle. When the Prime Minister declared as early as 1812 that Canada, for all purposes of trade, should be considered as if she were an integral part of the Empire, we should not in 1846 be placed on the same footing as foreigners.

6. This resolution prays for the repeal of all Imperial acts relating to the revenue or commerce of Canada, it does not include the navigation laws of Britain, because, as Colonist, they confer equal advantages on us; the interchange of our products for her manufactures will be continued in our vessels; it applies particularly to the Imperial Act, 5th and 6th Victoria, cap. 49, passed in July '42, for regulating the British possessions abroad: it will remove existing discriminating duties, and the bonding system which subjects all articles from foreign ports to an additional duty—which is directly contrary to the spirit and bearing of the late despatch, and the late commercial policy of Great Britain.

7. I am sensible, Mr. Speaker, that many men of sound judgment entertain the opinion, that if a free intercourse were opened with the United States, on the same terms as between the citizens of the different states that it would lead to a separation from the mother country—this opinion was expressed in the address of the North American Colonial Association in January last. They apprehended a change in the sentiments of the Colonist, if no preference in the markets of the mother country, in case they are offered a free interchange of commodities with the United States. I entertain the very opposite opinion. A change in the sentiments of the Colonist can only arise, in their being deprived of this free intercourse. In support of this opinion, which it is highly important to understand, I will assign the following reasons, a farmer values his market by comparative not remunerating prices—if equal on both sides of the boundary, and wheat came down to 2s 6d, he would rest satisfied, but not if he received 4s and the American farmer 4s 6d per bushel. This inequality may not lead to the same result as in 1857, but it will produce a strong inclination to favor a part of the United States. This is no experiment. The same result was witnessed in 1835, '6 and '7. Examine the Journals of Upper Canada during that period; see the efforts made to obtain access to the markets of the United States. A petition, numerously signed in Canada, was forwarded to Congress praying for the admission of their products. There is no doubt this was one ruling cause or element which produced discontent and open revolt in 1837 in Upper Canada. On the contrary, were our products admitted into their markets, no difference in prices would be visible; the Canada farmer at all times would be placed on an equal footing, in all respects, with the Western farmer. This is all the favour he asks; still he will be placed on a much better footing in

being relieved from the import duty to which they are subject; and so far from feeling any desire to change his political institutions, he would realize the advantages he possessed, and resist any political change.

8. The learned Attorney General made a forcible remark the other evening—if the public works fail to pay the interest in the cost of their construction, the Province is bankrupt. Feeling somewhat instrumental in urging on those works, and incurring this debt, I feel the more anxious to ensure the means of payment. Many apprehend that result, and think it both reasonable and just to apply to Her Majesty's Government to relinquish the amount of the million and a half debt, inasmuch as those works were commenced under the expectation that protection would be continued, and that its withdrawal has left us with out the means of repaying the debt. This proposition could never, under any circumstances, be entertained, neither does any necessity exist for it; if vessels of all nations are admitted to pass the St. Lawrence on the same terms as the Welland, the tolls will be ample to meet the interest and liquidate the debt.

After obtaining all that the Government of Great Britain can grant, or all we ask for in this Address, much still remains to be done, to meet the altered circumstances in which the country will shortly be placed. Great responsibility rests with the Provincial Cabinet; they are to be under no apprehensions; their places are not coveted by others; no half and half measures will meet this crisis. If ever ability and attention was required, it is at this moment. Therefore, Canada must rely on its own resources; extravagance must be checked, economy practiced, and the expenses of the Provincial Government reduced, and its resources now wasted and neglected, must be preserved and developed.

To accomplish this, an entire change in our whole financial system must be adopted—not by reducing the salaries of the working men—but by sweeping off entire departments; specific fines must be established, and the public accounts collected for general information, so that every person may know from what source every description of revenue is received, and for what object it is expended.

Sir, I feel no originality for this suggestion—the plan is borrowed from the financial system adopted by the Government of the State of New York, where, for upwards of half a century, they have been left wholly to their own resources—where they derive no revenue from imports—where they have expended upwards of thirty millions of dollars in public improvements—established a school fund, exceeding sixty thousand dollars—and where they are rapidly extinguishing their public debt, which is principally to be attributed to the rigid economy exercised by adhering to their specific fund system. Therefore, Sir, it is no experiment, it has been long practised, fully tested, and it is safe to follow any system of finance, from which such beneficial results have been realized.

The object I am desirous to attain by this change, is an immediate reduction of duties on imports and their ultimate revenue.

This may be considered chimerical, my reply is, that I have the best proof that it can be done, because it has been. There is no reason why the Provincial Government of Canada should not be supported, for the government of one million and a half, by the same means by which New York supports a Government over three millions.

It has been confidently asserted, that, in consequence of the States Governments being deprived of any aid from duties on imports, their citizens pay higher local taxes. To assure myself of the fact, I have procured a comparative statement of the direct taxes paid in the County of Niagara, on the right bank of the Niagara river, and in the District of Niagara, on the left bank of the same. The former contained in 1843, a population of 31,114 souls—they then paid a State tax of one mill on the dollar, interest on Canal debt, one half of which ceased under the operation of the specific fund system, this year—it then

amounted to.....£1231 0 0

A County Tax.....	3933	0	0
A Town Tax.....	2222	0	0
In all.....	£7386	0	0

In the District of Niagara, Canada, in same year, the population numbered 31,577—the Provincial tax amounted to.....	£1819	0	0
The District Tax.....	7395	0	0
In all.....	£9194	0	0

It is well also to understand the practical operation of those funds. They pay a direct tax for that portion of their public debt. We pay an indirect tax for the same object. They receive a bonus from the proceeds of their public lands, equal to the amount of the tax paid for Common Schools, while we are doubly taxed for the same object—first, on the articles consumed from imports, and, secondly, a direct tax, to the same amount. Thus, it will be seen, their direct taxes are not equal to ours.

It may be said their internal resources are greater; the following statement will give the best answer.—The Provincial Legislature have under their control, all the remaining waste lands of the Crown, valued by the Surveyor General at many millions, as heretofore stated. Also, the timber therefrom, besides the power of creating a duty on imports—a resource which no State Government in the Union possesses—one which in a few years, with the aid of tolls will be found ample to defray all expenses of the Provincial Government, besides liquidating the public debt. In support of this opinion, take the entire receipts and expenditures of the Provincial revenue in 1844—not having succeeded in obtaining a statement for 1845—which gives the different sources from whence received and for what purposes applied.

Abstract Statement of the Revenue and Expenditure for the year 1844.

HEADS OF REVENUE.	TOTALS.	GENERAL TOTALS.
	£	s. d.
Duties from Commerce.	299,636	8 2
1. Customs: Montreal & Quebec.....	130,096	3 2½
	129,722	11 4½
Internal Duty.		
2. Excise.....	34,370	5 0
3. Lighthouse or Tonnage Duty..	604	4 10
4. Bank Imposts...	10,492	15 5
5. Militia Commissions, Fines, &c.	48	15 0
6. Seizures, (including Fines and Forfeitures)....	3,214	18 10½
7. Interest on Public Deposits....	1,430	6 5
8. Casual Revenue	5,094	2 11½
	55,255	8 6
9. Public Works...	25,624	11 1½
10. Territorial Revenue.....	5,180	18 6½
Currency.....	£515,783	9 6

HEADS OF EXPENDITURE.	GENERAL TOTALS.
	£
1. Interest on Public Debt.....	122,790
2. Do on Turnpike Trusts.....	851
3. Civil Government.....	28,331
4. Administration of Justice.....	56,561
5. Provincial Penitentiary.....	10,901
6. Legislature.....	25,596
7. Education.....	66,349
8. Agricultural Societies.....	3,349
9. Hospitals and Public Institutions.....	7,983
10. Public Works and Surveys...	7,043
11. Militia.....	2,004
12. Maintenance of Lighthouses,	5,160
13. Emigration.....	5,240
Pensions.....	12,354

14. Miscellaneous.....	27,162	16	0
	£382,181	12	7½
Add, Warrants outstanding on Account of 1843, paid in 1844.....	4,378	13	4
Balance carried to Unfunded Debt.....	3,926	18	11½
Sinking Fund New Account Saving in School B.....	54,068	13	4
dulo B.....	£5,636	15	8
Less, Excess in School dulo H.....	2,101	7	0
	3,535	12	8
	£448,091	6	11½
No. 13—Add, Excess of Revenue over Expenditure,	67,692	2	6½
	£515,783	9	6

The above source of Revenue to be transferred to the following Specific Funds as enumerated:

RECEIPTS.

- Nos. 1, 4, 5, 6, 8, To constitute the Provincial Fund.
- 2, To be transferred to the different Districts for purpose of sustaining the expense of Administration of Justice.
- 3, To be increased to keep up those Lights in the most effectual manner.
- 7 and 9, To form a part of the Canal Fund.
- 10, To form a Common School Fund.

EXPENDITURE.

- Nos. 2, 3, 4, 5, 10, 13, 14, To be the Provincial Fund.
- 1, 9, To Canal Fund.
- 6, 7, To Common School Fund.
- 8, To Districts or places where situated.
- 11, To be paid by Tonnage on Shipping.
- 12, To be sustained wholly from this Fund.

All balances to make up the total amount of £148,091 6s. 11d. to be carried to the Canal Fund. By transferring the different sources of revenue for the payment of the different objects as pointed out, specific funds may be established without inconvenience. The first fund called in New York a general fund, may be named a Provincial fund.

Estimated Provincial Fund in 1850.

RECEIPTS.

NO. 1—DUTIES ON IMPORTS.			
*500,000 gallons Wine, at 1s....	£	25000	0 0
500,000 gallons Spirits, at 6d....	12500	0 0	
200,000 gallons Whiskey, at 3d	2500	0 0	
Amount of imports, £4,000,000, at 2½ per c.	100,000	0 0	
	£140,000	0 0	

NO. 2—INTERNAL RESOURCES.			
Auction Duties.....	£	20000	0 0
Casual Revenue, Licenses, Fines, &c. &c.....	5000	0 0	
Law Fees.....	20000	0 0	
Bank Issues.....	15000	0 0	
	£	60000	0 0

EXPENDITURES.

No. 1—Civil Government.....	25000	0 0	
*No. 2—Administration of Justice.....	25000	0 0	
No. 3—Pensions.....	12354	0 0	
No. 4—Legislation.....	25596	0 0	
No. 5—Provincial Penitentiary.....	10901	0 0	
No. 6—Miscellaneous.....	21149	0 0	
Excess.....	80000	0 0	
	£	200000	0 0

In all other countries the Revenue on Imports, on Commerce, is set apart for the protection of that Commerce, maintenance of an Army, and other expenses incident to an independent Government. As Great Britain sustains this expense, it is clear, that, by ordinary economy, with the resources at command this Revenue may be dispensed with.

To abolish it at once would be impracticable, but the public mind should be prepared for that result; It may be commenced gradually after the present Session; in 1847 reduced to 5 per cent., in 1848, when all protection on the Produce of Canada ceases, to 2½ per cent., in 1849 the effect of a diminution of Revenue and increase of Tolls on our Canals will be tested, and they may then either be continued or wholly removed.

The old system of paying Collectors by a percentage on the amount received should be revived, and all Duties on the importation of Timber repealed.

* The quantity of Wine and Spirits is based on the statement of the Inspector General; there was imported in 1844, 392,979 of the Wine, and 475,608 of the Spirits; the amount of Whiskey is quite uncertain; the imports of Dry Goods paying an *ad valorem* Duty was in 1845 from sea, £2,598,282—if the same proportion was imported into Upper Canada as the relative amount of Revenue it would equal £3,897,426, but it is fair to assume by a reduction of duty, of transportation, and increase of population, that the Trade will increase in a corresponding ratio.

The Auction Duties in 1845 were £8912. The increase is based on the relative population and amount received in New York; this Duty is collected in the best and most economical method.

* Fees on Law Costs.—In 1833, the amount paid for Administration of Justice in Upper Canada, out of the Provincial Funds, was about £3,890,—now for both Provinces £56,561; formerly the Judges and Officers were paid by Fees—now Salaries. In New York a similar Fund pays nearly the entire expense, and no good reason can be shown why litigants should not pay this expense, and relieve the public from this unnecessary Tax.

With regard to the general Expenditure, the altered circumstances of the country will admit of a great reduction of the Civil List, without injury to the incumbent, inasmuch as he will obtain what he requires at a cheaper rate. All Departments connected with the Receipt and Expenditure of the Public Monies, except the Inspector General and Receiver General or Treasurer, should be dispensed with at the Seat of Government; and in outward Districts for the collection of all monies, lands or any other purposes except a Deputy Inspector and Treasurer as at present. The whole amount of Provincial Taxes collected in the outward Districts, which in 1845 amounted to £32,496, should be given up to enable the Districts to sustain the expense of Local Offices for the Administration of Justice, building and repairing Court Houses, &c., &c., &c. It is unnecessary to enter into details; the principle by which Salaries should be governed is the only rule—£5,000 should be the maximum for Governor; no individual should receive over £1,000, and in no instance should two Offices be created when the duties of both could be performed by one person.

All balances for or against other funds to be charged or credited to this, until increased in the case of the School, or diminished as in the Canal fund, from the sources applied to them, to any amount the public good may require.

The Canal fund explains the object for which it is intended.

Estimated Canal Fund in 1850.

Provincial Debt estimated at £4,000,000, 5 per cent interest.....	£200,000
Sinking Fund.....	50,000
	£250,000

Tolls on our leading Canals..... £250,000
Yearly Income from the sale of Public Works.

Tolls on Railroads not exceeding 5s. per ton.

£250,000

This should be the most important Fund in the Province, it should be managed by a Board of Works, or a Board of Commissioners, precisely on the same plan as in the State of New York, where the system first originated, where it has continued, and from experience, and the actual result, has been found eminently successful; it is merely combining three practical men, exercising a personal supervision of the Works, with the Financial Departments of the State. So general is the prevailing opinion that the Revenues from the Erie Canal alone, will ultimately liquidate the entire debt of the State, that any amount of money can be borrowed at the lowest rates of interest on the security of the surplus Revenue of those Canals.

The total Tonnage of Property, value and amount of Toll was—			
In 1840—	1,416,946	\$66,303,892	\$1,733,747
In 1845—	1,955,011	100,953,245	2,646,181

Increase.. 568,965 \$34,649,353 \$1,112,434

The increase in 1845 exceeded that of 1844 by 77 per cent. down, and 25 per cent. up; and in proof of the perfection of the system of accountability and collection, out of \$30,900,904 collected, there has not been a defalcation or delay of a single week in making the returns.

The estimate of Tolls is based upon the successful competition of our communications in securing a fair share of the Western Trade, by removing every restriction on Commerce, repealing all Customs Duties, and opening the St. Lawrence Canal; this object accomplished, no other Revenue will be required in Canada, to pay the expenses of the Government, and the Provincial debt; your machinery for collection would be simple and economical; Foreigners would cheerfully contribute to this revenue in payment of tolls, and you would be relieved of the expense of your Excise and Custom Establishment, now exceeding £30,000, nearly equal to the payment of the interest on one quarter of the Public Debt; it may be said that by collecting a revenue from the Toll, instead of duties on imports you tax the Export Trade—this is to a certain extent true, but the answer is this—you require a great additional Import Trade, which will lessen the price of outward Freight, more than the additional Toll imposed—suppose we command one-half the Tonnage now passing from the Western States, over the Erie Canal, say 1,900,000 Tons, at 5s. Toll throughout, we have the amount required £250,000, without Toll on Lumber; and I feel positive Tolls will be paid on every stick of Timber brought into vessels from any port of Lake Ontario to Quebec.

Suppose a Toll of 3s. 6d. below Montreal, 5s. on the St. Lawrence, and 5s. on the Welland, in lieu of all Duties and restrictions whatever, and command one quarter the Trade of the Erie Canal—500,000 Tons at 12s. 6d., it would yield £312,500.

One of the best effects in creating this fund will be, to remove the existing feeling on the subject of this debt, Lower Canadians believe it was created for the benefit of the Upper Province, and that the inhabitants of the Lower must ultimately pay their proportion. Should the tolls meet the payment, as contemplated, the grower and consumer above will sustain the entire burden, which is just, as he receives the benefit of its construction, and remove all cause of complaint.

All Rail-roads should be subject to a toll on transit, not exceeding 5s. per ton, as an equivalent for the increased trade which will be created by the removal of Customs Duties, and the competition they create with the Public Works, until the debt is paid. In New York they pay full toll, and are prohibited from conveying freight during the navigable period of the season. The cost of Public Works are named in Public Accounts at £3,495,409, the Welland and St. Lawrence, about £1,602,139. Suppose £893,270 to have been

spent without any return, it will still leave about £1,000,000 of public property, this may be disposed of to the different District Councils, or to Individual Companies; the income from which is not estimated and from its uncertainty, is with Rail-road tolls, designed to be paid into the Sinking Fund, in reduction of the debt.

With regard to the Provincial Debt, there has been loaned in England, at 4 per cent. £1,842,401
In Canada, at from 5 to 6 per cent, interest..... £1,429,502
It is proposed to negotiate another Loan of..... 728,097
2,157,599

In all.....£1,000,000

This Loan should be appropriated to finish the Public Works on one great leading communication in the most perfect manner, without which they are useless—to assume the Loan for Rebellion Claims, so as to restore the License Tavern to the different Districts, and enable the Government to negotiate a further Loan on the credit of the Mother Country, at 4 per cent for the debt of 5 and 6 per cent, as it becomes due or can be purchased up,—also to make up any deficiency in the payment of interest to this Fund for the next five years.

Also the perpetual School fund, which in its ultimate consequences will be found the most beneficial.

Estimated Common School Fund in 1850.

EXPENDITURE.	
Annual Grant for Common Schools, 4th and 5th Vict.....	£50,000
Annuity to be paid Indians.....	6,500
Agricultural Societies.....	3,500
Balance for Contingencies.....	13,500
Balance.....	22,866
	£73,566

INCOME.	
Annual Income from the Public Domain—see Report on Lands (1844).....	£ 13,500
From Timber.....	46,500

Proceeds of 1,000,000 acres surveyed land at 5.....	£250,000
Do 3,000,000 do unsurveyed do do.....	750,000
£1,000,000 at 6 per cent.....	60,000
	£120,000

It appears from the Returns of the Surveyor General attached to the Report of a Committee of the Legislative Assembly, 7th March, 1845, the Revenues after deducting what is due for Scrip in U. C. Surveyed Lands..... 1,400,000 Acres
In L. C. Surveyed Lands..... 3,314,707 "
In U. C. Unsurveyed do.....13,592,220 "
In L. C. do do.....15,250,000 "
33,557,007 "

Valued at 2s. to 8s. per acre, the aggregate amount is £4,832,118, which if sold would yield an income of £259,927; the Territorial Revenue is estimated at £13,500, and the Jesuits' Estates for 1844, in Lower Canada, at £5,663. The receipts for Territorial Revenue in 1844 was £5,957; in 1845, £7,453, which gives a promise of increase. There is also appropriated for the support of the Clergy, 2,407,687 acres; Toronto University 546,861 acres; District Grammar Schools 258,330 acres.

From the above it is apparent that ample provision is made for all higher branches of Literature, and no time should be lost in fulfilling the provisions of second Section 4th and 5th Victoria, to appropriate those Lands for general Education.

To effect which and create this Fund, all Scrip should be called in, and all claims, on or before the 1st January, 1847 or '48, when the present system may be dispensed with.

A more efficient Board or Department may be substituted, consisting of a Surveyor General, Register, &c., the expense of which may be sustained out of 2½ per cent. of the sale of Clergy, Grammar Schools and all Public Lands.

The Deputy Inspector in each District, appointed Agent, the expense not exceeding 2½ per cent. to be sustained from the sales, leaving 95 per cent to apply to the credit of each Fund; which from its economical arrangement should be satisfactory to the Clergy as well as to others interested.

In 1814, nothing was carried to the credits of the Public Revenue from Timber; but in 1815, £22,871 5s. 10d. was received from that source, as inexhausted supplies of the best Red Pine in the world is reported on the Ottawa, this Fund must increase if attended to and the small Timber preserved.

The sales of Land in 1845, appears to be £72,775 and including Timber £103,431 7s. 0d., the whole of which has been absorbed in deductions for management and scrip, except £529 2s. 1d., this is besides the expense charged to the Clergy and Indian Funds.

Providing the Timber Sales and grant of the Public Domain will not meet the annual appropriation, Provincial Debentures may be issued at 6 per cent, payable in ten years, when the interest on sales will meet the outlay, and pay the principal of the debt created.

As soon as the Sales will meet the expenditure, Loans to cease, and a Fund set apart to meet them as they become due. Who can estimate the value of this Fund or its results? By providing the means of information, by establishing Libraries in each Township, diffusing general intelligence, and promoting the interest of Agriculture, both in theory and practice.

In 1805 the first appropriation was made in New York of 500,000 acres, in 1823 all Lands were appropriated for Education and income therefrom; in 1845 by aid of their Deposit Fund arising from their proportion of United States Lands, they have accumulated a capital of \$6,374,143; and an Annual Revenue for Colleges, Academies, and Normal

Schools of.....	\$119,413
Common Schools.....	294,153
	\$472,896

By the same economy and attention we can create from the same source double the amount.

You will find, Mr. Speaker, in this plan and arrangement, nothing complicated—nothing unreasonable. In the first place, we simply ask the Mother Country to concede four specific objects. First, the free admission of all the products of Canada into her ports. Second, the repeal of all Imperial Acts which restrict the free operation of our trade. Third, to obtain, by negotiation, the free admission of our products into the markets of the United States. Fourth, opening of the free navigation of the St. Lawrence. This, I admit, when brought into operation, will afford but a partial relief, unless met in the same spirit by our Provincial Government. In order to be fully prepared to meet the crisis, we propose an ample equivalent to the agriculturalist for the protection withdrawn by general reduction, and ultimate removal of all duties on every article he consumes, by the adoption of this Colonial policy. Her Majesty's Government will receive an ample equivalent for her outlay, by the extension of her trade; her exports and our imports will confer mutual advantages on her subjects in both Britain and Canada. The Western States will be supplied through our channels with her fabrics. We also shew by estimating the revenue and expenditure, in 1850, that under prudent management, no apprehension of direct taxation need be apprehended.

With those resources at command, why should we not avail ourselves of the accidental and natural advantages we possess, and promptly follow this great movement, which, happily, has been introduced under the sanction of the most eminent

statesman, in the greatest nation of the present day. The attainment of this principle will be far more glorious than any victory yet achieved; it will deprive all Governments of the means devised by cunning and artful statesmen, to delude the ignorant, indirect taxation, it will check extravagance, ensure economy, and prove one of the leading elements, under providence, to establish and preserve peace throughout the world. Sir, I will not venture to estimate the saving in the expenditure of Government, or the wealth and prosperity which it will ensure to Canada, the public mind is not yet prepared for this high state of civilization, but the time is rapidly approaching, when it will be well understood, it may not be attained as early as 1850—but if spared to the ordinary age of man, I will have the satisfaction to see it carried into practical operation.

Mr. Atty.-Gen. SMITH introduced a bill to amend the Judicature Act of Lower Canada. He said that he did not intend for the present to make any very material alteration in the bill; those that would be made were at the suggestion of members of the bar, and others; they were to abolish a concurrent jurisdiction between the circuit and the superior courts; writs were allowed to be served as late as the 3rd day before the commencement of the term, and the necessity of having the writs served in both languages was abolished, they might be served in either at the option of the parties and on account of the numerous petitions from the county of Missisquoi, by this bill the seat of the circuit court cannot be removed.

Mr. DRUMMOND, it was generally acknowledged that there was one defect in the present law, and that was that there were too many terms, this perhaps may not be an evil in itself; but it is so where the amount of business is so great as that transacted in the District of Montreal. He was not satisfied with the present system, for he did not think that any measure of the nature of the present one could be properly prepared by any one mind, for one person might discover a defect which another might not. The lawyers practising in one court might discover some defects, the judges, still more, and the suitors might also be competent to make useful suggestions. He therefore conceived that a commission ought to issue; and he was determined to vote against any attempt to introduce a new system of judicature, until a report was received from competent commissioners. In the meantime he deemed it expedient to make some alterations, and especially to diminish the number, and increase the length of the terms of the Superior Court of Queen's Bench. He also conceived that our present and past systems should be compared with those which exist elsewhere, and particularly with that of Louisiana, wherefrom analogy of position we are most likely to meet with valuable suggestions.

Mr. CHABOT made an enquiry of the Ministry respecting the relief of the Quebec sufferers.

Mr. Attorney General SMITH stated that the subject would soon be brought before the House.

The House having gone into Committee on the bill to amend act of incorporation of the Town of Kingston, on coming to the clause, which proposed to include Lot 24 within the limits of the town.

Mr. SMITH of Frontenac produced a petition signed by 175 of the inhabitants of that Lot, protesting against the proposed incorporation, shewing that they could derive no benefits therefrom, and would be subjected to heavy taxes in order to assist in paying a debt of

£35,000 which they had no voice in contracting. He therefore hoped that the House would not proceed to legislate contrary to the declared wishes of the people. (Hear, hear.) His hon. friend had great confidence in the House, because last Session they had passed a bill to this effect, but on a late occasion a question of a similar nature respecting the Town of Niagara had come before them with which the House refused to interfere, and he hoped they would now take the same course and not interfere with the elective franchise of the Town. The most conclusive reason he could assign for opposing the bill, was the petition he held in his hands bearing the signatures of the late Mayor of Kingston, the Venerable Okill Stuart, and others interested in the matter. If the people asked to be incorporated, he would vote for the bill in a moment, but he would not compel them to it against their expressed wishes, and force them to bear a part of this enormous debt, he would therefore move that this clause be struck out.

Mr. McDONALD of Kingston said this clause had been consented to by the House last Session, and he hoped those reasons which had influenced them in their vote then would have the same weight now. Every person acquainted with the place was well aware that the inhabitants of this Lot 24 benefited by the Town. They were the carters and butchers of Kingston, and would resist the bill of course as they did not wish to be subjected to taxation, but if they wanted to enjoy the same advantages as the towns people, they should be made pay for the common benefit. It was true as his hon. friend said that the town was in debt, which had been contracted for the benefit of all, and was not very heavy, not more than £30,000 (hear, hear) £25,000 of which were expended on the New Market, which now pays at the rate of six per cent. The only difficulty lay in the deficiencies of the act of incorporation, which he hoped to remedy by this bill.

Mr. HALL would wish to know, whether Lot 24 had any voice in lay such a weight of taxation on the town.

Mr. SMITH.—“No.”

Mr. BALDWIN was of opinion that the reasoning of the hon. member for Kingston was perfectly sound, and last session there was scarcely any difference of opinion when this clause was passed. Whoever looked at the subject without local influences must admit that Lot 24 formed a part of the Town, and should pay its share for the benefits its inhabitants enjoyed. As to the argument made use of by the hon. member for Frontenac, that these people had no voice in incurring the debt of Kingston, it might be used with equal justice as regards Toronto or any other rising Town. Whenever a Suburb grows up and becomes part of a town, it must be subject to the same taxation and that was exactly the position of the Lot 24.

Mr. McDONALD, of Cornwall, felt a great deal of interest in the city of Kingston, altho' not a resident there. The hon. gentleman opposite says that he feels the same interest, which he has shewn by removing the Seat of Government from there. He would ask whether the sudden interest taken by the member for the North Riding does not in a great measure arise from a desire to take from the county of Frontenac the lot in question, in order that by taking away the votes of those qualified from the county of Frontenac, they may be able to have a reform candidate returned for it; he did not know whether this had any effect—he only asked from curiosity. The last session had passed without any opportunity being afforded for the expression of public opinion, but that opinion had now been expres-

sed, and he conceived that the lot in question ought not to be incorporated with the city of Kingston against the expressed wish of the inhabitants.

Mr. GOWAN regretted that anything like party feeling should be introduced into the question; it ought to stand on its own merits; he was not prepared to vote for the bill as it now stood; he did not know of any case in which any town or village had been incorporated against the expressed wish of the inhabitants. There was now a protest on the table signed not by any portion or political party of the inhabitants; there was not a dissentient voice. It has been stated that the lot 24 was essentially a part of Kingston; the same argument will serve for the city of Toronto; it will hold good for any city or town in Upper Canada.

Mr. BOULTON did not believe that there was an instance to be found in which any place had ever been incorporated against the wish of the people. He said that in all cases the advantages must be equal, but that cannot be the case in the present instance, for they would be heavily taxed to pay a debt, in the incurring of which they had no voice. He would ask the hon. member for the North Riding if he would consent to have Yorkville incorporated with Toronto? Yet they enjoy the same advantages with Toronto as does Lot 24 in reference to Kingston.

Mr. SEYMOUR made a few remarks objecting to the lot being incorporated with Kingston, as they had not had a voice in incurring a heavy debt for which they would be taxed. The member for Kingston felt called upon himself to resign his seat at the Council Board, on account of the low state of the funds, as he had instituted an action at the instance of the Commercial Bank.

Mr. McDONALD, of Kingston.—He did so because he could not be in two places at once; he admitted that the credit of the city was certainly not very good, but this had been principally owing to their having a bad Corporation.

The question was then put on the amendment, and the committee divided, when the votes were—Yeas, 29; Nays, 15.

The House in Committee on the bill relating to duty on stills. Mr. McDonald, of Kingston, in the Chair.

Mr. CAYLEY—The government had first proposed to impose a duty of three pence per gallon on the produce of the stills, but on account of representations that had been made to them, they proposed to make a compromise with the distillers, and reduce the duty to two pence per gallon. He hoped that this would be satisfactory.

Mr. THOMPSON—knew that no distiller in Upper Canada is able to pay this duty, and they will all, if this duty is imposed, be obliged to give up business.

Mr. ERMATINGER—thought that the bill would be ineffectual to carry out the purpose desired, for smuggling would be greatly promoted by it.

Mr. BOULTON was in favour of the measure, considering that the expense of the administration of Justice was to be borne by the general revenue. He read a petition from certain distillers against it.

Mr. ROBINSON—said the question was an important one, and hon. members ought not to be too impatient in coming to a decision. The present system of taxing distilleries, was certainly unjust, inasmuch as it did not bear equally on large and small establishments.—A certain duty per gallon on all whiskey made, would be the fairest—but it was difficult to

levy it without a more efficient system than that now in force, by one inspector for a district. The imposition of so heavy a tax as 2d. a gallon, would have the effect of shutting up many small distilleries in the remote parts of the Upper Province, and if the Government could by legislation make people sober and give up the use of spirits, he (Mr. Robinson) would vote for any measure that would effect it; but so long as the article was in general use, it would be obtained by some means, and he thought it might as well be supplied by smaller distilleries in various parts of the country, as to import it from other places. He knew one distiller who now paid £60 a year for a license, who, under the proposed measure, would pay £180 at least—more money than he receives in a year perhaps, as much of the country business is done in the way of barter, and these distilleries afford a market for the coarse grain of the country. He thought 2d too much; one penny would certainly be enough, and even that would amount to a very high duty.

Mr. WILLIAMS was afraid that the whiskey would be brought from the United States, instead of being manufactured in this country. If the duty would fall upon the consumer, he would have no objection to it, but he thought it would not.

Mr. THOMPSON was in favour of laying the duty on the gallon, instead of, on the capacity of the still. He considered that one penny per gallon would realise more than two pence. The distiller cannot raise the price of his whiskey, for the whole frontier is open to smuggling; one half of the whiskey that is now used in the country is smuggled. It is impossible to protect the fair dealer from illicit trade. He approved of the object of the tax, if it could be carried into effect.

Mr. CAYLEY, one penny on the gallon would not raise the amount required to pay the Administration of Justice, which is £18,000, and if this duty was substituted, it would render the whole scheme inoperative. It is natural that the Distillers should oppose this duty, as all persons are interested where their pockets are touched; but it is unreasonable in them, after having received protection from foreign corn, that they should object now to pay a small duty. However, all the distillers are not agreed in their opposition to this measure, for he had received a letter from a distiller in Upper Canada, approving of this duty. In it he stated “that as nine tenths of the crimes committed arise from the use of intoxicating liquors, it is proper that a tax should be laid upon them to bear the expense of the Administration of Justice. (Hear, hear.)

Mr. ROBLIN—said he was happy to have it in his power to say that on this question he could give his hearty support to the measure introduced by the hon. Inspector General, the question was of a different character from imposing a duty on imports as it did not have the same tendency to induce smuggling if the article is manufactured in the country, which is the case in regard to whiskey, the only effect will be to enhance the price of the article and thus oblige the consumer to pay more for it, or in other words to get less quantity for the same amount of money or any other commodity which he may be induced to exchange for the whiskey, and further, the article is bulky and not easily smuggled, but the argument used against this measure was, that it would have the effect of lessening the price of coarse grain, this he (Mr. R.) considered as quite fallacious upon the true principles of political economy. In order to increase the value of your disposable products, you must exchange them for other commodities which would be of more real value to the person making the exchange or to the

community generally. What, he would ask, would be the result of this operation, you convert a bushel of corn, which would sustain a family of five persons at least three days, into what? into that which would enrich the country? into that which sustains and supports animal life? into that which makes society more happy and prosperous? He (Mr. R.) would answer no, better far for the country that the grain thus diverted from its legitimate and natural purposes were thrown into the St. Lawrence. The grain thus sold to the distillers is not exported, and thereby increasing the wealth of the country by the commodity which it brings in exchange much, if it is consumed by the family of the producer. How often is it, that the man taking his load of rye or corn to the distillery is induced by the very fact of getting a little higher price to take part of the price in what he (Mr. R.) would call poison, thus returning to his family with a deadly serpent, if not in his bosom in his sleigh or waggon; yes, the destroyer of the peace of families and society, and that which spreads misery, wretchedness and distress all around, and are we to be told that this is beneficial to the country. But there was a still further view of the question to be taken, are we to be told that we must encourage distilleries at a time like this when thousands, yea, he might say millions of our fellow creatures are perishing for lack of bread. Far better and more magnanimous would it be to stop distilleries altogether than to be giving them encouragement. What is the state of the European countries at the present time? has not the potato crop been an almost failure last year, and there are strong fears and apprehensions that the present year it might be a total failure; upon what are the poor to depend for their sustenance? they they are not able to purchase the finer and higher priced bread stuffs, they must depend on Indian corn and the other cheap grain for their support. Were not philanthropists at this very time engaged in endeavouring to ascertain in what way the awful calamity which threatens the European countries (namely famine) can be averted? Is not the great apostle of Temperance (Father Matthew) now engaged in the laudable enterprise of teaching the poorer class of the inhabitants of Ireland how to convert Indian corn and buckwheat into food for their sustenance? And shall we look idly on? Nay be something more than idle spectators endeavouring to encourage distilleries for the purpose of consuming the only kind of food which can be brought within the reach of those people. Let hon. gentlemen look well to this before they give a vote against this measure, let them reflect that there is a heavy, yea, he would say an awful responsibility resting on them and though they might, by encouraging distilleries, enhance the price of grain a trifle, yet there are considerations of infinitely greater importance to be considered in a matter of this kind, and it did appear as though Divine Providence had opened a way and whereby a surplus produce of the country might be used for the benefit of mankind, and thus prevent its being a curse instead of a blessing.

Mr. THOMPSON—the coarse grains would not pay the expense of conveyance to Montreal or Quebec for exportation; all the sanctimonious gentleman's lecture about poison is all moonshine—(laughter) and is an insult to the intelligent farmers of Upper Canada. The duty of two-pence per gallon was agreed to, and all the other clauses were carried without opposition.

Mr. M'DONALD of Kingston, moved that the House do concur in the report of the special committee on the petition of G. H. Ryland,

registrar of Montreal. He then went into a long detail of the facts on which the petition and the report of the committee thereon had been founded.

Mr. DRAPER, had taken great pains to come to a dispassionate conclusion, and he would state as plainly as possible the reasons that had induced him to come to the conclusion to vote against the motion. In the first place the office of the clerk of the Executive Council was not accompanied with a salary of £1030, but with a salary of £500, with £50 for contingencies. The petitioner did not hold that office till after his father's death which occurred in 1838, and then he was only appointed pro. tem. as the patent had to be remitted to England and he gazetted there. In the meantime the course of events was such that it appeared evident that there would be a union of the two provinces, and it was intimated by the Home Government that there would necessarily if the union took place, be some different arrangements as to the officers of the Government.—In the year 1841, the union of the provinces took place, and it is true that then the late Lord Sydenham, did make a pledge to Mr. Ryland for compensation, but he did so, in direct opposition to the commands of the Home Government. He [Mr. D.] would admit that as a principle he was bound to fulfil any pledges made by a former Administration; as he had taken the reins of Government from them, but he did not feel justified in doing so in the present case, as the claims of Mr. Ryland have always been considered fully compensated even by the administration of which the hon. member for the North Riding was one. He had already stated that the salary £500, to which was added £50 for contingencies, and the rest was derived from fees, accruing from the land granting department and on petitions; the fees and the amount allowed for contingencies, are not therefore to be taken into consideration; and he (Mr. D.) considered that Mr. Ryland was only entitled to whatever the Executive Government thought fit to grant him. The office of Registrar of Quebec has always been considered as full compensation. He therefore felt himself called upon to oppose the present motion.

Mr. M'DONALD of Kingston, had listened with surprise to the observations of the Attorney General West. He considered that if the engagement entered into between Lord Sydenham and Mr. Ryland, was not carried into effect, there would be a manifest breach of faith between the representative of the Crown and a subject, and if such conduct was sustained, it would put an end to public credit; a former administration had admitted the justice of Mr. Ryland's claim and the present one was therefore bound, according to the learned gentleman's own argument to pay this debt. The Registry offices are not so profitable in Lower Canada as in Upper Canada, and Mr. Ryland never received £500, a year from either the office in Quebec or Montreal. He referred to the case of Sir Lionel Smith, to shew how promises given by a Colonial Secretary were regarded in England, even when these promises were given under a mistake. In this case the Colonial Secretary had promised Mr. Smith that his salary would be the same as his predecessor, supposing that he would be able to make it up, out of some of the unappropriated revenues of the Colony of Jamaica, this could not be done, and the balance of the salary was paid out of the general revenue of Great Britain. He [Mr. M'D.] spoke warmly on the subject, because he felt warmly; it made his blood boil to think of the manner in which Mr. Ryland was treated.

Mr. MOFFATT.—If you set aside Mr. Ryland's claim by any quirk, no confidence can be placed in the acts of any Provincial Administration. Lord Sydenham was vested with extraordinary powers and he said to Mr. Ryland, we have other arrangements in view, but you shall not lose, by vacating the office of Clerk of the Executive Council. Why was not Mr. Ryland continued in the office; when it was not filled up, until the appointment of Mr. Parent in 1842?

Mr. CHRISTIE—could not go quite so far as his hon. friend, although he sympathised with Mr. Ryland. At the same time he did not know by what policy that gentleman had been removed from his office and another put in his place. He did not know which was best qualified to fill it, Mr. Ryland or the present incumbent, but if there were any injustice in the case, why not send Mr. Parent into the office now filled by Mr. Ryland, and put that gentleman in his own?

Mr. DRUMMOND—said it was to be regretted that the Committee was not more explicit in pointing out a remedy for the wrongs of Mr. Ryland. His was not a solitary instance, dissimulation and fraud had been practised on a whole people. Few felt more indignant than he did, at the treatment Mr. Ryland had received at the hands of the Government, but he also felt indignant at the wrongs the people had suffered. The effects are felt to-day and would be felt for years. That dissimulation, that fraud had left its traces on the statute books to this day, and had taught men to practise deceit, who had never thought of it until they found it was justified in high quarters. He could scarcely say he had examined this question with impartiality. No, he had examined it with an ardent desire to do Mr. Ryland justice, and was sorry that the Committee had not recommended an address to the Imperial Parliament praying that compensation might be granted to Mr. Ryland. But should we pay for the deceit and fraud of Lord Sydenham? Good heavens, if that were to be the case what would we not have to pay for? We would suffer years from the wrongs done to Lower Canada. He regretted being called back to those old recollections, which were painful to him and to many who took an interest in Lower Canada. But to return to the subject, he hoped the House would take steps to do this gentleman justice, and would send a petition to the Imperial Government, that the wrongs done by Lord Sydenham as their servant, should be remedied by them. He had understood that this Government had been called on for a vote to recompense Mr. Ryland. (No, no.) Well, he understood so, and for that reason he regretted the Committee were not more explicit. The report said that the contract made by him (Mr. Ryland) should have been carried into effect, but as that was not possible he should give a compensation. Now the only way to give a compensation, could be with the public monies of the Province.—In fact a severe reproach had been made by the friends of the Government for not acting in this manner, and he regretted it as he did not wish to see blame thrown on them when not deserved. In his opinion, they had acted correctly in not proposing a vote for this purpose, but he would join his hon. friends on the other side of the House in a petition to the Imperial Government.

Mr. HALL rose, amid cries of "question." He hoped hon. gentlemen would wait, as there was no hurry for the question. When this subject came before the House last Session, he had spoken on the authority of the Attorney General, and he was sorry he could not rely on it, for when he examined it himself he arrived

et a very different conclusion, from what he had then formed. He had formed this opinion that Mr. Ryland was a very badly used man, and would continue to be so, merely because the money was to come out of our own pockets, and the Attorney General West, with all his talents had failed most signally in his attempt to convince the House of the justice of the course taken by the Government. Without referring to Lord Sydenham at all, he would say that a pledge was given to Mr. Ryland, which the Government was bound to redeem if they had the slightest spirit of honour among them. It might be quibbled that this pledge was given by Lord Sydenham, that was nothing, it was the act of the Government, and when the administration took office, they were bound to take that debt and to see this gentleman satisfied. The hon. member shakes his head, but if he were in Mr. Ryland's position, he would see this matter in a very different light. If he had been deceived like Mr. Ryland, and finally given an office after it was deprived of three fourths of its value, he would take a very different view of the matter. It appeared to him that the notions of economy of the hon. member for Gaspé were very ill-timed and if he had the slightest feeling of humanity in his composition, he would see that it was a debt which should be discharged. And the hon. member for Portneuf also could not see the propriety of paying this debt.

Mr. CHRISTIE, rose to explain. So far from not feeling for the wrongs of Mr. Ryland, he had expressed his sympathy for that gentleman.

Mr. DRUMMOND also rose to explain. The hon. gentleman misunderstood him apparently. He had said that the pledge given to Mr. Ryland, was the action of Lord Sydenham solely, and therefore the Government had acted correctly in the course they had taken.

Mr. HALL was very glad the hon. gentleman had risen to explain. The hon. gentleman admitted that Mr. Ryland had been badly used, but the consequences were not to fall on our shoulders. Then we are not to pay the debts of thousands of pounds contracted under Lord Sydenham's Government. No, no. Mr. Kolahy or Mr. Any-one-else may spend £50,000, and the Government will ask the House to vote for it, and they would have to vote for it. But let a man of the people to whom we owe a debt come and ask for payment, and his is put off.

Mr. BALDWIN would not have risen, if it had not been for the remarks made by some hon. gentlemen, that the Government is bound to recognise the claims made on Lord Sydenham. He perfectly concurred in the views of the Attorney General, that the Government was not bound to recognise them, and he for one was not prepared to do so. With regard to another question, he hoped the Attorney General would lay before the House the views which had induced the Government to take this course; he was quite satisfied that the late Government would never have refused to take any course which they were afterwards afraid to recognise in the House.

Mr. HALL rose to acquaint hon. members with the contents of a letter which they were not perhaps aware was in existence. It was a letter dated September 1843, and signed "Dominick Daly, Provincial Secretary." It said that the Government acknowledged the claims of Mr. Ryland on Lord Sydenham's promise, but that the means not being then in their power, all that could be done was to keep the claim in view in order to compensate him in a manner consistent with the public benefit. (Hear, hear.)

Mr. DRUMMOND had one question to ask. Would not the report if concurred in call on the Provincial Government for the payment of this claim.

Mr. BALDWIN.—It would certainly have that effect. If it were otherwise worded he would join his hon. friends in a petition to the Imperial Authorities for the payment, as to them alone was Lord Sydenham responsible for his acts.

Mr. DICKSON said it was unimportant to him out of what funds Mr. Ryland received compensation, it was enough for him that a just claim had been made, he would not look so far ahead as to see where it should be paid and he was surprised that when hon. gentlemen admitted the justice of the appeal, they would refuse a remedy. As an honourable member had submitted to the House a letter from the Provincial Secretary acknowledging the justice of the claim, he considered the case was still more striking. I was however no matter whether the pledge had been given by Lord Sydenham or the Executive. If he received no redress but what he would get from the British Government, he (Mr. Dickson) would be sorry for it, and would remind hon. gentlemen of the manner in which the unanimous address of the House respecting Alex. McLeod was treated. He regretted the circumstance, he regretted that the address of this Legislature, the second Legislative body in Her Majesty's dominions, should have had so little weight. He would therefore vote for the motion before the House with the greatest cordiality, as it was no more than an act of simple justice.

Mr. ROBINSON—would not go quite so far as some hon. members. In his opinion the House could remedy this matter by rendering the registership a more lucrative office. It appeared that in Lower Canada they could get as great an amount of work done in the Registry office for five shillings as would cost twelve shillings and six pence in Upper Canada, and if they altered the rate of fees here a great deal might be done in the way of compensation, by making the receipts of the office greater. But he had no objection to vote for the report and an address to the Imperial Parliament couched in as strong language as they pleased, for he was sure that if Lord Sydenham had lived he would not have allowed this claim to remain so long unsatisfied, and it was their duty to tell the Home Government that this was one of the extraordinary methods used by a Governor sent out for the purpose of carrying an extraordinary measure by extraordinary means. Yeas 23, Nays 32.—See Routine.

MONDAY, May 4, 1846.

Twenty petitions were laid on the Table.

Bills read 3rd time and passed.

To amend the St. Lawrence and Atlantic Rail Road act.

To provide for the pilotage of Vessels bound to the River Saguenay.

For better regulating the Notarial profession in Lower Canada.

And to alter and amend the Provincial act imposing custom duties.

Petitions read.

Of J. Haywood, et al., of Burford and Norwich that the portion of the Clergy Reserves, due the Church Society may be vested in the Church Society.

Of J. Higgins, et al., of Missisquoi for a duty on Axes and Seythes.

Of J. Buchanan, et al., Baptists, of Barnston, that no interference be had with the Imperial act relative to the Clergy Reserves.

Petitions referred to Special Committees.

Of P. Courdeau, et al., to Committee Quebec Trinity House.

Of Arch. Campbell, et al., to the Committee on the petition of J. B. Page, et al.

The Special Committee on the Lower Canada Election bill reported the same, amended. To be committed on Thursday next.

The standing Committee on Contingencies made a second report.

The Committee on petition of J. Hutchison, et al., reported, recommending to the Government the expediency of improving the Port Burwell Harb'or.

The Committee on petition of J. H. Culp reported, recommending an address requesting His Excellency to take the case of heirs of the late Robert Randal Esq., into his favourable consideration.

Mr. Merritt moved that on Thursday next, the House do consider certain Resolutions relative to a removal of restrictions on Canadian Trade, and to throwing open the trade of the St. Lawrence to all nations, &c., and that the said Resolutions be printed, which was carried.

The Report on petition of R. Bruce, et al., was ordered to be printed.

Mr. Att. Gen. Draper laid on the table, two Despatches on the subject of the Post Office Department, and the Copy Right Law.

The petition of R. F. Gourlay ordered to be printed.

A Bill to Incorporate the Upper Canada Mining Company, was brought in by Mr. Boulton—second reading on Monday next.

Mr. Smith of *Frontenac*, was reported absent from the Oxford Election Committee.

A Bill to amend the Law relating to Winter Roads in Lower Canada was brought in by Mr. Jobin—second reading on Thursday next.

Mr. Bertrand moved an address for copies of all correspondence, opinions and reports of the Judges of Queen's Bench and Circuit Court of Quebec, relating to the establishment of a separate Court for Judicial purposes in Kamouraska and Rimouski, with reference to the changes in the present judicial system in Lower Canada.

A Bill to protect Sheriff's in certain cases, was brought in by Mr. Webster—second reading on Thursday.

On motion of Mr. Christie, the Committee on the Quebec and Montreal Trinity House Bills were directed to enquire into the expediency of introducing a clause in those bills to prevent Ship owners and owners of Steam Boats plying between Quebec and Montreal, from being members of the said Trinity House.

Mr. Baldwin moved that the Clerk be directed to tax the costs of the petition in the case of the Middlesex-contested election, occasioned by the proceedings upon the commission for the examination of witnesses ordered by the House in that case, and which, by the decision of the committee on the said election, have proved nugatory in consequence of the misconduct of the commissioners,—and that the same be paid out of the contingencies.

The Yeas and Nays were taken as follows:

YEAS—Messrs. Baldwin, Berthelot, Bertrand, Brooks, Cauchon, Chabot, Chauveau, Christie, Desautier, DeWitt, Drummond, Guillet, Jessup, Lacoste, LaFontaine, Lantier, LaTerriere, Leslie, Macdonell [of Stormont], Merritt, Methot, Nelson, Powell, Price, Simte, [of Wentworth]—26.

NAYS—Boulton, Cayley, Cummings, Daly, DeBligny, Dickson, Draper, Duggan, Foster, Gowen, Hale, Hall, MacDonald [Cornwall], Macdonald [Kingston], McConnell, Moffatt, Murney, Papineau, Petrie, Riddell, Robinson, Robin, Szymour, Sherwood [Brockville], Sherwood [Toronto], Smith, [Frontenac] Smith [Missisquoi], Stewart [Prescott], Taschereau, Viger, Webster, Williams, Woods—33.

A message from the Legislative Council was received, stating that the House had passed the following Bills, viz:

To vest in Capt. Vidal a certain road allowance in Sarria.

To provide for admitting J. W. Dempsey to practice.

To prevent the opening of allowances for road without an order from the District Council.

To amend the act relating to the appropriation of School Funds in Upper Canada.

To alter the mode of Assessment in Niagara and Queenston.

And the following, which that House had passed with amendments.

For relief of John Macara and others.

To provide for the collection of assessments intended to have been levied by a certain by-law of the Huron District Council.

To amend and consolidate the laws relating to the Provincial Penitentiary.

The amendments were severally read and agreed to by the House.

On motion of Mr. Duggan, the Report of the Deputy Superintendent of Education for Upper Canada was ordered to be printed.

The bill to amend the laws relating to duties on Stills, &c., as amended on Friday, was reported, and ordered to be engrossed.

The bill to incorporate Kingston as a city, as amended on Friday, was reported re-committed, further amendment, and ordered to be reported to-morrow.

Mr. Macdonald (Kingston) moved that the House do concur in the report of the committee on the petition of G. H. Ryland, Esq.

On which the Yeas and Nays were taken as follows:—

YEAS.—Messrs. Boulton, Brooks, Cummings, Dickson, Drummond, Duggan, Ermatinger, Foster, Gowan, Guillet, Hale, Hall, Macdonald, (Cornwall), Macdonald, (Kingston), Meyers, Moffatt, Monro, Murney, Riddell, Robinson, Smith, (Frontenac), Stewart, (Prescott), Webster.—23.

NAYS.—Messrs. Armstrong, Baldwin, Berthelot, Bertrand, Cauchon, Cayley, Chabot, Chauveau, Christie, DeBleury, Desauter, DeWitt, Draper, Jobin, Lacoste, LaFontaine, Lantier, LaTerriere, Leslie, Macdonell, (Stor-
mont), McConnell, Methot, Nelson, Papineau, Powell, Price, Roblin, Smith, (Mississquoi), Smith, (Wentworth), Taschereau, Thompson Viger.—32.

The second reading of the bill to incorporate Peterboro', was discharged.

The bill to amend the Commercial Bank Act was committed, reported without amendment, and ordered to be engrossed.

The bill to incorporate the Etobicoke and Mono Road Co. was read a second time and referred to a special committee.

The bill from the Council relating to Queen's College was read a second time. To be read a third time to-morrow.

The bill to amend the act extending the charter of the Bank of Upper Canada was read a second time and ordered to be engrossed.

The bill to incorporate the Toronto Mechanics' Institute was read a second time and referred to the Committee on Private Bills.

On motion of Mr. Moffatt, the bill from the Legislative Council relating to the partition of lands in Lower Canada was referred to a select committee.

The bill to repeal the Quebec Gas and Water Company's act of incorporation was committed, reported, and ordered to be engrossed.

The bill for providing Quebec with Gas and Water were respectively committed and amended. To be reported to-morrow.

Adjourned.

LEGISLATIVE COUNCIL.

TUESDAY, 5th May, 1846.

Hon. Mr. NEILS reported from the committee on Magdalen Islands bill without amendment.

Hon. Mr. CROOKS reported from committee on Trafalgar Road Company bill, with several amendments; to be taken into consideration to-morrow.

Bills read a third time:—Supervisor of Cullers bill, Agricultural Societies bill, District Courts bill.

Hon. Mr. M'GILL moved the second reading of the St. Lawrence and Atlantic Railroad bill. He said this bill was to amend the act passed last session, in accordance with a recommendation to that effect in a despatch from the Secretary of State. One of these amendments was, that no obstruction should be made to the navigation of the rivers St. Lawrence and Richelieu, which of course would not have been recommended if the Secretary of State had been acquainted with the localities, and the second that no monopoly should be allowed.

Read a second time, ordered for third reading to-morrow.

Hon. Mr. MORRIS moved the second reading of the Customs bill. He said it was intended to allow Indian corn and other grains to be bonded in this country for the purpose of exportation. It also reduced the duties on unrefined sugars; on loaf sugar the duty was left the same as last year. There was also a reduction of the duties on skins. These were all the alterations proposed in the bill, and he hoped they would be found to increase the revenue, and put a stop to illicit trade. He therefore moved for the second reading, and would then move the House into committee of the whole.

Hon. Mr. CROOKS feared that great quantities of grain would be imported into the Province under this law, and consumed within it. He regretted to see the reduction of the duties on leather, as the protection was not too high by the act of last year, and this is a considerable reduction.

Hon. RECEIVER GENERAL replied that the Government would take good & effectual means to prevent consumption of grain being imported into the Province in bond. As to the reduction of the duties on leather, it was a matter of opinion whether the present duties are too high or not; he believed they were, and had been informed by persons largely engaged in the trade that they would be obliged to re-ship part of their imports of last year in consequence of the high duties.

Read a second time, passed through committee of the whole, and ordered for third reading to-morrow.

Motion for a select committee to enquire into the administration of justice in the district of Montreal, postponed till Thursday.

Hon. Mr. NEILSON moved that the fifty-eighth rule of the House be read. Carried. He then moved for the suspension of this rule, in order to extend the time for receiving private bills ten days from the present date. Hon. gentlemen were well aware of the difficulties of last session which entirely arose from want of diligence in small matters and in bringing them before this House in sufficient time for them to receive due deliberation. But as this rule was now put in practice for the first time, he thought that it would be as well to extend the period for a few days longer.

Hon. Mr. FERGUSSON was well acquainted with the kindness of his hon. friend's disposition which had induced him to take this course—but he [Mr. F.] was fully convinced of the propriety of that rule, and would protest against any relaxation in future.

Hon. RECEIVER GENERAL said that in England there are three classes of bills recognized by the Parliament. First, public bills; secondly, local bills; and thirdly, private bills of no interest except to the party concerned. But the rule of the House set local bills on the same footing as private bills, and it was a question for consideration whether that classification was just, as local bills intended to benefit any particular section of the country should be treated with more consideration than those of a private nature. He was glad his hon. friend

friend had taken this question up, as it would make the resolution the House had come to public.

Hon. Mr. M'GILL said that whatever might be the nature of the bills laid on their table he would not consent to pass them at the railroad speed with which they were passed at the last session; and if the Government did not wish to lay their bills before the House in proper time, he would not vote for them without their receiving due deliberation. He remembered that in Québec, after the troubles had commenced, the Council sat for several days after notice of prorogation had been given, the Lower House having adjourned and went through all the bills before them at their usual pace. If the Government chose to prorogue Parliament before they had completed, they must take the responsibility on their own shoulders.

Hon. RECEIVER GENERAL said it was not the fault of the Government if their bills were late in coming before the House, as the great number of private bills in the other branch of the Legislature as the sole cause of the delay.

Hon. Mr. GORDON moved, in amendment, that the extension of time granted be limited to seven days. Lost.

The original motion was then carried.

Hon. Mr. WALKER presented a petition to the House from Mr. Ryland, praying for compensation, the Government having refused to satisfy his claim. Referred to a select committee.

The House then adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, MAY 5, 1846.

King's College.

Mr. HALL wished to withdraw his motion, to introduce a bill to incorporate a University by the style and title of the University of Upper Canada; as he understood that the government had resolved upon introducing a similar bill.

Atty. Gen. DRAPER hoped that the hon. member would persist in introducing his measure; it was the intention of the government to render him all the assistance in their power. The bill was then read, after which

Mr. HALL moved, seconded by Mr. Draper, that it be read a second time on Tuesday next.

Mr. PRICE hoped that if the hon. member was serious in the course he appeared to have taken, that he would explain the nature of the bill.

Mr. HALL thought as the bill was printed, that the hon. member might inform himself of its contents by reading it.

Mr. BOULTON would move the postponement of the second reading of the bill for a fortnight, in order that King's College might have sufficient time to consider the subject, and communicate with the House.

Atty. Gen. DRAPER would not agree to an absolute postponement for a fortnight; if on Tuesday next it appeared reasonable to grant further delay, it would be another question. He wished to remark that he did not consider any part of the responsibility of the measure removed from his shoulders by the circumstance of the hon. member for Peterboro' appearing as the mover on that occasion, and although he the (Attorney General) was then acting as the back of the hon. member, he had no objection to become his first man any moment he was required.

Mr. BALDWIN hoped that the information respecting King's College applied for some time since was forthcoming.

Atty. Gen. DRAPER had only to say in reply, that application was made to the College for the information desired the very day after the adoption of the address to that effect to the Governor General, but it was one thing for His Excellency to apply for information to an independent body of that sort, and another thing for them to grant it.

Mr. BALDWIN. Then we are to understand that altho' an application was made by the Gov'r on the proper occasion, no answer has yet been obtained from the body that professed such willingness to exhibit every thing in the most open, clear, and undisguised manner.

Mr. MOFFATT asked, was he to understand that the University bill was to be proceeded with without any further notice being given to the College.

Mr. DRAPER, (emphatically,) yes, yes.

Mr. MOFFATT thought it would be taking the managers of the College by surprise; they had not been sufficiently apprised of the intentions of the Government.

Atty. Gen. DRAPER did not know the full extent of the correspondence kept up between King's College and members of that House, but he would say that from one or two members information must have been conveyed of the distinctly avowed intention of the Government to proceed.

Mr. BOULTON, so there was a distinct understanding last year, and yet the third reading was put off. (Mr. Draper, why? why?) He [Mr. Boulton] did not exactly know why, but he supposed the Government knew why they could not carry it. [Hear, hear, and no, no.] He thought that delay was necessary in the present instance; he did not know but Counsel might be again heard at the bar; there were new members in that House who had not heard the speech delivered by Counsel last year; those members were entitled to the same consideration as other members of the House. He [Mr. B.] referred especially to the venerable President of the Council and the Solicitor General East, for whose return to that House the Government had to wait 18 months. These hon. members might be enlightened by the arguments of Counsel.

Atty. Gen. SMITH, with much warmth, denied that the University bill was postponed last session to serve any purpose of the Ministry. That bill was introduced with the sincere intention of carrying it through, and he for one was prepared to resign the place he held had not the principle of the bill been approved of.

Mr. BOULTON—"Tut, tut."

Atty. Gen. SMITH did not know what the hon. member meant by *tutting*; he the [Atty. Gen.] would not allow such language to be used towards him. He would repeat that the bill was postponed by request of the hon. member for Toronto and others of that sort, and he would not now listen to those members, or any of them, taunting the Ministry with having of themselves, and from fear of consequences, held back the measure.

Mr. MOFFATT, if the remarks of the hon. Attorney General had any reference to him, he could appeal to hon. members to say whether he would have voted for the bill, unless upon the understanding that it would not be passed through that session.

Mr. BOULTON would ask, was it to him the language of the hon. Attorney General was addressed; the hon. member used the words "member for Toronto and others of that sort;" if he [Mr. Boulton] were meant, he would reply that he never asked for a postponement of the bill, and although he was requested to vote for the 2nd reading under the assurance that it

would go no further that session, he positively refused to do so.

Atty. Gen. DRAPER could say that he never was a party to any such proposal.

Mr. CAUCHON in an animated speech denounced the position of the Ministry in reference to the bill, and said that the carrying of their measures was aided by the influence of money.

Atty. Gen. SMITH wished to know distinctly whether the hon. member accused the Ministry of employing money to secure votes.

Mr. CAUCHON supposed that the question was prompted by conscience.

Atty. Gen. SMITH called on the Speaker to say whether that individual was justified in resorting to such insinuations.

Mr. CAUCHON said the hon. member had no right to designate him in that House as "that individual." [Laughter.] The hon. member might, himself, be an individual, and a very humble one as regards talent and character, but he [Mr. C.] would not speak of him as such. He did not accuse the Government of paying money out of their own pockets to procure votes; it was to the public money he referred.

Mr. DRAPER—was anxious not to be misunderstood; the member for Toronto, in voting for the second reading of the bill of last Session, did not do so from receiving a pledge that it would not be pressed, at least if such was the case he (Mr. D.) was no party to it, and most reluctantly did he consent at last to the postponement of the measure; but he did so not because he could not carry it, he was confident he could have done that, but because of his desire to consult the wishes of those who usually act with him, and hold the same principles as he held. What he stated on the second reading of the bill last Session was, that after the second reading had taken place he would then be in a condition to give any suggestions that might be made, that consideration which they should deserve, and he had carried out this assertion as far as possible.

Mr. LAFONTAINE addressed the house in French and in the course of his remarks referred to Mr. Moffat's course last session respecting a similar bill.

Mr. MOFFATT—What he stated on the floor of the House last Session was, that he wanted delay, and that unless that delay was granted he would vote against the second reading of the bill.

Mr. PRICE could not let the bill be read a first time without expressing his views upon the manner in which it had been introduced that night. He would not follow the hon'ble member for Leeds through his flights of fancy, nor attempt to understand the metaphorical speech of that hon. member; it was far beyond the reach of his imagination; but he would confine himself principally to the course taken by the hon. and learned member for Peterboro', and his learned friend and supporter, the Attorney General West. When the hon. member brought in the bill, he (Mr. P.) had enquired of him if he were serious in introducing a measure of such vast importance as the University bill, and the hon. member had replied that he was not less earnest in his desire to carry the bill because he did not preface its introduction in the solemn, serious manner of him (Mr. P.) Now he (Mr. P.) could assure that hon. member that seriousness of conduct and earnestness of manner comported better with the dignity and character of a legislator than thoughtlessness and frivolity, and when the hon. member reflected that thousands and tens of thousands of British freemen had entrusted their dearest rights to the keeping of

that House, he would not think the subject of making laws one of thoughtlessness and folly; at any rate he (Mr. P.) was fully convinced that when a few more years have added stability and thoughtfulness to the honorable member, he would come to the calm and correct conclusion that it is a dangerous thing to entrust the making of human laws to young and inexperienced men. [Hear.] The manner in which this bill has been introduced to the notice of this House had struck him (Mr. P.) with amazement—and he believed every other hon. member had been equally amazed and surprised—for he was thoroughly convinced that no one in that House for one moment supposed the hon. member for Peterboro' serious in the course he had taken; and he (Mr. P.) could not help expressing his indignation at the flighty and undignified way in which the learned Attorney General West had received the introduction of the measure and promised his support to it—a measure that every one expected to emanate from the Government, and one for which the whole country holds the ministry responsible, however much they may attempt to shirk that responsibility. What are the facts? This House has been patiently waiting week after week for a bill by which the University of King's College is to be finally and satisfactorily settled. The Government, it is true, have not promised such a bill, but it was generally understood that some one member of the Cabinet would bring down the measure to this House at an early day; and yet, although the session is drawing to a close, this House is kept in the dark upon the subject. It had been asked in another place, which it is not Parliamentary to name, of the Receiver General, if the Government intended to introduce a bill this session on this question, and an answer in the affirmative was given; but how is the House treated on this all important subject? The hon. member for Peterboro' had, a few days ago, in his place in Parliament, pursuant to notice given by him, enquired of the administration as to their intentions upon this subject, and received a very unsatisfactory answer; he then, in a moment of vexation, gave notice that he would introduce a bill, and accordingly this day, after marching through all the old printed bills of the last session, which he had left in his desk, he, by mere accident, put his hand on one of those brought in last session by the Attorney General West, and, thinking it a good joke, at once introduces it as the great measure of the session.

Mr. HALL, the hon. gentleman is not quite correct.

Mr. PRICE had examined the bill, and he positively asserted that it was one of the bills of last session. Now, he [Mr. P.] would ask this House if they are prepared for this humiliation? is it to endure that this important measure is thus to be treated? Are these ministers thus to insult this House and the whole people, whom this House represents? Has not the country been looking—steadfastly looking—for a great and final measure; and are those just expectations to be disappointed upon a question the most vital and important to the rising greatness of the Province—a subject that demands the most mature and serious consideration, and that ought not to be entrusted to a young member of this House—one that requires the talent, skill and ability of the hon. Attorney General himself as the head of the Government, and which, in his capacity of leader of the present administration, he ought to have introduced. No man in this House, or out of it, for a moment expected that a bill emanating from the honorable member for Peterboro' could ever give satisfaction to the

county; not that he [Mr. Price] believed the hon. member incapable of framing such a measure, but from the very circumstance that he was young in parliamentary experience, and had not made that important object his study. It was a subject worthy the attention of the greatest mind, and one upon the settlement of which the Government, and the Government alone, ought to devote its energies, and to the satisfactory settlement of which it would bring its whole strength. By that bill let them stand or fall.

Mr. HALL said—To save time he was willing that the Attorney General West should take charge of the bill.

Mr. PRICE was not anxious to trespass on the time of the House, he was not in the habit of doing so. He complained that a measure of such vast importance ought not so thoughtlessly and so unceremoniously to have been thrust upon the attention of Parliament—a subject upon which the moral greatness and happiness of Canada hangs, a subject in which his (Mr. P.'s) children, the children of the whole community, both of the present and future generation were deeply interested. He felt strongly upon the subject being apprehensive that the Government had no intention of giving to the country a liberal measure and the course pursued by them that might fill his mind with alarm and apprehension. He (Mr. P.) would call upon the members of that House of all shades of politics to throw aside their party feelings, to give up their sectarian views, and to come in a calm, a dignified and a catholic spirit to this all important subject. Let us, Mr. Speaker, give a measure to the country worthy of the subject, worthy of the great Province we represent, worthy of a British Legislature. Let us give preference to no religious body; preference is persecution, let us rid the institution of its present sectarian character, and make it free to all creeds, all classes and all colours; no partial legislation can give finality to a subject of this importance. He [Mr. P.] felt strongly upon it; he had hitherto taken a prominent and sincere part in its adjustment, Session after Session had he moved upon the subject in order to get the whole matter before the public, and he now earnestly called upon the Administration to grapple fairly and honestly with the measure, to settle it on a fair and equitable footing, giving equal justice to all classes of Her Majesty's subjects, to make it an institution that will give character to the people and be an ornament to the Province, to root out every corrupt thing, and above all to make it purely an institution for the promotion of the higher branches of literature and science and leave the religious bodies to provide for themselves, and although he [Mr. P.] now had no confidence in the present Executive and never had any, yet if they would satisfy upon this subject the just expectations of the country they should have his thanks, and he could assure them that they would have the grateful thanks of a good and loyal people.

Mr. AYLWIN—The learned Attorney General West had always been renowned for his Generalship, but he thought he had outdone himself to-day. He (Mr. D.) is not equalled as to his resources for they are various and large; last Session he pleased all, and he (Mr. A.) voted with him for the second reading; on account of that a member of the Administration retired, and no one regretted that circumstance more than he did; but still the learned Attorney General kept on, and now it turns out that he was at last forced to delay the bill, that there was another difficulty in the way in the person of the Solicitor General

West. The second reading took place, but it seems only on the understanding that the measure would not be pressed through. The member for Peterboro is to-day only the covering Serjeant of the learned Attorney General, but he now finds out that there is a great deal of danger but no honor attached to the situation and he is ready to give it up, and lo! the real father of the bill who has been sheltering himself for a while behind the member for Peterboro, shews himself. He (Mr. A.) objected to a delay of two weeks being allowed before the second reading; twelve months have intervened since the last Session, the Ministry have had plenty of time to digest the measure, and the College Council have had plenty of time to come down to this House and propose some measure; the House has now been in Session over six weeks, two weeks are wanted before the second reading, are we to sit for two months more; the hon. member for Peterboro says no, we are to expect any other measure, is it to be understood that the supporters of the Ministry on general subjects shall be allowed to do as they please on particular subjects? The hon. member for Terrebonne spoke of a contract, but he would term it something else, he would call it a stipulation—it would then be odious—which the Ministry had no right to make. For himself he did not believe that it would pass this Session, but he would vote for the second reading. The College Council he said, ought to be fully aware of the intention of the Administration to introduce a bill; and as the subject is one that is well understood and no preparation is needed, there can be found Counsel in Toronto able and willing at a moment's notice, to come before the House. He thought he saw an influence exerting itself in this House, an influence of a very strong kind, an influence which ought to be diminished by all possible means—he was convinced that the institution was radically bad; he thought he saw the shifts of a merchant on the eve of bankruptcy in it, striving to put off from day to day the evil hour, but the day of reckoning will come at last. He believed that if the measure was delayed it would be made *bunkum* of. He could sympathise with the learned Attorney General under the taunts of those who profess to support him. He saw that

Keen were his pangs, but keener far to feel.
He nursed the pinion which impell'd the steel;
While the same plumage that had warm'd his nest
Drank the last life drop of his bleeding breast.

Mr. CAYLEY expected that the hon. gentleman on his right would have explained that this was not a Government measure in the usual meaning of the term, that it was to be an open question; he would therefore state that such was to be the case. Since the last session there has been some alteration in the composition of the Ministry; he had joined the Ministry since then, and he would vote on this question as he thought right, irrespective of the opinions of the rest of the Administration, and he would be prepared to express his opinion on the measure, when the proper time arrived.

Mr. GOWAN—said the excitement that had just arisen realised the old adage "after a calm comes a storm." The House had been in the best humor up to the introduction of the College question, when suddenly a storm burst forth. It ought to shew hon. members the necessity of casting from amongst them that bone of contention; he always desired to have the question settled and blamed the hon. Attorney General East for not pressing it through last Session; he could however, assert that the hon. member postponed it only in deference to the views of the hon. Solicitor General East and others who usually support him.

Mr. Solicitor General SHERWOOD—said, that the assertions that the Government last Session wanted to shirk the question was unjust for he knew that they were anxious to proceed with the measure, and that it was only by the wish of their supporters that they postponed it. A member of the Ministry had then retired because he could not vote for the bill, he (Mr. Sherwood) thought he could have done so and not given up his seat; he approved of that bill, and was prepared to give it his support when he received from his constituents at Toronto an address allowing him to use his own discretion with regard to the measure but requesting him to use his endeavors to get delay; and it was with the understanding that it was to stand over to this Session that he voted for it and would have felt it his duty to tender his resignation if they had persisted in going on with it, the measure is now brought up in a different shape it was now brought up by an independent member, and it was now one that even the members of the Government may vote upon as they think proper: the amendment to postpone the measure for a fortnight, although it be to hear Counsel at the bar is of no use, the measure has been before the public for three or four years and has been discussed in newspapers and pamphlets and numerous other ways, and although Counsel may be heard at the Bar again and again he did not think that it would change the opinion of a single member of the house; he denied that they wanted delay, like a person who is Bankrupt who is striving for to keep himself up a little longer by obtaining delay in order to obtain a chance of retrieving his affairs; it was not the fact. The authorities of King's College were prepared to lay before the country all their proceedings. The affairs of the University were managed as well as any institution of that nature could be; he was a member of the Council and if he had had discovered anything that was wrong in their proceedings he would have felt it his duty to have laid it before the country; they have acted as honest men on all occasions. When the University was at first incorporated it was a Church of England Corporation, and the Masters and Teachers all belonged to the Ch. of England, in 1837 the Legislature passed a bill making it open in theory, but in practice it has not been so, the reason that it was not open practically as well as theoretically was, because it was necessary to get men acquainted with the Government of such an institution. Could you get them in this country? Or in the United States? No! Where then could you go but to Oxford and to Cambridge, and the Masters they got there were members of the Church of England, but it was not because they were members of the Church of England that they took them, but because they were the only fit persons they could get, but the first vacancy that took place that of the Chair of Medicine, was filled with a Roman Catholic, and the present Professor of Mathematics is a member of the Church of Scotland and as vacancies occur they will be filled up by members of other denominations: he was sorry to find the Church of England so much railed against, no person belonging to the Church of England can hold a public situation but he is railed against, on account of his being so; he regretted that this was the fact; he wished to extend to other denominations equal privileges, he was against the Church of England obtaining exclusive privileges; he only wanted it to enjoy equal privileges with other denominations (hear, hear, hear). There was an argument made use of at the Bar last Session by the Counsel, that the House had no right to interfere with the matter, he did not concur in that argument he repudiated it, he thought this House had a per-

fect right to legislate in the matter and he hoped it would do so to give satisfaction to all; he would reserve his opinion as to the merits of the bill until it was brought up before the House. He would vote against the amendment.

Mr. COLVILLE.—If Counsel were to be heard at the Bar, he hoped that the hon. member for Lotbiniere would introduce a bill to establish the amount of fees to be allowed in such cases.

Mr. ROBINSON.—The Solicitor General, West, has said that he was sorry that he had deemed it his duty to resign his office on account of the second reading of the bill, but he (Mr. R.) conceived that if he had voted for the second reading he would have sanctioned the principle of the bill; this he could not consistently do.

The amendment was put and lost—Yeas 28 Nays 49.

Administration of Justice.

Attorney General SMITH moved for a select committee to enquire into the administration of justice in the district of Montreal, and stated that the course he proposed was rather a novel one, but had been rendered necessary by the act in reference to the independence of Judges which had taken away all power from the Crown to investigate charges against Judges. The duty which devolved upon him was one of much delicacy, but could not be avoided; the motion contained no charge against any member of the Bench; it was of a general nature, and he would briefly state the reasons which rendered it imperative on the Government to submit it to the House.—Hon. members were aware that complaints had for some time prevailed respecting the efficiency of the Bench of Montreal, but they did not come before the Government in such a form as to warrant their interference. Last year those complaints assumed a more tangible shape, and the Government thereupon endeavoured to arrange for the retirement under suitable circumstances of a distinguished member of the Bench. In this they had failed. The Attorney General then read a series of letters which went to shew, first, that the Chief Justice had obtained leave of absence for the benefit of his health, in January, 1844, and in May the leave was renewed till the end of June. In February, 1845, Judge Rolland addressed the Governor representing that the great pressure of business was such that he could not, in justice to his health and to the interests of his family, bear it much longer, and intimating that he would resign. To this the Government answered requesting Judge Rolland to state his complaints more distinctly, and offer the remedial suggestions he thought fit. The Judge declined to be more particular, and repeated his inclination to resign, upon the understanding, however, that he should receive a pension equal to his 15 years service. To this the Government replied that the state of the pension list would not admit of a retiring pension. The Judge again wrote, stating his intention to address Parliament, and requesting a leave of absence; the leave was at first refused upon the report of the Judges that there was too much business to admit of it, but was finally granted. In this state the matter remained up to the 24th April, 1846, when the Government received another application from Judge Rolland, setting forth that his health had become so much impaired by the application to the increased duties of his office, caused by the absence of the Chief Justice, that he could no longer continue to occupy the position he did, and that unless a relaxation were afforded him he should be compelled to resign unconditionally, leaving his

claim to retiring pension to be settled at a future time. That it had been the intention of Puisne Judges to address the Government on the subject, but, as Judge Gale declined joining in the address, while he admitted the necessity of an alteration, that course had not been taken. In consequence of this letter, and the probability of the state of the Judicature being rendered still more inefficient by the retirement of one, if not two, more Judges, the Administration felt it their duty to again urge upon the Chief Justice the policy of his resignation, with the understanding that they were prepared to recommend to Parliament such a provision for him, as his great services and high position entitled him. The correspondence thus opened terminated upon the 2nd of May, in the Chief Justice declining to retire, on the grounds that the infirm state of his health had not prevented his appointment although known at the time, that he had laboured hard and had done good service to the country, and he believed his retirement would be deprecated by all parties who had business before the Court. Ministers therefore felt it their duty to lay this correspondence before the House, and take its advice upon the subject. In moving for a select committee the Attorney General said he adopted the course pursued in England and cited the cases of Sir Jonah Barrington and Baron Smith at much length.

Mr. AYLWIN confessed that it was with surprise and even pain that he saw his Lon. friend adopt this course, with respect to the Hon. Chief Justice, for it would appear that the precedents he had read were levelled against that hon. gentleman.

Attorney General SMITH thought the hon. member must have misunderstood him. His position was a delicate one, open perhaps to accusation. But he had acted from pure motives, and a desire to lay any charge brought against a judge before Parliament, not from any personal feelings, in fact he did not make it a party question even, and he would ask what other course could he take.

Mr. AYLWIN, was the last man to impugn the motives of the hon. member, and had not done so. [Hear, hear, hear.] He could assure that hon. member that his objections were of a different nature altogether. It appeared to him, that the whole of the proceedings were in the shape of a charge or accusation against the Hon. Chief Justice. Mention had been made of Sir Jonah Barrington and Baron Smith, men notoriously guilty of corrupt and improper conduct, and in this he saw that the Government had not taken the correct course. There was in reality no charge brought against Mr. Vallieres. Because a man by the visitation of providence was unable to attend Court, was he to be disposed of in the same manner as a corrupt Judge, or one who made use of his physical strength in the character of Judge, to oppress men of different political principles? If it be true that the illness of Mr. Vallieres be such as to deprive the country of his services at times, what should be the course taken by the Government? They ought to bring in a bill, appointing another Judge making five instead of four, and thus not wound the feelings of the hon. gentleman by the odium of a removal. He must confess he was unable to understand the nature of the accusation. A complaint was made that the Chief was declining in year and infirm in health, by another Judge, but surely no one wanted Mr. Rolland to perform the duties of that hon. gentleman and his own too. Not at all. All that was required of Mr. Rolland was that he should perform his own duties, and he must say, that he could not see any necessity

for the reference that gentleman had made to the Chief Justice, and after hearing this correspondence read it did appear that it was intended to make use of a common expression to crowd the Chief Justice off the bench. But with respect to the manner in which this case was introduced, he would compare it with the proceedings referred to by the Hon. Attorney General in the Imperial Parliament. Even in the case of Sir Jonah Barrington it was not the Government, who took that odious duty on them, as had been stated it was an independent member.

Mr. GOWAN.—It was the Secretary of Ireland.

Mr. AYLWIN.—The hon. gentleman interrupted. He could wish he would reserve his remarks for a more fitting opportunity. In the case of Sir Jonah Barrington the charge was not founded on a private correspondence but on the report of a commission, of which the House was bound to take cognisance. This is not the case here but it is alleged that the administration of justice is impeded and if that were the case and if the Government required any assistance in money it is the duty of the House to vote what is required for the public service. It is the duty of the Government to discover whether the administration of justice is as effective as it should be, and if in truth it is not and this arises merely from the ill health of a Judge, then he ought to be granted a retiring allowance, or else a fifth Judge should be provided to aid in the discharge of the duties. He again said that he regretted the Government had taken this course, because all the papers read by the Attorney General must necessarily appear on the Journals. It was true the Hon. Chief Justice had nothing to fear from this correspondence it reflected on him the highest credit; but, and he regretted being obliged to say so, the letters of another Judge were far from reflecting credit on him, and he would hereafter have to regret that they were ever read or ever published. He (Mr. A.) had introduced a bill to take and put it out of the power of the Government to remove a Judge for political opinions. That bill passed into a law, but what was the use of such a law, it was totally in vain, if by a side blow the same power still remained of thrusting a Judge off the bench, which was formerly accomplished openly, and if it could not be done fairly and openly, he had hoped that it would never be attempted otherwise. As to what had been asserted that the Chief Justice was incompetent to act from age, he would ask was it by any means singular in Britain, to see an old Judge still retain his seat on the bench, long after he was incapable of rendering effective service? Was it singular to see a Judge in the position he had just mentioned making stipulations with the Government and dying hard? And did the Imperial Government ever attempt to thrust him off the bench under such circumstances? No! And why not? Because they understood these matters too well in England. No attempts are there made to injure the character of a Judge, all references to him are made with the highest respect, and for good reasons. For if the man whose duty it is to decide on our property and our lives is not treated with reverence and honour, how is it to be expected that his decisions will be respected. And it is more especially the duty of the Government to shield that man from calumny. It would be far better to preserve the respect due to the office that trifling matters should be passed then to make as the ground of accusation an equivocal case like the present, in fact it was far worse, it was not even equivocal, this hon. gentleman being

prevented from attending his duties by a visitation of providence. When he (Mr. A.) was a stripling he first saw that hon. gentleman at the head of his profession the leader of the bar, he then saw him as a Judge brave all the terrors of suspension from office, and how many would have done this in support of their opinions! He regretted the appeal made by the Hon. Attorney General to the Prothonotaries, for although it was true they kept the records of the Court, he would much rather have seen the application made by the Colleagues of the hon. gentleman, for the Prothonotaries were the servants of the Court and this looked like the commencement of a system of espionage. There were Judges in Lower Canada and he supposed in Upper Canada also who would not have suffered any such communications to take place between the Prothonotaries and the Government. He would have been told. "Sir!—You are the servant of this Court, and have nothing to do with the Government." But as this report had been made, what did it establish? He had not himself the honour to practise in the District of Montreal, but he placed great confidence in the statements of his hon. friend from Terrebonne, and there were other hon. members present who practised in the Montreal Courts, and who all seemed to think that although Chief Justice Vallières did not attend Court as frequently as other Judges in the enjoyment of better health, he went through quite as much business as those who made this complaint to Government, as it appeared to him merely in order to have this beautiful correspondence laid before the House. Now Judges in Canada may complain that they have very heavy duties to perform, but he would tell them that in no other country was their duty so light or were they so well paid. He did not refer to Upper Canada not being sufficiently acquainted with it, but to Lower Canada, and he would tell them to look at the next State, the State of Vermont, where the duties were far more severe & the salary less than \$1,300 per annum. Then go to the state of New York, and you will find the Judges constantly engaged in business. Was this the case in Canada? Not at all. He would speak of his own District, there the Judges go into Court about ten in the morning and generally manage to get away at two, and all he would say was that they performed precious little for their salaries. And he would call on his Hon. Colleagues from the city of Quebec, and his hon. friend from the county of Quebec, and he would ask them if the Chief Justice was not frequently absent from Court. (Hear, hear.) When it was necessary to draw up the Union Act, that gentleman came up to Montreal and finally found his way into Upper Canada where he remained as long as he pleased. If an enquiry were required into the administration of Justice in the District of Montreal was there not the same necessity in the District of Quebec? If the registry of Quebec were looked into, and absence, mere absence from Court, the criterion, if one Chief Justice were disposed of, they would have to do the same with another. The same rule should be held in all such cases, but he did not think that formed a sufficient reason for forcing a Judge to retire. If Mr. Rolland found it so difficult to preside over the Court, he would ask how was it that two Judges had sat in Quebec for years? How was it the two other Judges whose health was not enfeebled did not assist, and relieve Mr. Rolland whose life was of such great value to himself and his family. He knew there were disputes and bickerings among the Judges, but that should not be the case, and he would say that that should form a ground for

impeachment instead of the present trivial charge. And for the Chief Justice he believed that he could safely say that although suffering under severe bodily infirmity, he was willing to give his Colleagues every assistance. And where would they find a man so able, of such judgment and ready wit? Where would they find a man who had received so many honorable testimonials from his country, or who has enjoyed more of its confidence than Mr. Vallières? How often had he seen that hon. gentleman returned for the city of Quebec with the approbation of all parties? Where was the man who had so many sincere friends and so few enemies? He was pleased to hear read from one of the letters of that hon. gentleman, the observation that when he took his departure from the Bench, he would be generally regretted. He would be regretted, and he (Mr. A.) hoped he would be regretted not only by the Bar, but also by his Colleagues. He could wish that it was possible for the Hon. Attorney General to withdraw his motion and take a course in his (Mr. A.) opinion more correct, and as one of the opposition, he would assure him that he would be prepared to vote any sum of money required by him for the appointment of a fifth judge; but he felt that he would be doing his duty to himself if he supported the motion now before the Chair. With reference to party grounds, he regretted that word had been mentioned. He looked on it as no party or political question, and as Judges he hoped they had nothing to do with political matters, but if it could be proved that they had done so he would say let that form the object of complaint, and let the Government then suspend them from their offices. But as that was not the case, he was prepared to vote for any sum of money required for the appointment of a fifth Judge, he repeated that his objection was to the course taken by the Government on this occasion.

Mr. DEBLEURY fully coincided with the remarks made as to the talents of the learned Chief Justice of the District of Montreal whose name has been so unceremoniously brought before the public by his inferiors, the Puisné Judges. He was happy that this *enquete*, was going to take place, for he was confident that the conduct of certain of the Puisné Judges would appear to far greater disadvantage than would that of the Chief Justice. He hoped that the members opposite would vote for the motion as it was general, and as no fear need be entertained as to the Chief Justice coming out unscathed. He said that he would not enter into any details as it would take too long, but if he were to do so he could adduce facts which would redound little to the credit of some of the Puisné Judges.

Mr. ERMATINGER, had paid some attention to the debate as it progressed; and it appeared to him from the evidence adduced that it was wished to get rid of the Chief Justice on account of ill health, now he thought the ministry would have a far better case with which to come before this House, if they had taken up the case to which he had referred on a former occasion; he considered that the question ought not to be, to get rid of a Judge on account of ill health, but to get rid of an inferior Judge, who impeded by his incapacity the course of Judicial business. He had heard a high eulogy passed by the hon. members opposite on the judgment and talents of the Chief Justice, but he did not require to be told that such was the case, for the name of the Chief Justice was renowned all over the North American continent; the fame of his transcendent abilities had reached the far West. The letters go to show that he was often afflicted with ill-health and

that on these occasions leave of absence was asked for and granted; in the case however that he had adduced, he did not come before the House without a distinct charge. If such a Judge as he had referred to was placed in Montreal, no time would be lost in getting him removed, but because he is placed over a poor and humble people, he is allowed to remain.—He had submitted a case of misconduct arising from want of capacity and judgment, to which the present case bears no comparison, for the Chief Justice of the District of Montreal, is fully competent, and altho' often unable to give his attendance in Court, performs a vast amount of judicial work in his own study.—He was not prepared to vote for the present motion till a stronger case has been shown, than was yet before the House.

Mr. DRUMMOND could not, after all that had been said, refrain from offering a few observations; he owed to his convictions and feelings as a member of the Montreal bar, as well as to his position in that House, to express his views of the important motion under discussion. It was a positive fact, that although Chief Justice Vallières had, in consequence of illness, been occasionally absent from the Bench; he had during that absence performed a large amount of most important public duty. He was absent one whole term, but what was the consequence? The next term judgment was rendered in a number of cases that had remained over from term to term; cases that others had not dared to approach, and which would, probably, be still undetermined had not the light of Judge Vallières splendid intellect been shed around them; had he not found time in his retirement to unravel them and expose their true bearing. Although, then, it was true that the voice of the Chief Justice was not heard so often, and certainly not so loudly, upon the Bench as that of others, it was nevertheless the fact, as had been well stated by the hon. and learned member for Terrebonne, that he daily rendered the most valuable services. He (Mr. Drummond) regretted that any Puisné Judge should have been encouraged to urge complaints against Judge Vallières; that was not the first attempt of the kind that was made against the distinguished Chief Justice; the former intrigue had failed, and therefore it was, he (Mr. D) presumed, that the second was made with such marked pertinacity. It was also painful to see that the very servants of the Judge, the Prothonotaries of the Court, had been applied to for information against him. In reference to the return made by the Prothonotaries, it must have been observed that they had not pointed out the time of absence for which leave was granted; neither was any thing said of the long absence of a Puisné Judge since the appointment of Judge Vallières. That learned Judge was absent not on account of ill health, but for pleasure, merely to visit countries of Europe which he had not seen before; he also pressed for, and at length obtained, another leave last year, nor did it appear that his absence then was caused by the state of his health. He (Mr. D) thought that when the officers of the Court were called upon to report respecting the efficiency of the Bench, it would be only fair play that their instructions extended not alone to the attendance of one Judge, but to that of all, in order that if blame existed, each might get his due proportion. He (Mr. D) hoped that whatever might be the result of the proposed enquiry, that one important principle would be strictly borne in mind, and that was that no Puisné Judge should be promoted to the place of Chief Justice; that was a principle well settled in England, and it was of the last importance to

the honor and efficiency of the Bench, for if the contrary were admitted, it would be a direct encouragement to Puisne Judges to act as spies upon their superiors, and many of them would forget the performance of their duty, and think only of growling against those whose places they were encouraged to hope for. He (Mr. Drummond) would not vote for the motion before the House, because he regarded it as an indirect attempt at the removal of Chief Justice Vallieres. He knew that the departure of that most distinguished man would be received with the deepest regret by all whose duty it was to attend at the Courts either as Advocates or Suitors; he knew that when the valedictory of Vallieres de St. Real was pronounced, the glory of the Bench and Bar would depart, a gloom would hang over the scene of his labours, and the public would mourn as for the loss of a benefactor. The appointment of Chief Justice Vallieres to the Bench was regarded as a boon, and the experience of those who practised in the Courts in which he presided had heightened their love of his amiability and their admiration of his great mind, that mind which he [Mr. D.] scarcely knew how to describe except by the term of supernatural, such were its rare qualities, its quickness, its brilliancy and acuteness. Nor were the qualities of his heart less to be prized than those of his mind, they were alike elevated and admirable. He [Mr. D.] knew no man who united within himself to a greater extent the *suavis in modo* with the *fortiter in re* than did Chief Justice Vallieres; he could assure that House that whenever the Chief Justice ascended the Bench, a smile of satisfaction prevailed throughout the Court, there was that day no trammelling of the bar, no coarse or unmanly interruptions, and all who waited upon the decisions of the court went away satisfied that Justice had been administered in that calm and dignified spirit which alone became, and ought to accompany it. He [Mr. Drummond] would give his determined opposition to the motion.

Mr. BALDWIN said, it might appear strange that he should interfere in the question before the House, but his apology was that they were enquiring into one of the greatest questions that could possibly come before them. He could enter into the feelings of the hon. Attorney General, whose duty it was to move in the matter; and who, according to English practice, would, as had been observed by the hon. member for Porten, be looked to as the probable successor of the present Chief Justice; he (Mr. B.) could appreciate the delicacy arising out of the latter circumstance, which was no doubt felt by the hon. Attorney General, and he would say that whoever might charge the learned gentleman with an improper design he (Mr. B.) did not. Neither did he (Mr. B.) complain of the manner in which the question was put before the House; his only objection was that the precedent referred to was not followed out by allowing the question to remain some time before the House before the consequent motion was submitted. Under these circumstances, he was taken by surprise, and would only judge of the justice of the case by the papers that had been read. He (Mr. B.) had asked himself what appeared on the face of these papers to warrant the course proposed. He remembered that in the late case of the Middlesex Judge, the Government positively refused to act unless the charge advanced was sustained, and were they going to act with less caution towards a man who was admitted to be one of the greatest ornaments of his profession, and a blessing to his country. He [Mr. B.] did not note down the particulars

of the absence complained of, but it certainly appeared to him to fall far short of the absence granted, and properly granted, to the Chief Justice of Upper Canada; at all events, the inconvenience was trifling compared with the great services which it appeared had been rendered, and are still being rendered by the Chief Justice in chambers. He (Mr. B.) could not see at what the hon. Attorney General was aiming. It certainly could not be contemplated to remove the Judge without fixing a suitable pension. The correspondence did not shew what was meant to be done, no precise course marked out. One of the propositions mentioned in the House was the appointment of another Judge; it appeared to him (Mr. B.) that there would be no more expense in that than in providing a suitable retiring allowance for the Chief Justice. Inasmuch, then, as the documents before the House did not shew a case which called for any direct action against the Chief Justice, and considering the amount of difficulty in the manner in which the question came before the House, and above all the great danger of a bad precedent, he [Mr. B.] did not feel justified in giving his assent to the motion.

Mr. DRAPER—said he was called up by the observations of the hon. member for the Fourth Riding of York. No one felt the importance of this question more than he did, for every hon. member in the House must be aware how necessary it was in every case where the administration of justice was concerned, to secure as efficient a system as possible. He regretted however, that he had delayed so long in consequence of the observations made by the hon. member for Middlesex, who would find when the proper moment came that the Government were not negligent. With respect to what had fallen from hon. members on the other side of the House, he would say that there was no wish whatever on the part of the Government to throw any odium on Chief Justice Vallieres. That hon. gentleman appeared to be held in the highest esteem by all whom he had heard speaking of him, and if there was any act in which he could rejoice, it was the advice he gave to appoint that gentleman to the bench. Therefore, whatever hon. gentlemen on the other side of the House might think, he could assure them that he would never have been a party to a scheme to "crowd" him off the bench. But the Government was placed in this position; they had not one, but repeated charges made to them of the inefficiency of the Administration of Justice in the District of Montreal. A Judge who ought to be well acquainted with the course adopted here, had made repeated complaints of the difficulties encountered by him, and the Government felt it necessary to adopt some measures to render his duties lighter. At the same time he thought that the Government would not be justified in coming down to the House to ask a pension for a man who so far as he could learn, was not incapacitated from acting. What other course then remained to the Government than that taken by his hon. friend. So far from attempting to throw any odium on the gentleman pointed out in the correspondence read to the House, his hon. friend had in the strongest manner expressed the opinion of the Government as to his high character, his ability and his claims arising from long services; but if it were really true that the hon. Chief Justice was incapacitated by illness or age from performing his duty, then of course the Government must be prepared to come down to the House with a distinct proposition. There was no attack on the character of the Chief Justice, either in the cor-

respondence read by his hon. friend or in the course he had taken with respect to it, and he (Mr. D.) fully concurred with hon. member for Quebec, that the Government was bound to protect the Judges. But was there any thing in the correspondence on the part of the Government which showed a want of proper consideration, was the motion one of attack? If it could be so interpreted, he would take on himself to say that the hon. Attorney General would never have brought it forward, and it would never have been received by that side of the House. Their desire was to shew that they had not neglected—not to bring a charge against the Chief Justice—but a statement of the inefficiency of the Administration of Justice brought before the House, with a view to have it investigated by a Committee. The Government now asked for that Committee, they laid before the House their reasons for doing so, they did not limit the investigation to Chief Justice Vallieres, but asked powers for that Committee to send for persons & papers, and then report on the present state of the administration of Justice in the District of Montreal, and their opinion of what remedy is called for. He deprecated entirely the idea that the motion was made in the spirit of an attack, he could not do so too strongly. Their object was to make an inquiry whether the Administration of Justice was effective or not, he believed it was not, and would wish that the reasons should appear. The investigation they demanded was general. Let it be supposed that the Administration of Justice was not satisfactory, he did not mean to assert that such was the case, but he would suppose it, and that it arose from the inability of an honourable Judge to attend constantly, would not the report of the Committee in that case warrant the application of some remedy, perhaps the one suggested by the hon. member for Quebec, the appointment of a fifth Judge to assist in the discharge of those important duties? His opinion was, that when the complaint was made to the Government that the Administration of Justice was not on a satisfactory footing, there was a good reason to believe that an accumulation of cases was taking place, which will in time amount almost to a denial of justice, and as a member of the Government he would feel bound to ask for a Committee to investigate whether such really was the case or not, and would therefore support the motion.

Mr. LAFONTAINE spoke at some length in French, and referred to periods preceding the appointment of Chief Justice Vallieres to shew that other Judges had not attended more punctually and some not so much so. He also called attention to the fact, that the feeble state of Judge Vallieres' health was well known at the time of his appointment and was not then considered an objection. He thought that if Judge Vallieres had remained on the Bench of Three Rivers, there would have been none of these complaints against him. He expressed his conviction of the talent of Judge Vallieres, and his capacity to render good service to the country, and stated that the late Chief Justice had never sat at the inferior terms. He had no wish to make any personal remarks relative to Judge Rolland, but while he confessed that that learned gentleman was a most efficient Judge, he must tell the House, that he imputed some part of the complaints to that temper which had rendered Judge Rolland so unpopular with the bar—an unpopularity which was manifested at a meeting of the bar in 1842. Believing that the bar and the public would alike have to regret the retirement of Judge Vallieres, he would not vote for the motion.

Att. Gen. SMITH—said that some of his

honourable friends appeared to be under the impression that his motion was intended as an attack on the Chief Justice, he rose to assure them it was nothing of the kind, but a desire on the part of the Government to have a general inquiry made as to the Administration of Justice in the District of Montreal. And he would ask, what other course could the Government take, when it was stated in the correspondence he had read that this hon. gentleman was incapacitated by infirmity for the performance of his duties. Now on referring to the proceedings against Baron Smith in 1834, hon. gentlemen would find that the first charge brought against him by Mr. O'Connell was his irregular attendance at Court, in consequence of which returns were called for from the different counties for the purpose of shewing the number of hours the Judge sat. This was coupled with another charge of mingling political subjects in his charges to Juries.— Now as regards the first charge what difference would there have been if it had shown that this irregularity and consequent obstruction of the course of justice was caused by the infirmity of the Judge. None at all. The parliamentary course would have been the same.

Dr. NELSON, stated that he was the medical attendant of the learned Chief Justice, and also of one of the other judges, and if an investigation was to be held as to the physical health of the Chief Justice, he could have told the Attorney General that the learned Chief Justice was infirm, as he had attended him for several very severe attacks, and had had the opinion of his former medical attendant while at Three Rivers, but he could also tell him that there was generally a great reaction and that he recovered for a time a great degree of health.— he had often been struck with amazement that after the severe attacks which he [the Chief Justice] had suffered, yet his bright and brilliant intellect never for a moment was affected. It had been said that the Chief Justice was in his dotage, now he [Dr. N.] had been accustomed to see him almost daily and he had never on any occasion seen a diminution in the power of his mental faculties, as a proof of this while suffering under very severe attacks, while his physical health was prostrated very low he had seen him in his bed, surrounded with very voluminous papers concerning some intricate law case, and others bearing on the subject lying on all sides of him. Such was the vigour of his intellect and his intimate acquaintance with law, that he could furnish data in a few days for a code of laws; which had taken a certain hon. gentleman 21 years to gather, and which after all proved an abortion. He felt it due to a certain other hon. judge to say that at the time that he proceeded to the continent of Europe, he certainly saw countries that he never saw before, but that the real cause of his absence was that he had been advised to travel on account of the ill health of a fine promising boy; on the late occasion when he obtained leave of absence, he was far from being well, he was labouring under catarrhal affection, he believed from which he had been told that there was an immense accumulation of business, he believed that it would soon be "confusion worse confounded," he considered that one or two more judges ought to be appointed.

Mr. MOFFATT, considered that the conduct of the judges ought not to be brought before a select committee unless some distinct and specific charge was adduced. He was however constrained to vote for the motion, as it was a well-founded fact that justice was lamentably inefficient in the District of Montreal, and as the motion was general and not specific.

The House then divided and the votes were Yeas, 35; Nays, 40.

ROUTINE BUSINESS.

TUESDAY, May 5.

Five Petitions were brought up. The following Bills were read a third time and passed.

Bill to repeal the Act Incorporating the Quebec Gas and Water Company.

Bill to repeal certain Acts, and to impose a duty on Distillers, and on Spirituous Liquors

Bill to amend the Act extending the Charter of the Bank of Upper Canada.

Bill to amend the Act extending the Charter of the Commercial Bank.

The Petitions of M. McCartney, J. Voljar, and J. Kay, was referred to the Committee on Contingencies.

The Committee on the Middlesex Election reported the following Resolutions:

Resolved, 1. That the sitting members for the County of Middlesex has been duly returned and selected.

Resolved, 2. That the petition of the petitioner, William Notmar, Esq., against the return of the sitting member, is not frivolous and vexatious.

Resolved, 3. That the proposition of the sitting member to the said petition is not frivolous and vexatious.

Mr. Moffatt presented a report on the petition of James Ferrier, Esq. Mayor, and other Councilors of the City of Montreal, with evidence.

Also, a Bill to amend the laws Incorporating the City of Montreal, and to facilitate the decision of cases wherein the right of any party to an Office in the Corporation may be called in question. Second reading on Friday.

A message was received from the Council, stating that they had passed the following Bills:

Bill to amend the District Court Act of U, per Canada.

Bill to increase the Salary of the Supervisor of Cullers.

The time for receiving reports on Private Bills was extended to this day week.

Mr. Cayley brought in a Bill to attach certain territory to the Huron District. Second reading Friday.

Mr. Cayley moved that the House go into Committee, on Friday to consider certain resolutions relative to charging upon the Consolidated Revenue the administration of Criminal Justice in Upper Canada.— Which was carried.

Mr. Cayley brought in a Bill to amend the law constituting the Board of Works. Second reading on Friday.

Mr. Hall brought in a Bill to amend the Charter of King's College, and to erect a University by the name of the University of Upper Canada.

Mr. Hall moved that the Bill be read a second time on Thursday.

Mr. Boulton moved that "this day fortnight" be substituted. Which was negatived, on division.

YEAS. Baldwin, Boulton, Cauchon, Cayley, Chauvean, DeBleury, Drummond, Duggan, Ernatinger, Foster, Lantier Macdonald (Cornwall), Moffatt, Nelson, Powell, Price, Robinson, Rousseau, Sherwood (Brookville), Williams, 20.

NAYS.—Messrs. Armstrong, Aylwin, Berthelot, Bertrand, Brooks, Chabot, Christie, Colville, Cummings, Daly, Desautrie, DeWitt, Dickson, Draper, Gowan, Guillet, Hale, Hall, Jobin, LaFontaine, LaTiere, Leslie, Macdonald (Glengary), Macdonald (Kingston), Macdonell (Stormont), McConnell, Merritt, Meyers, Munro, Papineau, Petrie, Riddell, Roblin, Scott, Seymour, Sherwood (Toronto), Smith (Frontenac), Smith (Missisquoi), Smith (Wentworth), Stewart (Prescott), Tache, Webster, Thompson, Viger, Weber, Woods.—47.

The main motion was then agreed to.

Mr. Attorney General Smith moved that a committee be appointed to enquire into the state of the administration of justice in the District of Montreal in the Superior Courts thereof, with a view of providing for the more efficient administration of justice therein; to consist of Messrs. Attorney General Smith, Taschereau, DeBleury, McDonald, of Kingston, LaFontaine, Aylwin and

Drummond; on which Yeas and Nays were taken as follows:—

YEAS.—Messrs. Boulton, Brooks, Cayley, Chalmers, Colville, Cummings, Daly, DeBleury, Dickson, Draper, Duggan, Foster, Gowan, Hale, Hall, McDonald, (Cornwall), McDonald, (Kingston), Meyers, Moffatt, Munro, Papineau, Petrie, Riddell, Robinson, Scott, Seymour, Sherwood, (Toronto), Smith, (Frontenac), Smith, (Missisquoi), Stewart, (Prescott), Taschereau, Viger, Webster, Williams, Woods.—35.

NAYS.—Messrs. Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chabot, Chauvean, Christie, Desautrie, DeWitt, Drummond, Ernatinger, Guillet, Jobin, LaFontaine, Lantier, LaTiere, Leslie, Macdonell, (Stormont), Methot, Nelson, Powell, Price, Rousseau, Smith, (Wentworth), Tache, Thompson.—28.

Mr. Cauchon moved the House in committee to consider the expediency of amending the act establishing a Registry Office in the Island of Orleans. A resolution agreed to. To be reported to-morrow.

The bill to amend the Agriculture Act of Lower Canada was returned to the Legislative Council amended.

Mr. Cauchon moved an address for a list of names of all officers employed in the Provincial Secretary's Office, with the length of service and amount of their salaries.

Mr. Macdonald, of Kingston, moved an address to Her Majesty founded upon the report on petition of G. H. Ryland, Esq., praying that Her Majesty will be pleased to take his case into Her favorable consideration, and cause justice to be done to him.

The said address was referred to a select committee.

Leave of absence was granted to Mr. Sherwood, of Brookville till the 18th instant.

The Kingston Corporation bill was ordered to be engrossed.

The bill for supplying Quebec with Gas and Water was ordered to be engrossed.

The House went into committee on the bill to restore the rights of certain attainted persons, and the bill was amended. To be reported to-morrow.

The bill relating to Agricultural Societies in Lower Canada was read the second time and referred to a select committee.

Adjourned.

LEGISLATIVE COUNCIL.

WEDNESDAY, 6th May, 1846.

Hon. J. MORRIS moved that a message be sent to the Lower House, with information respecting the proofs and documents on which were founded the bills relative to the Hon. H. Jones, and Juliet Vanzandt.

Hon. Mr. McKay then moved that the doors be closed: on re-admission the following bills were read a third time. Wild Fowl in L'Islet bill, Atlantic Rail Road bill, Custom's Duties bill.

Hon. Mr. BRUNEAU—moved for the second reading of the Registry Offices bill Lower Canada. The objects of this bill were two-fold. At present a great delay occurs in County Registry offices, in the registration of deeds, and he wished, to enforce the registration within a reasonable space of time. The second object he wished to obtain was, that all deeds should be kept at Registry Offices in safes. He did not wish to press his bill, if one were introduced in the Lower House for this purpose, but having spoken to several members of that body on that subject they told him they were not prepared to do so, but that the Government would perhaps take it up. If so he had no objection to let his bill lie over.

Hon. Mr. KNOWLTON—hoped the hon. member would refer the bill to a select Committee, as it made a very material alteration in the existing law, and imposed a burden on the registrars they would not perhaps be able to bear. So far as regarded estates, it would be

a matter of consideration for the Committee. In the New England States the Registry Offices were generally kept in wooden buildings, and he believed no accidents had occurred from so doing during a period of two hundred years.

Hon. Mr. M'GILL—thought it highly important that the Registry Offices should be kept in secure places, and highly approved of that part of the bill regarding sales. He would be glad that the reports of the Commissioners on Registry offices should be laid before the Committee. He had not seen the report respecting Montreal but he had read that from Quebec, and he could not understand how it came to appear in print under the sanction of the Government. He could not believe it had been submitted to the inspection of the proper officers or it would have been sent back for correction, it was full of extraneous matter and contained reflections on gentlemen now holding seats in the other branch of the Legislature which in his opinion, were actionable as libels. He hoped Mr. Clerk's report was not of the same nature, if it were, he hoped it would never appear in print.

Hon. Mr. KNOWLTON—confessed that his impressions on reading the report referred to by the hon. gentleman, were fully as strong in astonishment as his had been. And as it had gone forth to the world he hoped to see the report for Montreal also printed, and sit side by side in order to see if the officer had done his duty.

Hon. Mr. GORDON—said that it was undoubtedly right to take means for the security of the documents in Registry offices, but it should be borne in mind that in Lower Canada the Registrar must provide the building at his own expense, whereas in Upper Canada that expense was defrayed by the District Council. The bill was then read a second time and referred to a select Committee.

The report of the select committee on witnesses attendance bill, &c., was taken into consideration.

Hon. Mr. NEILSON objected strongly to the bill. It would put the power into the hands of a petty county magistrate of compelling people to appear before him, and imprison them for ten days if they refused to answer such questions as he chose to put to them. It was monstrous.

Hon. Mr. FERGUSON was sorry his hon. friend objected to this bill. The powers it gave were absolutely necessary. Report adopted, bill to be read a third time to-morrow.

The House went into committee on Magdalen Islands bill, shortly after rose, and asked leave to sit again.

The report of select committee on Trafalgar Road Company's Bill was adopted.

Bills read a second time:—Saguenay Pilots bill; Albion Road Company's bill; Andrews Road allowance bill; Niagara Suspension Bridge Bill; Upper Canada Bank Charter bill; Commercial Bank Charter bill.

Hon. Mr. MORRIS was not prepared to explain all the alterations in the Distillers Duty bill, and therefore moved that it should be postponed until Friday.

The House went into committee of the whole on the Universalists bill.

Hon. Mr. MORRIS had no objection to Ministers, on arriving in Canada being obliged to go before the Court of Quarter Sessions, and there prove that they were ordained, and had full power to perform the functions of their office; but he had an insuperable objection to any one sect being put on a different footing from the others. The Ministers of the Church of England and Church of Rome are not obliged to do so, they can enter upon their duties,

at once, but the ministers of other sects are obliged to wait months before they can do so, and then take the oath of allegiance, and present their documents for examination. Now this must imply some thing; it must imply that they are not loyal, or that the Ministers of these sects are not sufficiently well educated. And it might happen, as had done on a recent occasion, that the Magistrates would take it into their heads that they had a discretionary power, and reject a Minister. That had occurred; and the Minister was obliged to leave the Court in disgust. It was a bad system, but if it were to be the law, he would wish it to be the law for all; would it not be better to give them the power of solemnising marriage at once on arriving in the Province, instead of being obliged to wait for three months. As respects another point of the law, which made it necessary for Ministers to send in annually a list of marriages solemnised by them under a penalty of £40, he had reason to believe, that if carried with effect, there are a great many ministers who would be liable to the penalty. That clause of the statute might be repealed. If the principle were admitted that Ministers of all sects should be put on the same footing, the bill should be sent back to the Committee, and the bill amended.

Hon. Mr. BRUNEAU said he had no objections to any rules the Protestants should make among themselves, but if it were intended to extend the action of the bill to his Church—

Hon. Mr. FERGUSON—No, no; it was not intended to make any interference with the Church. The hon. gentleman then expressed his gratification at the truly liberal remarks made by the hon. Receiver General, which he felt confident flowed from his heart.

Hon. Mr. WALKER made some remarks which were inaudible in gallery.

The committee then rose, and the bill was sent back to the select committee.

Several bills were introduced from the Lower House, and went through a first reading.

The House adjourned.

HOUSE OF ASSEMBLY

WEDNESDAY, May 6, 1846.

Montreal Gas Consumer's Company.

On the order of the day for the second reading of the bill to incorporate the Montreal Gas Consumer's Company being read, F. G. Johnson, Esquire appeared at the bar of the House as Counsel for the Montreal Gas Company, and opposed the second reading of this bill on account of the non liability of the stockholders of the new Company, while the stockholders of the Company whose interests he represented are individually liable for all the debts of the Company. He objected also to the dangerous identity of the Corporation of the City of Montreal with the new Company; they being allowed to take shares to the amount of one third of the capital; and that certain actions were to be taken out in the name of the "Mayor, Aldermen and citizens of Montreal," and thus on some occasions the Corporation might have the triple capacity of plaintiff, stockholder and defendant. He thought that the new Company ought not to be allowed the space of seven years to commence operations, when the old Company by their Act of Incorporation, though the lighting by Gas in this latitude was an experiment, were obliged to commence their works in two years. The new Company will seriously inconvenience the citizens of Montreal by cutting up the streets and pavements. He thought that consideration ought to be shewn to the old Company on account of their, being the first to introduce Gas, under serious obstacles, into the

city of Montreal, to the great advantage of the citizens.

Mr. MOFFATT.—The arguments of the Counsel (Mr. JOHNSON) have been made with great fairness; but he considered that the objections which the learned gentleman had urged against several clauses of the bill, might be considered by the Committee on private bills, to whom he intended to refer it, and they might modify the different sections if they thought it necessary. The new Company was willing to light the public lamps of the city at the rate of £4 4s. each, while the city now paid £6; this he thought, was a sufficient compensation for the privilege of opening the streets. The present Gas Company charge 25s. per thousand feet; this the inhabitants and Corporation consider it an unreasonable charge, & it has given great dissatisfaction. He (Mr. M.) read letters from Mr. Edge of London, and other documents to shew the rates charged for Gas in England, and the constant beneficial effects of the reduction of price. The Gas is not generally taken in Montreal because of the exorbitant rates. He considered that it would not be advantageous to the city to buy the works of the present Company as they had cost them, £25,000, when as he understood, as good works could now be constructed for £15,000. With regard to opening the streets, he could state that there was no objection from the Corporation or the citizens; and even if this Company was refused a charter, the present Company and the Water Works will soon be obliged to lay down more extensive pipes. He had written to the Mayor (Mr. Ferrier) to see whether the Corporation had any objections to the new Company; Mr. Ferrier stated that the Corporation had agreed not to meet until the Parliament took some action with respect to their difficulties, but he believed that the Corporation and majority of the citizens were favourable to the new Company. He (Mr. M.) did not wish to give the new Company any privileges over the other.

Mr. LAFONTAINE—thought that the entire management of the supply of the city with Gas as well as water, ought to be in the hands of the Corporation.

Mr. MOFFATT—considered that it was not expedient for the Corporation to increase the debt of the city, and that the late difficulties had given such a shock to the credit of the city, that it would take several years to recover it.

Mr. CHAUVEAU—enquired what was the opinion of Mr. Mills with respect to this Company?

Mr. MOFFATT—had not thought it either necessary or his duty to ask Mr. Mills' opinion. He did not think that Mr. Mills was Mayor of the city of Montreal.

Mr. CHAUVEAU.—Mr Mills is Mayor.

Mr. CUMMINGS rose to move the second reading of the bill to amend the law respecting ferries. He regretted being obliged to bring in a bill for this purpose. For several years past ferries have been attended to by every person who chose to do so, until the Government at length took it up and imposed some restrictions in order to preserve the privileges of the lessees. But the operation of this act was such as to prevent individuals crossing in their own boats, being subsequently taken up and fined. He had been informed by a gentleman who had a lawsuit on the other side of the river, that he had travelled in his own boat, taking his witness with him; and when he returned he was taken up and fined immediately. Fishermen on crossing could not take people in their boats with them; and in fact it had gone to such an extent that, as he

had said already, people could not make use of their own craft without being fined. As a ferry had to his own knowledge been leased out privately instead of being put up to public competition, he had inserted a clause in the bill that in future all ferries should be leased out in that manner. At the same time he must say he had considerable doubts as to whether the Government had the power of leasing ferries from the Canadian to the American side of the river.

Mr. SMITH, of Frontenac, 3rded, the motion most willingly. People cannot use their own property without being fined. He did not believe the law was intended to have that effect, and he would suggest to his honourable friend to make a motion for the repeal of the present law altogether; if he did so, he would hand him the bill at once.

Mr. WILLIAMS, on-looking over the original bill, could not see any clause which gave a right to interfere with people making use of their own boats. (Hear, hear.) It was true that it declared no person at these ferries should carry goods or persons for hire or reward, and he could not believe that there was an act on the Statute Book which would bear the construction put on it by the hon. member. With respect to people being fined, he would like to know if any appeal had been made from the Magistrates to the Quarter Sessions?

Mr. CUMMINGS would tell the hon. gentleman. The person whom he mentioned had come to him for advice, and he (Mr. C.) advised him to appeal to the Quarter Sessions. — He did so, and the case was then sent to the Court of Queen's Bench, where it is at present and is likely to remain.

Mr. HALL would certainly vote for the repeal of the law, and he defied the House to say that he had not a perfect right to go to the U. States in his own craft. It was neither law nor justice. If he wished to cross eighty miles, he might do so—no one would interfere with him; but if he attempted to cross where it was only two miles, it was a ferry—and he was fined.

Mr. SHEPWOOD, of Brockville, was favour of having the law amended but not repealed altogether as it would injuriously affect the lessees, who, in consequence of this protection, had been induced to offer a high rent for the ferries.

Mr. DRAPER said that in every instance where a lease for a ferry was granted the lessee was bound in the strictest manner to have all boats necessary, but at the same time a person making use of his own boat could not be punished, but if he took another party with him he was liable to conviction for a nuisance to the ferry. With respect to another point he had the misfortune to differ with the highest law authority in the Province as to the right of the Government to lease ferries leading into foreign countries, and so long as the present law exists of course they must be bound by it.

Mr. McDONALD, of Kingston, fully concurred in what had been said by Mr. Cummings, but considered the manner in which these cases are decided at present the worst part of the law.

The bill was then read a second time and referred it to a committee of the whole, who reported it to the House with several amendments.

Mr. Solicitor General TASCHEREAU, introduced a bill to compel the attendance of witnesses in Courts of superior jurisdiction.

Mr. AYLWIN, it was due to the House to state in what this law was deficient.

Mr. TASCHEREAU, said that there was no law, by which witnesses who refused to give

their attendance in criminal matters could be compelled to do so.

Mr. Attorney General SMITH. The member opposite may recollect the case in which a man was murdered in Bytown, there was there no means to compel the attendance of witnesses.

Mr. DRUMMOND, would suggest another provision if it were not already introduced; it was that, of allowing the Judges to issue commissions to take evidence in the United States or elsewhere, as was done in civil matters. It often happens that witnesses go to the United States before the trial comes on and thus the ends of justice are thwarted.

Mr. TASCHEREAU, never heard of any law by which a commission was issued in criminal matters.

The bill was then ordered for a second reading.

Mr. ROBINSON introduced a bill to authorize the Desjardins Canal Company to borrow a sum of money. He said that this company had been commenced with a capital of £6,000 to which the Government had added £17,000 but the canal is far from finished yet. It will require as much as both the above mentioned sums put together to finish it. From the state of the Revenue, it is evident that the Government will not be able at the present time to give any assistance, there can therefore, surely be no objection to allow the company to borrow a sum not exceeding £25,000. The Canal at present has only from 4 to 5 feet of water, and yet it does a large business, if the Canal was deepened it would do far more. He hoped the Government would make no objection to the bill and when the Canal was finished it would ultimately pay all parties.

The bill was ordered for a second reading.

ROUTINE BUSINESS.

WEDNESDAY, May 6, 1846.

The following Petitions were read:

Of L. Lawson and others, of London, praying the removal of the present holder of the offices of Judge of the District, and Division Courts, and Chairman of the Quarter Sessions.

Of J. Bid and others, of Peterboro', for a grant for building a bridge across the River Otanabee.

Of Dr. Campbell and others, Medical Practitioners of Canada West, for the establishment of a Provincial and District Medical Societies, and a Medical Board.

Of A. Sanborn and others, of Roxton, praying that the Clergy Reserves may be sold, and the proceeds disposed of as the Legislature may see fit.

Of W. H. Bullock and others, of Boston, praying that all classes may equally participate in the benefits of King's College, and that no aid be granted to McGill College except on the same conditions.

Of J. Strickland, of Whitby, praying compensation for loss in consequence of a portion of his land being taken for the construction of a road.

Of W. S. Darling and others, of Scarborough, praying that a portion of the Clergy Reserves may be vested in the Church Society of Toronto.

Of Hubert Bourassa of Lapararie, for the payment of a sum due him by the Chamby Canal Commissioners, for his service as a valuator.

Of W. Cladwell and others, of Reach, praying that the grant for improving Simcoe Street may be expended according to the original intention.

Of T. Proul and others, of Sopsiasburgh, praying that certain stone monuments may be planted on the original survey.

Of Members of Temperance Reformation Society of Toronto, for a restraint upon traffic in intoxicating liquors, and for alteration in the system of Tavern License.

Of W. B. Jarvis and others, for an Act of incorporation to enable them to construct a Canal to connect Lake Superior and Huron.

Of H. Miller and others committed pensioners, praying for an address to Her Majesty to restore their pensions.

Of A. Adams and others, of Barnston, praying that the Clergy Reserves may be sold, and the proceeds devoted to the promotion of Education.

Of W. Ramsay and others, Baptists, of Kingston against any interference with the Clergy Reserves.

Of Rev. Thomas Phillips, for the continuance of his salary as Chaplain to the Legislative Council of Upper Canada.

Of J. G. Geddes and others, of Hamilton, against the passing of any Bill tending to destroy the religious character, or invade the chartered rights of King's College.

Of the same, praying that the Church of England may have the control of her share of the School Funds.

Of Messrs. Goodesham and Worts, and others, Distillers, of Toronto, against the Bill for imposing a duty on distillers.

Of the Widow of the late James Aallen, who was killed at the battle of Odelltown, praying for a pension.

The Bill to incorporate to the town of Kingston as a city.

The Bill to incorporate a Company for the supply of the city of Quebec with Gas.

And the Bill for the supply of Quebec with Water, were severally read a 3d time and passed.

Several petitions were read.

The House went into Committee on the report on the petition of E. Goy et al, relative to Montreal Roads. A resolution agreed to. To be reported to-morrow.

A message was received from the Legislative Council, that they had passed the following Bills—

For the preservation of wild soul in L'Islet. To amend the act incorporating the St Lawrence and Atlantic Railroad Company.

To amend the laws imposing provincial duties of Customs.

A message was also received, communicating the evidence upon which the Council had passed the Bill to enable the Executives of the late Hon. Chas Jones, to convey a certain lot of land to the Board of Police of Brockville; as also the evidence upon the Bill for the relief of John Vanzant.

On the 21 reading of the Bill to incorporate the Montreal Consumers Gas Company.

F. G. Johnson, Esq. appeared at the Bar as Counsel for the Montreal Gas Company, against the Bill, and addressed the House, and having withdrawn.

The question for the 21 reading of the Bill was put and carried, and referred to the Committee on Private Bills.

The Bill to amend the ordinances incorporating Quebec, was read second time, committed and amended. To be reported to-morrow.

The Bill to incorporate the Huntingdon Plank Road Company, was committed and amended. To be reported to-morrow.

The Bill from the Legislative Council, for vesting in Trustees the Sites for School Houses in Upper Canada, was read 3d time.

Mr. Draper moved that the following proviso be added to the Bill: "Provided also, that nothing in this act contained be construed to

extend to common schools," which was carried.

Mr Draper laid before the House a return of an address for a statement of law costs due on lands seized by the Sheriff, and belonging to persons concerned in the late rebellion.

The Bill respecting Ferries in Upper Canada, was read second time, committed, amended. To be reported to-morrow.

The Bill to incorporate Hamilton, was read 2d time and referred to a Select Committee.

The Bill to amend the Registry Laws of Upper Canada, was committed and progress reported. To sit again to-morrow.

The Bill to remove doubts as to the validity of certain deeds, executed before Notaries in Lower Canada, was committed and progress reported. To sit again to-morrow.

The Bill to prevent the drawing of nets in the Lakes of Upper Canada, in certain seasons, was committed, reported back, and referred to a Select Committee.

The Bill to enable the *Seers Grises* of Montreal to dispose of their property, was read the 2d time and referred to the Committee on Private Bills.

The Bill to vest a certain road allowance at Barton, in Hamilton, was read 2d time, committed, and ordered to be engrossed.

Adjourned.

LEGISLATIVE COUNCIL.

THURSDAY, May, 7, 1845.

The House sat with closed doors until half past four, and when the public were admitted, were engaged in the discussion of a motion for leave of absence, applied for by the Hon. Mr. McKay, in order to attend a Court of Justice at Toronto.

Hon. Mr. FERGUSON would not take up the time of the House, in discussing this question as one of privilege; but he would say, when there were only twelve or thirteen members present, who were all required on the Committees, this motion ought not to pass, and he would say "No" to it.

Mr. BRUNEAU was decidedly opposed to the motion. If the House enjoyed the same privileges as the House of Lords, they should assert these privileges, and be exempt from a summons to attend Court. Hon. gentlemen should not be called on for this purpose, many of them came from great distances to do their duty, and should have the right to do so, without interruption.

Hon. Mr. CARON would say on this occasion, what he had always said, that when the privileges of the House were called in question, no man would be more firm in their support, but if hon. gentlemen wanted the House to be respected, they should not attempt to assert doubtful privileges, or else they would be despised. Now, it was said that the motion should not be granted because the chairs were not filled, because hon. gentlemen did not choose to perform the duties which they were sworn to perform. Was that a reason, why an innocent party, for want of a witness should be condemned and perhaps left to languish in Jail? Was that a reason, because some hon. gentleman preferred staying quietly at home, instead of coming here to perform their duties, that this motion should be rejected? He was surprised that such reasoning should be set up in opposition to the sacred cause of Justice. But to give a colour to it, it had been said that hon. gentlemen should not be called from their duties to act as Jurors. He agreed to that, they should not be summoned to act as Jurors, because a Juror could be found without difficulty, but a witness could not be found every where, a witness

should not be compelled to remain here, perhaps that was the only one witness to establish innocence, and would the House in that case allow justice to be impeded? He would not insist upon the existence or non-existence of a privilege in the case, but he would say that good taste should direct hon. gentlemen what course to pursue. He said good taste—good taste and good feeling ought to prevail here, and he was surprised when an hon. gentleman said good taste might be very well in England, but it should not be maintained here, considering the circumstances of the country. Hon. gentlemen were very fond of saying that they should assert the same privileges as the House of Lords, and when they could not draw example for their guidance from its practice, that they should follow the example of the House of Commons, but should they not govern their conduct also by good taste, if they set that aside, they would destroy good morals also. His hon. friend had a sacred duty to perform, he was willing to undertake all the fatigues and dangers of this journey in order to save an innocent person, and he hoped he would do so, it would do him honor. He hoped he would withdraw the motion, in order to save the discussion of this question of privilege, and obey the call made on him. And hon. members who now raised the question of privilege, would ever regret it, for the cause of justice was sacred.

Hon. Mr. WALKER thought that the question of privilege had been set at rest. The House had merely to determine whether this permission should or should not be granted.

Hon. Mr. M'KAY said that the case in which he was called had been taken from the district in which it should have been tried to Toronto, in order, as he must suppose, to prevent the attendance of witnesses. For in Upper Canada, witnesses must bear all the charges of their journey themselves, and many of the witnesses, in consequence, would not attend, it would, therefore, be necessary for him to do so.

Hon. Mr. FERGUSON would put it to the hon. Speaker if he were summoned to attend a trial at London or Toronto, would he put a stop to the business of the House by going there?

Hon. Mr. M'GILL was not afraid to try the question of privilege. The House either had privileges or had not, and he, as one of its members, was ready to try the question at once. It often happened in the course of debate that hon. members said they had the privileges of the House of Lords. It was time to try whether such really was the case, and he should like to know the power in the country which would put it to the trial. If the Court of Queen's Bench enjoyed higher privileges, and had the power of summoning members, it was high time it should be known.

Hon. James MORRIS—had been anxious that the question should be brought before the House in its present shape, and he was ready to grant it. Hon. gentlemen had said this motion should not be granted because the chairs were not filled, but even in the absence of the hon. gentleman there would be sufficient to carry on the business of the House, and if the House were broken up for want of a quorum the blame would not fall on his hon. friend, but on those who had come here merely in order to save their seats and then returned home again. He understood even that some hon. gentlemen who opposed the motion had formed an intention of going home without asking leave, and therefore their opposition. It was but right that his hon. friend should have leave. A person of high standing had been charged with a very heinous offence, and would it be

right that his character should bear a stain for months when it could be cleared by the evidence of his hon. friend.

The motion was then put and lost.

Hon. Mr. WALKER—reported from the Committee on the Saguenay Pilot's bill, that no further proceedings be had on it. The hon. gentleman said that seven or eight years ago Mr. Price had erected Saw Mills on the Saguenay, and has since that time employed a large number of persons in carrying on his general business. Among them were the five individuals whom this bill was intended to incorporate for the pilotage of vessels in the Saguenay. In consequence of a dispute with Mr. Price they had left his employ and now took upon themselves to judge what was necessary for the navigation of that river, and the rate at which they shall be paid. They had not served any apprenticeship, nor received any education as pilots, nor was there any Board for their direction. Under these circumstances the Committee had arrived at this conclusion, especially as Mr. Price was the only person who had vessels entering the Saguenay, and if he and the underwriters were satisfied with the present mode of navigation, he could not see any reason for forcing him to put a pilot on board his vessels.

Report adopted.

Hon. Receiver GENERAL—moved that the order of the day respecting the Administration of Justice in the District of Montreal be discharged. This question had been taken up in the lower House, and he found on looking over the law that there was no necessity for separate proceedings. He had made this motion in consequence of repeated complaints being made to the Government during the last twelve months of the incapacity of one of the Judges, and no course remained but to bring the subject under the consideration of the Legislature. That had been done in the other House, and as it would be necessary to proceed by joint address, he would move that the order be discharged.—Carried.

Hon. Mr. Crooks moved an address to His Excellency respecting the progress of the useful arts.

The Magdalen Island's bill passed through Committee of the whole with several amendments.

Bills read a second time and referred to select Committees.

National bill Lower Canada. Bill to repeal Quebec Gas and Water Company Incorporation Act. Bill to supply Quebec with Water. Bill to light Quebec with Gas.

The amendments to the School Act were concurred in and the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, May 7.

The House went into committee on the Coburg paper manufacturing company.

Mr. GOWAN, this bill contains the same objections that were made to the incorporating the Quebec Forwarding Company, viz: That the liability of the company was limited, he had voted against the bill incorporating the Sherbrooke Cotton Factory, and he would be compelled to be consistent with himself to vote against the bill unless the member who had charge of it pledged himself to strike out the clause limiting the liability.

Mr. BOUTON, it is little to the credit of the House that they should have adopted the principle of not incorporating Co's with a limited liability. It will most effectually prevent the progress of manufactures in this country. In the United States this principle has been discarded altogether.

Mr. McDonald, of Kingston, did not think that the House could entertain the present bill, from the determination that they had come to on the Quebec Forwarding Company bill. The Capital of the company is small, it is within the reach of any one man; and by incorporating this company, you in a manner prohibit any one else from starting a paper manufactory. The company, it is supposed, will make profits, and at the end of some time, when they have become rich, they may fail, and even the profits are not liable for the debts. They can obtain all the advantages wished for by a bill simply allowing them to sue and be sued, except that their liability is but limited. He would conceive it the height of inconsistency to pass the present bill after the vote that had been given the other night on the subject.

Mr. MEYERS, the principle may be good in the abstract, but why not refer it to all incorporated companies, why limit the liability of Railroads and other companies of a like nature?

Mr. ROBLIN, was against a limited liability, he considered that the profits ought to be secured, if the liability was limited; he believed that the company had no objection to an unlimited liability.

Mr. AYLWIN, this House must meet out the same measure of justice to this company as they did to the Quebec Forwarding Company. He would advise the member who has charge of the measure to refer it to a select committee; so that the bill might be remodelled to suit the views of the majority of the House. If the House would recede from the decision it had come to on a former occasion, he would most heartily rejoice.

Mr. BALDWIN, when once the opinion of the House has been taken on the matter, every bill ought to be adapted to it. The committee on private bills ought not to have reported a bill containing a clause limiting the liability, without some remark, after the opinion of the House had been declared on the subject.

Sol. Gen. SHERWOOD, the principle has been fully discussed, and altho' there was a wide distinction between the two companies, yet the liability of this company ought not to be limited. There are already paper manufacturers in Toronto and elsewhere, who are not incorporated, and therefore, their liability is not limited; it would then be giving this company a decided preference, to limit their liability. He would advise the hon. gentleman who has charge of the bill to move that the committee rise and then refer the bill to a select committee.

Mr. MEYERS had no objection to the liability of the company being made double the amount of the stock.

Mr. BOULTON, if this House conceives that they are pledged to the principles of not limiting the liability of any company, then he would tell them that they had adopted a bad principle. (Hear, hear.) He conceived that it would most effectually put a stop to all manufactures. He would inform this House that there was not as much brown paper made in this country as we consume, and that paper of that superior quality which is made in Great Britain cannot be made here; this House ought not to refuse to incorporate this company. It would be far better to incorporate any one company with a large capital than to have a lot of peddling ones.

Mr. PRICE, it appears that all the arguments in favour of the limited liability of the company are drawn from the fact that the House incorporated the Sherbrooke Cotton Factory last session. It will be recollected that he had opposed the bill, but that the member for Sherbrooke with his usual warning way, stated that the House had led the Com-

pany to believe that they would be incorporated with a limited liability, and that it would be unfair for them at that time to draw back, and on this account the bill passed. In reference to the report of the committee on private bills, he stated that they had mentioned the subject in their report.

The Committee rose and reported progress
Great Western Rail Road.

The House went into committee on the Great Western Railroad bill, on the 25th clause.

Mr. SHERWOOD said, that this clause was making the company a legislature, with power to alter or amend the acts of this legislature. This was giving a power which he could never consent to; he had no objection to give them the power to make bye-laws, but he could never consent to such power being delegated to any person or persons. It was a proposition that was never proposed to any legislature before.

Mr. MOFFATT, the object was to allow them to make any arrangements among themselves for their mutual protection, and to embody them in the act, instead of making a bye-law for the occasion.

Sol. Gen. SHERWOOD, it was delegating the power to alter the acts of this legislature.

Mr. ROBINSON, it only gives them the same power to alter the act, as they would possess by a bye-law.

Mr. BALDWIN, it certainly gives them the power to alter the act of Parliament.

Mr. MOFFATT, if any member will shew that the clause will in any way affect the public credit, he would go with them, but as long as it merely affects the company itself, he would vote for the clause.

Mr. BALDWIN, the orders of the company will then become part of the laws of the land.

Mr. MOFFATT, no more than the bye-laws will, they will be recognised by Courts of law.

Mr. SHERWOOD, no bye-law can be made repugnant to the act of Parliament.

Mr. LAFONTAINE said a few words in French. The committee rose, and obtained leave to sit again.

Court of Queen's Bench, L. C.

Mr. DRUMMOND, in moving the first reading of the bill "to extend and define the powers of Courts of Queen's Bench in Lower Canada, in certain cases," said—This bill is introduced for the purpose of giving redress to aggrieved parties in cases of usurpations in Corporations. There are now two modes of proceeding in these cases; the first is a criminal proceeding and the other is a civil proceeding, regulated by the statute of Queen Anne. The criminal proceeding, being an information filed in the name of the Attorney General, was of course introduced into Lower Canada with the whole criminal law of England. This proceeding, in consequence of the many delays attending it, fell into disuse; and the statute of Queen Anne was passed to give a more expeditious remedy to persons who complained of being deprived of their just rights in Corporations.—This act makes the information in the nature of a *Quo Warranto* a civil proceeding, and it could be taken out at the relation of any private individual. The general impression was, that this statute was in force in Lower Canada. He wished to introduce this statute only, making the proceedings more summary. He did not desire to allow every person to disturb individuals in the possession of corporate offices, but only those who have an interest in the office. He wished also to supply a defect in the common law with respect to returns of Writ of Mandamus, for now if a false return

is made there is no remedy. He intended to give the Judges power to proceed in the cases in vacation, as is now done, to great advantage in cases of lessors and lessees. Without this power individuals might protract the proceedings until the term in which the corporate office was to be held, had expired.

Mr. McDONALD of Stormont moved for the second reading of the bill to amend the act for the sale of public lands.

Mr. DRAPER, suggested that it should be referred to the same Committee as the bill introduced by the member for Ottawa. If not he would divide the House on the subject and he would do so on broad principles, it was taking away from the revenue; by issuing scrip, there is a diminution in the amount of the public lands. The bill must therefore come down in another way having received the sanction of the Crown. Unless so introduced he must oppose it.

Mr. AYLWIN said, he admitted that the arguments of the Attorney General were correct, but in the present case he felt bound to support the second reading of the bill and for this reason, that by a side wind caused by the mighty genius of the member for Three Rivers the full benefit had been given to the Lower Canada militia, this was after the person who now fills the Chair of President of the Executive Council—but who then represented the borough of *nothere*—had so ably discussed the *crise ministerielle*; he did so because he expected that by the mighty benefits he was giving to the old militia of Lower Canada, he would get their support and be returned for some place or other. The member for Lotbiniere sent in a petition stating that the time allowed had been a year shorter than was intended; this petition was not referred to the Law Officers of the Crown, but to the pocket of the Attorney General—for it was very useful to have pocket officers—and it was confirmed by the pocket of the President of the Council, and a large quantity of scrip was issued. It is true he said, that two blacks do not make a white; but after Lower Canada had possessed the advantages claimed by the member for Stormont, it would come with a very bad grace from him to oppose it. He believed that the member for Stormont, was one of those that did not usually support the Government, he did not bring the measure forward to gain any political reputation, but for a far higher and nobler object, viz.—to gain for his companions in arms their just rights. The member for Three Rivers is not a person consummate in strategy, he is no fighting man in the real sense of the term but he expected to have increased his influence in a political point of view, but he has lost it. Did the militia represented by the member for Lotbiniere to apply Viger. No. They applied to you Mr. Speaker—and he lost the benefit he expected to have derived for the job. He sits there laughing wrapped up in his own pretended dignity; but his heart is callous, it is as hard as a mill stone.—He perpetrated a job on Upper Canada; well it was time that Lower Canada should be forsaken, for Lower Canada has been sufficiently jobbed. He (Mr. A.) did not like jobs, especially when they were committed on the militia on those that had been the country's defence in time of war. He expected to give them a boo; yes, no corrupt Government can exist without boons. The corrupt Government of Lord Sydenham could not get on without continually giving boons (cries of—and Bagot) hon. gentlemen call out about the administration of Sir Charles Bagot he would ask the member for Megantic whether the administration of Sir Charles Bagot was corrupt.

Mr. DALY, echoed the sentiments on that subject that had been expressed by his friend the Attorney General West.

Mr. AYLWIN would ask one who had been a colleague if they had done anything to plunge the country into debt. (Hear, hear.) He would ask whether the hon. gentlemen from London and Megantic can approve of the sentiments uttered by the members for Sherbrooke and Leeds who are their supporters. He would ask the member for Sherbrooke whether he was in the opposition during the administration of Sir Charles Bagot. He (Mr. A.) believed he was not till after his death. He would ask the ostensible leader of the administration whether, he did not support the administration referred to; if he is consistent with himself he would not remain silent, let him be consistent for once in his life. He (Mr. A.) did not think it proper that after the death of Sir Charles Bagot his acts should be canvassed; he had an administration and that administration was responsible. He (Mr. A.) felt it his bounden duty to have the practice of the member opposite exposed; but after all his strategical practices mark the result, do the Militia men apply to him! No! They apply to you Mr. Speaker, they apply to the member for Terrebonne, and they apply to me and he felt more honored by their application than he could by the acceptance of any office. He would ask the members of the House whether the person who represents the borough of Three Rivers, whether he now or ever represented Lower Canada (loud cries of No! No! from the opposition members with feeble cries of Yes! Yes! from the Lower Canada members of the ministerial benches.) He would ask the members on this side of the House whether he ever did. (No! No!!)

Mr. ROBINSON, rose to order, the hon. gentleman ought to address the Chair.

Mr. AYLWIN.—He had effected his object, the member for Simcoe calls me to order, aye he feels for his old colleague. He in conclusion charged the President of the Council with having wilfully perpetrated a job, by which the public lands have been despoiled.

Attorney General DRAPER said the hon. member for Quebec had thought fit to charge the venerable President of the Council with something a proaching to gross corruption, with doing an illegal act, knowing its illegality, in the vain hope of obtaining political influence, and thence he [Mr. Aylwin] argued that inasmuch as such an act had been committed it was logical in him in the present instance to commit a similar one. [Laughter.] The hon. gentleman had also charged the hon. member for Sherbrooke with having attacked Sir Chas. Bagot after his death. He [the Attorney General] would say that the hon. member for Quebec should be the last man to rebuke another for such an offence, seeing that he himself attacked the memory of Lord Sydenham immediately after the death of that nobleman, and while his bones yet lay within the echo of the hon. member's voice. He [the Atty. Gen.] replied in that instance in a manner that he would not then revert to, but he would repeat that the hon. member ought to be the last man to complain of a Governor being improperly accused, he having been the first after Responsible Government was established to violate that principle of it by which every act is chargeable not upon the Governor but upon his constitutional advisers.

Mr. AYLWIN begged to explain that what he said of Lord Sydenham was that in reference to men in his station the same right existed as had been held by the Egyptians, viz., that a man's death was no barrier to the questioning of his acts; besides he (Mr. Aylwin) stood in

a different position towards Lord Sydenham than did the hon. member for Sherbrooke towards Sir Charles Bagot: he (Mr. A.) had never in any way approved of Lord Sydenham's conduct, but had been throughout his firm and uncompromising opponent.

Attorney General DRAPER said the explanation of the hon. member could not justify a departure from the principle of Responsible Government which held that whatever was done by a Governor was the conduct and acts of those who advised it; that was clearly the proper doctrine, and were he at that moment to hear an attack made upon the personal character of that worthy and noble minded man Sir Charles Bagot he would be the first to repel it. (Hear, hear, from the opposition.) With regard to the charge against the President of the Council, and which like other charges against the same venerable personage had now almost become stereotyped, it was founded upon an act towards the militia of Lower Canada, which the Government considered just; petitions had been presented upon the subject of the Militia lands setting forth, what was discovered to be the fact, that by a mistake in the publication of the time fixed by law within which claims would be received certain parties were deprived of a period of twelve months, which they would have otherwise had for the prosecution of their claims. When a numerously signed petition to that effect was presented, and the mistake discovered, the Government only hesitated as to how justice could be done; they referred the question to a Queen's Counsel of Lower Canada, one not of their party, and who was not likely to prostitute his conscience from any leaning towards the Government. (Mr. Aylwin—Quesnel, Quesnel.) He (Atty. Gen.) had no desire to deny that it was the gentleman named by the hon. member for Quebec that the Government referred, and who gave an opinion in favour of the course they had adopted. The great theme of that course had been directed against the hon. member for Three Rivers, but he the (Attorney General) was prepared to bear the responsibility in common with his venerable friend. [Hear, hear.] He was willing that they should be tried at the same bar, (Cheers.) "try us by it" continued the Attorney General "where you will and when you will I will never desert the man who stood alone in defence of Lord Metcalfe, and whose firmness was afterwards rewarded by the support of a large majority of the country. (Loud cheers.) The learned member next repeated his objections to the bill on the ground that it was such as could alone originate with the Government.

Mr. BALDWIN said, that the course the debate had taken gradually branched into a question not directly involved in the bill before the House, but which was nevertheless of much importance, and upon which he (Mr. Baldwin) thought it became him to offer a few remarks. With regard to the Militia of Lower Canada, he (Mr. Baldwin) would say that he was, of course, ever ready to extend to them the utmost justice; but it was one thing to say that, and another to resort to grossly unconstitutional means to benefit them. He said last session that the course adopted by the hon. member for Three Rivers in granting the scrip referred to by the hon. member for Quebec was entirely unconstitutional, and he would say so still; it was a course that could only be justified by an extreme public exigency, and then indemnity should be applied for to the Parliament as soon as possible. But in the case alluded to, no such exigency existed, there was no pressure from without or from within, and yet, did the hon. member for Three

Rivers, with the concurrence of course of his then brethren in the Ministry, the blooming member for Megantic, and the hon. Attorney General West, fly in the very face of an act of Parliament, an act passed too, it should be observed, by a Government of which the Attorney General himself was one, viz., the Harrison Administration; and in reference to that designation of a Government—he (Mr. B.) would say that he entirely concurred in the doctrine laid down by the hon. Attorney General, of not holding the Governor of the day responsible, and he also held that the term Administration as applied to a Governor was not correct, it was applicable only to a Responsible Ministry. But in reference to the law of 1841, that of the Harrison Administration, it was there laid down in as express terms as could possibly be employed. "That no new claims to land founded upon any regulation, or order by the Government, shall be allowed or entertained, unless made before the first day of January, which will be in the year of our Lord 1843, except when the parties originally interested and claiming, shall be under the age of twenty-one years on the said day. 4 and 5 Victoria, chapter 100, section 13." It was in the face of this plain declaration of the law that the venerable President of the Council has dared to act and for which he deserved Impeachment. It was true the hon. Attorney General West came to the rescue, avowed his participation in the outrage, and shouted that he was prepared to stand or fall by the side of his venerable colleague, declared that he was willing to be tried at the same bar with him and to share in whatever punishment might be inflicted; this was all very fine; it was easy for the learned Attorney General to talk of standing or falling—although by the bye, he did not seem desirous to stand with the President of the Council sometime ago (laughter,) he then seemed rather anxious to stand without him, (renewed laughter) but it would be remarked, and was remarked, that when the learned Attorney General vaunted his readiness to share in all the consequences of the proceeding referred to, he took good care not to give his own opinion of the law, he was most cautious upon that point, he did not approach it, he dared not. He (Mr. Baldwin) would tell both those learned gentlemen that they had incurred a degree of responsibility which ought to have brought them to the bar of the Council there to be tried for high crimes and misdemeanors; they had done what nothing could justify except perhaps, the fact of a foreign enemy being at the gate; he (Mr. Baldwin) could understand how in such an exigency a Government might for the time being hold itself superior to the law, but in the case in question no such necessity existed; there was however, a necessity, the safety of the country was not threatened but the hon. President's place in the Government was menaced and he sought to avert the blow; in plain English he desired, even at the very sacrifice of a law of the land, to please his friends or those whom he thought might become his friends. The time was when he (Mr. Baldwin) could respect the views of the member for Three Rivers, when he could defer to those views, but that day was gone by, and the venerable member would excuse him (Mr. B.) for saying that he had lost all confidence in him both as a minister and a constitutional lawyer. As regarded the measure before the House he (Mr. B.) would say that he entirely agreed with the Attorney General West that it ought to emanate from the Crown, and he would therefore advise its withdrawal, suggesting at the same time that the hon. member who introduced it might take occasion

to engraft those particular views which it contained upon the bill about to be introduced by one of the Ministry, the hon. member for Ottawa.

Mr. McDonald of Stormont—had no desire to act in an unconstitutional way, and would in consequence of the representations of hon. members and the apparent disposition of the Government to act in the matter themselves, withdraw his bill.

Common School Bill for Lower Canada.

Mr. PAPINEAU moved the second reading of the "bill to repeal the School act of Lower Canada" &c. The Act of last session left the Assessment for Schools to the voluntary action of the people; the present measure is intended to render a certain rate compulsory.

Mr. LAURIN would oppose the bill because he disapproved of the principle of compulsory taxation for Education last year, his (Mr. L.'s) opposition was not supported, but upon this occasion he expected his motion would be seconded by a member of the Government, he referred to the Solicitor General East who had so plainly declared against taxation in his address to the Electors. He moved that the bill be read that day six weeks.

Solicitor General TASCHEREAU said that the language he had employed against taxation applied not to a local but to a territorial tax and he might add that his remarks were not intended for the people of the Seignories so much as for those of the Townships. In the present instance he would oppose the tax if it were too high, but some expense should be incurred to secure the advantage of general Education.

Mr. BERTHELOT might enter into the views of the hon. member who opposed the bill if the tax proposed were intended for any purpose than that of Education; but the sun which enlightened the intellectual world in the present day was not that which glimmered in times past; this was an age of light and the only way to be prosperous as to employ the illumination each for himself, and the community for the common benefit. The hon. member condemned a compulsory uniformity in elementary books and said he had discovered by enquiry that the doctrine was advocated only by booksellers who probably looked upon it as the best for their business.

Mr. CHAUVEAU seconded the motion of Mr. Laurin, because he thought it unwise to alter a law that was passed so late as last Session; if no law were in existence he would willingly vote for any that would promote popular institutions. He was glad to hear Mr. Solicitor General Tachereau admit that the *bunkum* of the electioneering speeches was not intended for the Seignories but for the Townships; he was particularly glad of that admission because it shewed the fallacy of the charge that his countrymen were open to the belief that a Government could be carried on, without taxation.

Mr. ARMSTRONG.—The system of voluntary contribution had not worked well in his county. He had since the last session changed his mind with respect to the School and Municipal bills, for he was opposed to them, but having been engaged all the time since in carrying these bills into operation, he was of opinion that they would be useful to the country, especially if the tax was made uniform. The people have it all in their own hands, and they can make the tax as light as possible, but they ought to be made to educate their children.—He considered that the limited time that the law was to last had been a serious injury to it, for it had given an opportunity to demagogues, the most of whom were supporters of the administration, to say to the people the law will

only be in force two years, and they need not carry it into effect. He considered that the rates imposed by this bill are not taxation; it is only like many of the public duties that are now imposed upon the people such as mending the roads and bridges, &c.

Mr. McCONNELL.—This is a very important bill, and ought not to be thrown out in the manner in which the hon. member for Lotbiniere desired. He was in favour of the system of voluntary contribution; in the county that he represented, there was only one township that raised the school money by taxation, and in consequence there are fifty or sixty snits for this money; all the others raise it by voluntary contribution.

Mr. LAFONTAINE said that the hon. member who had moved the amendment, seemed to be wholly forgetful of the fact, that ignorance was a far higher tax, than any that could be paid for schools. It was felt, too, in a great many ways. An ignorant man had to pay a tax indirectly whenever he went to market—when ever he engaged in the operations of buying and selling, and often directly, when he was obliged to employ a Notary, to draw simple documents, that he might as well draw himself. He believed that there was a considerable number of people who were opposed to a compulsory tax for supporting common schools, and they were of two classes: the first were those who were rich enough to send their children to College, and who, therefore, grudging the contribution they were obliged to make for their neighbours; the others were those who were so poor that they felt the burden, and so ignorant that they did not desire their children to be less so. He did not, however think that the opposition of either of these classes ought to prevent the passing of the Bill.

Mr. COLVILLE wished the bill to be referred to a select committee, as he proposed to make some amendments with respect to dissentient schools. He had received a petition from the managers of a dissentient school in Beauharis, containing sixty scholars, which contained useful advice on this subject. He was surprised that any one could be found to second the amendment, for if it is so unpopular to advocate a forcible assessment for education, it only shews that education is very necessary. He was willing to bear his share of the unpopularity of passing this bill.

At the request of Mr. Lafontaine and Dr. Taché, Mr. Laurin withdrew his amendment, and the bill was read a second time.

ROUTINE BUSINESS.

THURSDAY, May 7.

Mr. Hale, chairman of committee on private bills, reported the bill to incorporate *La Banque De Marchands*. To be committed on Monday.

Also, the bill to incorporate the St. Patrick's Society of Montreal, with amendments.

The Committee called the attention of the House to their remarks in a former report, questioning the propriety of granting acts of incorporation to companies of this nature.

He also reported the bill to incorporate the Coburg Manufacturing Company, without amendment—and called the attention of the House to the remarks of the committee on a former occasion, respecting the limited liability of the Shareholders.

The said bill was then committed, and progress reported. To sit again to-morrow.

The Legislative Council sent a message stating that they had passed the bill without amendment.

The bill to enforce the attendance of witnesses before magistrates in Lower Canada in certain cases, and

The bill to amend the law of Forgery.

The committee on the petition of Charles Hill, of Bertie, reported.

The committee on Rail Roads reported the bill to amend the Great Western Rail Road act, as amended.

The said bill was then committed, progress reported, to sit again to-morrow.

The petition of Osgoode Peasley and others, of the township of Balton, was ordered to be printed.

The bill to incorporate the Trafalgar Road Company.

And the bill to encourage the formation of Building Societies, were sent down from the Legislative Council amended.

The amendments were severally concurred in.

Mr. Cayley moved that the House do on Tuesday next go into committee to consider the propriety of repealing certain acts, and to impose a duty on Inn keepers, &c. Which was carried.

Mr. Drummond brought in a bill to define and extend the powers of the Court of Queen's Bench in Lower Canada, relative to usurpations and vacancies occurring in Corporations. Second reading on Tuesday next.

Mr. Secretary Daly laid before the House the following message.

CATHCART.

The Governor General recommends to the Legislative Assembly that measures should be adopted to authorise the issue of debentures on the credit of the Province, to an extent not exceeding £100,000, at a rate of interest not exceeding 5 per cent per annum, to be employed in assisting by loan those persons who having had their houses and buildings destroyed by the late fires in the city of Quebec, are desirous of rebuilding. The loan to the sufferers to be at a rate of interest not exceeding three per cent, and to be secured on the real estate of the parties receiving the same, and when necessary, further security to be given.

GOVERNMENT HOUSE, }
May, 1846. }

Mr. Secretary Daly laid before the House a return to the address for the names of Collectors on the Welland Canal, and the tolls collected by each.

Also, a return to the address for a statement of the transactions of the Crown Timber Office in Bytown for 1845, with number of Rafts passed &c.

Mr. Cummings moved the House in Committee on the report in petition of J. H. Culp, and reported progress—to sit again on Monday. The report was ordered to be printed.

Mr. Hall moved that the Committees on various private bills be authorized to proceed at once to the consideration of the same, without posting them seven days in the Lobby, which was negatived.

The Brockville Assessment bill was referred to a Committee of the whole on Wednesday.

A Resolution for Macadamizing the following roads as agreed to yesterday, was reported *viz*:

Road from the upper Lachine to St. Ann's along the shore.

From L'Abord à Plouffe to St. Geneviève, by the Riviere des prairies.

From the Pavillon to the East ward of the Lachine Church. And that part of the road in the parish of St. Laurent, connecting the roads leading from Montreal to Abord à Plouffe and the Sault au Recollet.

Also, a further resolution, authorising the Montreal Turnpike Road Trustees to borrow £27,000 to effect the above improvements.

Mr. Lantier moved that the 1st Resolution be recommitted, with a view of considering the expediency of opening a direct road from St. Ann's Lock to Montreal, through the interior.

On which the Yeas and Nays were taken as follows:—

Yeas.—Messrs. Berthelot, Bontillier, Cauchon, Chanveau, DeBleury, Ermatinger, Lantier, Macdonald, [Cornwall,] Macdonald, [Glengarry,] Moffatt, Murney Robinson.—12.

Nays.—Messrs. Armstrong, Aylwin, Baldwin, Cayley, Chabot, Christie, Colville, Cummings, Desauter, DeWitt, Drummond, Foster, Guillet, Jobin, Lafontaine, Laterriere, Laurin, Laboutillier, Leslie, McConnell, Me-

that, Meyers, Papineau, Price, Roblin, Tache, Taschereau Viger.—28.

The resolutions were then agreed to, and Mr. Jobin brought in a bill in conformity thereto—second reading on Monday.

The bill to amend the ordinances Incorporating Quebec as amended yesterday, and ordered to be engrossed.

Also, the bill to Incorporate the Huntingdon Plank Road Company. And the bill respecting Ferriers in Upper Canada.

The bill to amend the Registry Laws of Upper Canada was again committed and amended—to be reported to-morrow.

The bill to repeal the School Act of Lower Canada, was read the second time—to be committed to-morrow.

Mr. Secretary Daly presented a message from His Excellency transmitting the correspondence respecting King's College.

The Montreal and Kingston Rail Road Bill was read the second time, and referred to the committee on Rail Road.

Adjourned.

LEGISLATIVE COUNCIL.

FRIDAY, MAY 8, 1846.

Hon. Mr. JAMES MORRIS moved the adoption of the report from the Committee on printing, recommending that a smaller number of Journals be printed in future, say 250 in English and 150 in French. The hon. gentleman said the attention of the Committee had been called to the great number of Journals which had accumulated since the Union, and as they were desirous of saving the public money as much as possible, they had thought fit to bring the subject under the consideration of the House.

Hon. Mr. BRUNEAU said if he understood the question rightly it was recommended by the Committee to reduce the number of Journals printed. (Yes.) Well, it was a very small expense and it was very important to have a sufficient number of Journals printed, for all the members of the House were not present, and it would be necessary to supply each of those who were absent with copies in order to put them *au fait* at the business transacted during the Session.

Hon. Mr. GORDON could not speak from his own experience on these matters, like other hon. gentlemen but from what he had learnt, he had come to the conclusion, that a great many more copies of the Journals were printed than was necessary, and that it was incumbent on the House to diminish the amount of expense as much as possible.

Hon. Mr. IRVING understood that there are not half the number of Journals printed in the Lower House that they had printed yearly and it struck him that the expenditure should be diminished. He would vote for the report.

Report received.

Hon. Mr. GORDON reported from one of the Committees to whom the petitions respecting the Clergy Reserves had been referred. The petitioners prayed that that portion of the reserves assigned to the English Church, be vested in it to be disposed of in any way they thought fit. The Committee reported in favor of the petitioners, and it was his intention not to enter into the consideration of the question but to move that the report be laid on the table, as he was willing to wait for the report of the other Committee. The prayer of the petitioners amounted to this, put the property belonging to the Church into its possession, in order that they may be their own agents, or else it will be wasted away by the hands of others. And he would remark that some of his hon. friends for whom he had the highest respect, admitted the justice of the prayer, and that no sound reason could be urged against it yet were fully determined that it should never be granted. He would not however on this

occasion discuss the question, but move that the report do lie on the table and that a 1000 copies be printed for distribution.

Hon. Mr. NELSON opposed the printing of such a large number of copies, and suggested to his hon. friend five hundred instead of a thousand.—Ordered.

Hon. Mr. FERGUSON, from Committee on Andrews Road allowance bill, reported the bill without amendment.

Albion Road Company bill read a third time. Magdalen Island bill read a third time.

Hon. Receiver General MORRIS, moved the second reading of the Distillers Duty bill. He said that on comparing the bill then before the House with the printed bill, he found that no alterations had been made in its leading features. The only change being the filling up several blanks. The Government proposed by this measure to levy a duty of two pence per gallon on all Whiskey Manufacturers within the Province, and to give power to the Inspector to visit all stills in order to prevent fraud, but he would have no right to enter a distillery after certain hours except in company with a police officer. It was also proposed that the distiller should be compelled to keep an account of the quantity of grain mashed, and the number of gallons of liquor produced, with several other means for increasing and securing the revenue against fraud. He would also mention that it is the intention of Government to introduce a bill to prevent smuggling in which it is proposed to give the informer one third or one half of the seizure which would he hoped effectually protect the Distillers from competition with whiskey free of duty.

The bill was read a second time and referred to a Committee of the whole forthwith.

Hon. Mr. McKay, said that if it was expected to get any revenue from Distilleries the Government should take some means of preventing a contraband trade in that article taking place between this country and the States. He feared that the imposition of this duty would do great injury to the Distillers and Farmers in Upper Canada there being no sale there now for their Whiskey.

Hon. Receiver General MORRIS, replied that the Government would do every thing in their power to effect this object, and by holding out the inducement of a third or a half of the seizure to informers, he had no doubt that in a few years smuggling would soon be put a stop to. The hon. gentleman opposite had said that there is no sale for Whiskey, if that were the case he must say he had heard of no accumulation of stock, as with the Journals, on the contrary immense quantities are being run off in Montreal with every prospect of finding good sale.

Hon. Mr. FERGUSON was delighted to hear that there is a probability of putting a stop to smuggling which is at present carried on to an immense extent, but he objected strongly to the inquisitorial system adopted by the Government with respect to the examination of stills. He did not care what duty the Government might choose to levy on Spirits, he would go with them in their two or six pence a gallon but the system disgusted him.

Hon. Mr. CROOKS, said there was no doubt that by holding out such an inducement to informers as that mentioned by the Hon. Receiver General, a great many seizures would be made, but he thought the only real mode of increasing the revenue would be to reduce the duty to a reasonable rate, for it would be impossible to prevent smuggling altogether along our frontier. Hon. gentlemen would remember that the duties on Tobacco and Tea were at one time high, and the revenue arising from them was very trifling. The Government diminish-

ed the duty and there was an increase in the revenue; they reduced it still lower and there was a further increase and he had no doubt the same course would be equally efficacious as regarded Whiskey.

The Hon. Receiver General MORRIS, said his hon. friend would remember that Tea and Tobacco are not produced in this country, but that all the Farmers are interested in the disposal of coarse grains, and would therefore strenuously oppose the reduction suggested by him.

The Committee shortly after rose and reported the bill to the House.

Bill read a second time and referred to a Select Committee.

Boston Allowance bill. Bill for relief attainted persons. Wolfe Island Kingston and Toronto Rail Road bill. Kingston Incorporation bill.

Hon. Receiver General, introduced a bill to regulate the appointment of Magistrates in remote parts of the Province.

HOUSE OF ASSEMBLY.

FRIDAY, May 8.

West Halton Election.

Mr. BALDWIN moved that the expenses incurred by Mr. Durand in contesting the election for the county of West Halton, should be paid from the contingencies of the House, and said that the application had all the strength of the case of the Middlesex election, and was free from the objections that had been successfully urged against that case. The chief objection on the Middlesex case was that the contest had not terminated, and that it was possible that after the House had voted money to one or both of the parties, it might be decided that the contest was frivolous and vexatious. In the present instance the affair was at an end, and the committee had decided that neither party had acted frivolously, &c. With that decision before them, and also the fact that the loss complained of was occasioned by the misconduct of the commissioners, he thought it would be only justice to the petitioner to defray his losses.

Mr. WILLIAMS understood that the petitioner had abandoned the contest, not from any doubt as to the strength of his case, but because he had been deprived of the necessary means to prosecute it; and how was he thus deprived of means? By the informal conduct of persons appointed by that House. He [Mr. Williams] therefore thought it was their duty to protect the petitioner against such loss, occasioned as it was by the conduct of parties who were literally the servants of the House, and over whom he [the petitioner] had no controul. He [Mr. W.] would vote for the motion.

Mr. GOWAN could not see why the House should be told that it was they who inflicted the loss complained of by the petitioner; he thought there were no grounds for saying that the contest had been abandoned solely because of the want of means; he [Mr. G.] had the same right to presume that the reason was the absence of all hope of success. A Committee had declared that the sitting member could not be deprived of his seat, and he saw no reason for presuming to the contrary; he would vote against the motion.

Mr. CHRISTIE said, the case then before the House was different from that of the Middlesex Election, inasmuch as it had quite terminated, and had been declared not frivolous and vexatious, and moreover the House had censured the commissioners whose misconduct had occasioned the loss for which indemnity was sought. He [Mr. Christie] thought it was

an extremely hard case, and would vote in favour of the motion.

Mr. HALL would support the motion; he thought the petitioner gave up the contest because he was tired of the farce; it was no reason that because the officers of that House had done wrong, and they had not chosen to punish them, that therefore the petitioner should be punished. He (Mr. H.) conceived there was great difference between that case and the one relating to the Middlesex election; in the latter no decision had been come to, and if money were voted, it might be applied to the carrying on of a contest, which might in the end be declared frivolous and vexatious.

Mr. ERMATINGER—said that when the question arising out of the contest for the place which he fills was before the House he thought it would not become him to speak, but in the present instance he felt no diffidence in saying that the case of the petitioner was an extremely hard one. (Hear, hear.) In his [Mr. Ermatinger's] opinion there was no analogy to that of the Middlesex election; in the latter case the contest had not gone to one-fifth, he might perhaps say to one-tenth the extent that it would have reached, and another circumstance was that the petitioner had for some time proceeded alone and in the face of a protest, but in the present instance the parties had been dragged through a long and tedious enquiry. [Hear, hear.] His [Mr. Ermatinger's] political principles were long defined, he was well known to be a party man, yet, he sympathised deeply with the petitioner for the hardships he had undergone, [cheers] and if it were the last vote he had to give he would cheerfully record it in favor of the motion—[loud cheers.]

Mr. COLVILLE—did not see why his constituents should be called upon to pay for the misconduct of the Commissioners referred to; they [the Commissioners] ought to be compelled to pay it themselves; he would vote against the motion.

Mr. BERTHELOT—spoke in favor of the motion and contended that in point of justice it would be monstrous to compel the petitioner to suffer for the misconduct of Commissioners who were beyond his control, and viewing the question in a party light it was not to be supposed that because one party had a majority they were to trample upon the other.

Mr. ROBINSON spoke against the motion on the ground that such expenses could not be considered as of the contingencies of the House and that after the committee had reported upon an election contest there was legally an end to it. He also thought that when it was agreed that a party should contest the seat of an hon. member of that House his friends should make up their minds to bear him harmless. He would vote against the motion if it were in favour of his nearest friend in the world.

Mr. McDONALD of Glengarry had considered the question for 2 or 3 days and at length resolved to vote against the motion. He thought it would be a bad principle to establish that because a man failed in an election contest his expenses should be paid.

Mr. MEYERS.—There are some of the members disposed to be generous, and in their generosity they feel as if they could pay the costs incurred by the petitioner in the case of the West Halton Election; he would like to put it to them, how will the country look upon this act, he did not believe that they would justify it, at least he was sure his county would not. Some of the members are determined to prejudice the case, and say that if Mr. Durand had continued the contest he would in all likelihood have succeeded, perhaps he might; but all he knew was that a member

took his seat, as to whether he was entitled to it or not he never asked himself the question.

The Commissioners he said, were chosen by the petitioner jointly with the sitting member, and he conceived that the petitioner could not in justice claim any compensation for their misconduct. He could see no reason to throw away the public money in this way, it was creating a precedent which would in all probability ere long be greatly abused. He felt sure that in the place of three contested seats we would at the next election have six if the House held out this inducement.

Mr. SCOTT.—Some appear to view this as a party question, he however could not and would not. The Commissioners appointed by this House have not performed their duty, this House has decided that the Commissioners have been guilty of misconduct, but they allowed the Commissioners to depart when they might have compelled them to pay the expenses; to this House then is the only resource, and in his opinion the House ought to pay them and not be guilty of two injustices.

Mr. GOWAN—would say a few words in reference to what had fallen from several of the members who had spoken, and in the first place he would refer to what had fallen from the member for Gaspé, he said that he would vote for the motion, and as one of the reasons for that course he gave this, that the Committee had decided that the petition was not frivolous and vexatious, now he (Mr. G.) would ask him if he could point out an instance in which the petition and the defence of the sitting member was declared not to be frivolous and vexatious when the sitting member was confirmed in his seat and the costs paid, if he could he (Mr. Gowan) would vote for the motion. Now the member for Gaspé has been a Lawyer and a Judge; he would ask him then if he could point out any law by which the Commissioners were bound to pay the costs. The next member he would take up was the member for Durham, he said that the expense incurred ought to be paid on account of the misconduct of our officers; he would put a hypothetical case to him in a Court of Law, do they pay for the misconduct of their officers: in a suit which has been decided—owing to some errors caused by one of the officers of the Court—contrary to what it ought to have been decided, does the losing party or both parties obtain their costs from the Court.—Again, the member for Middlesex says that the great difference in the case from the case in which he was interested is, that the commission was completed, to that he (Mr. G.) would answer that that was only a question of a amount, and lastly the member for Kamouraska, has said that the commissioners had deprived the petitioner of his means; now to him (Mr. G.) this was a novel doctrine, that because the petitioner had plunged himself into useless expense, this House was to reimburse what had been expended by him. He (Mr. G.) felt convinced that the petitioner ought to be thankful that he had retired from the contest, for from what he had heard, there could be but little doubt but that the Committee would have decided against him. The sitting member so confident was he that he was entitled to his seat, was ready and willing to have staked his whole fortune on the decision. If this House decides to pay the expenses, the natural conclusion that will be come to is, that the sitting member is not legally entitled to his seat.

Mr. CHRISTIE, he would tell the member for Leeds, that he had been neither Judge nor Lawyer for the last twenty years; but that in all his life he never saw a more special pleader a more perfect Attorney than the member for Leeds; not only in this case is he found play-

ing the Attorney but in almost every case that comes before the House.

Mr. CHALMERS, after the whirlwind of eloquence from the hon. member for Middlesex and the hon. and learned member for Leeds has come to an end, he had an amendment to propose; he had been a member of the committee and had stood out for the petitioner indeed, he was the only one of the committee that had stood out on the *jurat* question; although Mr Durand is a political opponent of mine and although he went through the whole county not making a very good use of my name, yet when he came to my house, no one, was more welcome; he would state it distinctly, as the representative for Halton, that Mr. Durand was not fairly dealt with at the election.

Mr. CHALMERS then moved an amendment to the effect that the sitting member should also have his expenses paid, and that the same allowance to each should not exceed £150.

Mr. ERMATINGER, this is not a court of law, we are not bound by its rules, but we are here to remedy its defects; precedents had been asked for, he would ask if it were ever known in the House of Commons of the members being paid, he considered it worse for the country to be made pay for the speeches of the members.

Mr. McDONALD of Dundas, hoped that the amendment would be withdrawn, it is nonsense to vote for money before it is asked, perhaps Mr. Webster may throw it back with disdain.

Mr. CHALMERS, would withdraw it, because from his knowledge of Mr. Webster's sentiments, he would feel degraded by accepting a farthing of public money.

Mr. HALL, if Mr. Chalmers, withdrew his motion he would move it.

Mr. McDONALD, he was prepared to vote for the main motion, he conceived that this House was remotely the cause of the expense, and we are bound to pay it.

Mr. HALL, withdrew so much of his motion as related to Mr. Webster, allowing that part limiting the amount, to remain.

Mr. LAFONTAINE then spoke in French.

Mr. McDONALD of Cornwall would vote against the motion and was surprised that the hon member for the 4th Riding, who spoke so much of economy, would dip his hands into the public chest for the benefit of one of his friends. He condemned the precedent in Mr. Turcotte's case as a bad one established by the majority of that day, and thought that his hon. and learned friend from Dundas, would do better by following the precedent established by his own friends a few days ago in the case of the Middlesex Election. He [Mr. M'D] feared that the motion would pass, there had been some electioneering about it, the party opposite went as usual well together and had obtained promises from some of the weak brethren on the ministerial side.

Mr. MURNEY—could not understand what his learned friend meant by the terms "weak brethren;" men who acted according to their judgment and who did not happen to agree with the hon. member, were not to be twitted in that way. He [Mr. Murney] was willing in that instance to be considered one of the weak brethren; he thought the expenses of the petitioner belonged to the contingencies of the House as clearly as did any account contracted by the Serjeant-at-arms in the discharge of his duty.

Mr. COLVILLE.—The hon. member for Terrebonne made it a crime in him [Mr. C.] that he was born on the other side of the Atlantic. He had stated that he [Mr. C.] was born so near the House of Commons that he seemed to be "a natural born legislator." This was

not quite correct, as he was born ten miles from London. A great deal had been said about being generous, and he would now give them an opportunity of being generous, not out of the public funds but out of their own, by moving in amendment that the sum be paid out of the Sessional allowance of members.

Mr. MOFFATT—hoped that this amendment would be withdrawn as it admitted the principle that the petitioner had a right to be paid. It is said that this principle was admitted last year with respect to returning officers in Lower Canada, who had not been paid previous to the Union, but it must be remembered that the expenses attending elections were always paid out of the public funds in Lower Canada, while they were paid by local assessment in Upper Canada. He was sorry that the hon. member for the North Riding of York so strongly supported the payment of the petitioners' expenses, as he had always looked upon him [Mr. Baldwin] as a great authority in constitutional matters; but he was afraid it might be affirmed of him, what Jack Downing had said of General Jackson, "that he could only see through the spectacles of his party." He [Mr. M.] entirely differed from him on this question and was afraid that it would open the door to a dangerous practice.

Mr. DRAPER understood the hon. member for Terrebonne to say that party spirit had existed to a great extent in election contests in England, and the same spirit existed here, so that this House, or anybody appointed by this House, were an unfit tribunal to try election contests, and therefore these expenses ought to be paid. The hon. member for the North Riding had urged as reasons for paying these expenses the justice of the claim, the commissioners being officers of this House, and because there was no other way of paying these expenses than out of the contingencies. The statute points out the course the commissioners ought to have pursued, and it is not right if they have erred to make us pay the expenses. He contended that they were not officers of this House, but merely appointed by the House at the nomination of the petitioner and sitting member. He considered that even if they were officers of the House, these expenses ought not to be paid, because the commission was not forced upon the parties; they were litigating a question before this House, and to lessen the expenses they chose to sue out a commission. The consequence of that act ought to fall upon themselves. The payment of the expenses seems to be confined to the party who has lost; the retention of the seat, it is supposed, is a sufficient remuneration to the sitting member. If the original motion is carried, you must, whenever an election committee does not decide from some informality, pay the expenses. He desired that the motion should be more clearly expressed; that if it should pass, as the hon. member for Cornwall says it will, it should be taken to mean no more than what the hon. mover has stated that he intends by it; as it now reads, it might be interpreted to give the petitioner all the money which he had disbursed in this contest.

Mr. BALDWIN said he generally listened with pleasure, and sometimes with instruction to the hon. Attorney General West, and whenever he [Mr. B.] differed with that learned gentleman, which was rather often, he was glad to hear him refining, for it shewed at once his inability to grapple with the broad principle of the question. In the present instance he had been refining to a great extent, & with no common ingenuity, yet he had failed to accomplish his purpose, he laboured to make the resolution read, so that it would in-

clude costs that had been incurred before the contest, but it required even more than the hon. member's ingenuity to prove that; indeed he [Mr. B.] could not see how the hon. member could prove, unless he had some Irish blood in his veins,—[loud laughter]—a thing which followed an occurrence could be that which preceded it—[laughter]—it was true that the learned member had advantages over him [Mr. Baldwin]; he had had the benefit of instruction in those great institutions where the Mathematics were so ably taught, and where false positions and double false positions were so profoundly understood [laughter.] He had no doubt that any member of that House would see that it was not to the general expenses of the election that the motion referred; the argument to the contrary was merely to throw dust in the eyes of hon. members. Another fallacy was that because the House left the nomination of the commissioners to the parties contesting they were, therefore, not the officers of the House, although they had received its commission. It might as well be said that because a Court did not itself select a man to act as Sheriff, but appointed one who had been recommended, that therefore such Sheriff was not accountable for neglect of duty.

Mr. MURRO would vote for the original motion conditionally, that is, if the amount to be paid the petitioner did not exceed £150.

The amendment was lost—Yeas, 6; Nays, 42.

Mr. HALL considered that the petitioner had a good right of action against the commissioners for the amount that he had paid them, and as his whole expenses were stated to be not more than £250; he would move the words "not exceeding £200 be added to the motion."

Mr. CHALMERS, no individual in this House understood the circumstances of this case better than himself; and he must say, that he considered that the petitioner had not been fairly treated. This amendment was carried, Yeas, 50; Nays, 8. The main motion, as thus amended, was then carried, Yeas, 38; Nays, 20

ROUTINE BUSINESS.

FRIDAY, May 8.

Bills read third time and passed:

To incorporate the Huntingdon Plank Road Co.
To amend the ordinances incorporating Quebec.
To make further provision respecting Ferries in Upper Canada.

To allow the formation of more than one Agricultural Society in a county in Lower Canada, and for the relief of the Montreal Agricultural Society.

To incorporate the Peterborough and Port Hope Railway Company.

Petitions read:

Of P. Church et al, of Brome, that the proceeds from Clergy Reserves may be appropriated by the Legislature.

Of J. J. Williams et al, of Farnham, that King's College may be managed by all denominations, and that no grant be made to McGill College.

Of Rev J. Bethune and others, that Railway Cars may not be allowed to run on Sundays.

Of the Quebec Board of Trade, that the clause in the Trinity House Bill, which imposes a duty on rafts of lumber, may be expunged.

Of the Trustees of the Quebec Turnpike Roads, for authority to borrow £12,000 for improving the roads.

Of certain inhabitants of Quebec, that a loan may be granted them to rebuild their houses destroyed by the late fires.

Leave was granted to the Oxford Election Committee to adjourn till Monday week.

The Special Committee on the Cobourg Incorporation Bill reported the same as amended. To be committed on Monday.

Mr. Drummond brought in a Bill to fix the rights

of buyers and sellers by Tirages au Sort in Lower Canada. Second reading on Tuesday.

Mr. Lafontaine moved an address for plans, estimates, reports and tenders, made by order of the Government, relative to the construction of a new Court House in Montreal, and copies of all instructions from the Government to the Board of Works or any other party, requiring them to make such plans, &c, or receive such tenders.

Leave of absence was granted to Mr. McDonnell, of Stormont, for a week.

Mr. Viger brought in a Bill to facilitate and regulate the summoning of Jurors in Lower Canada. Second reading on Tuesday.

Mr. Baldwin moved that the Clerk of the House be directed to tax the costs of James Durand, Esq, the petitioner in the controverted election of the West Riding of Halton, occasioned by the proceedings of the Commissioners, for the examination of witnesses ordered by this House in that case, and which, by the decision of the Committee have proved nugatory in consequence of the misconduct of the Commissioners appointed to take such evidence; and to pay the amount thereof among the other contingencies of the House.

Mr. Colville moved in amendment that the following be added: "that the said amount be deducted from the sessional allowance to members, on which the House divided."

YEAS.—Messrs. Colville, Foster, Gowan, Hale, Petrie, Taschereau.—6.

NAYS.—Armstrong, Baldwin, Berthelot, Bertrand, Boulton, Boutillier, Brooks, Cauchon, Cayley, Chabot, Christie, Desautier, DeWitt, Draper, Drummond, Ermatinger, Guillet, Jobin, Lacoste, LaFontaine, Lantier, LaTerrière, Laurin, Leslie, Macdonald (Glengary), Macdonnell (Dundas), Macdonnell (Stormont), McConnell, Méthot, Moffatt, Monro, Murney, Nelson, Powell, Price, Robinson, Roblin, Rousseau, Scott, Seymour, Smith (Frontenac), Smith (Missisquoi), Smith (Wentworth), Taché, V. gr. Williams.—46.

Mr. Monro moved that the following be added to the motion, "provided the account do not exceed £150, and that the Commissioners be allowed no part of the amount—on which the House divided."

YEAS.—Messrs. Boulton, Cayley, Colville, Draper, Ermatinger, Foster, Hale, Macdonald (Cornwall), Macdonald (Dundas), McConnell, Moffatt, Monro, Murney, Petrie, Robinson, Scott, Seymour, Smith (Frontenac), Smith (Missisquoi), Taschereau, Williams.—21.

NAYS.—Messrs. Armstrong, Baldwin, Berthelot, Bertrand, Boutillier, Brooks, Cauchon, Chabot, Christie, Desautier, DeWitt, Drummond, Gowan, Jobin, Lacoste, LaFontaine, Lantier, LaTerrière, Laurin, Leslie, Macdonald (Glengary), Macdonnell (Stormont), Méthot, Nelson, Powell, Price, Roblin, Rousseau, Smith (Wentworth), Taché, Viger.—32.

Mr. McDonald of Cornwall moved that the question be not now put, but that the Petitioner do give in to the Clerk of this House a detailed statement of the expenses incurred and claimed by him to be paid by this House.

YEAS.—Messrs. Boulton, Cayley, Colville, De Bligny, Draper, Foster, Gowan, Hale, Johnston, Macdonald (Cornwall), Macdonald (Kingston), McConnell, Meyers, Moffatt, Monro, Murney, Petrie, Robinson, Scott, Seymour, Smith (Frontenac), Smith (Missisquoi), Taschereau, Viger.—24.

NAYS.—Messrs. Armstrong, Baldwin, Berthelot, Bertrand, Boutillier, Brooks, Cauchon, Chabot, Chalmers, Christie, Desautier, DeWitt, Drummond, Ermatinger, Guillet, Hall, Jobin, Lacoste, LaFontaine, Lantier, LaTerrière, Laurin, Leslie, Macdonald (Glengary), Macdonnell (Dundas), Macdonnell (Stormont), Méthot, Nelson, Powell, Price, Roblin, Rousseau, Smith (Wentworth), Taché, Williams.—37.

Mr. Hall moved that, "not exceeding £20" be added to the original motion.

YEAS.—Messrs. Armstrong, Baldwin, Berthelot, Bertrand, Boutillier, Brooks, Cauchon, Cayley, Chabot, Chalmers, Christie, DeBligny, Desautier, DeWitt, Draper, Drummond, Ermatinger, Foster, Guillet, Hale, Hall, Jobin, Johnson, Lacoste, Lafontaine, Lantier, LaTer-

riere, Laurin, Leslie, Macdonald, (Kingston), Macdonnell, (Dundas), Macdonnell, (Stormont), Méthot, Meyers, Moffatt, Monro, Murney, Nelson, Powell, Petrie, Price, Roblin, Rousseau, Scott, Seymour, Smith, (Frontenac), Smith, (Missisquoi), Smith, (Wentworth), Taché, Williams.—50.

NAYS.—Messrs. Boulton, Colville, Gowen, Macdonald, (Cornwall), Macdonald, (Glen-gary), McConnell, Robinson, Viger.—8.

Which was carried.

The main motion, as amended, was then put.

YEAS.—Armstrong, Baldwin, Berthelot, Bertrand, Boutillier, Brooks, Cauchon, Chabot, Chalmers, Christie, DeBleury, Desauter, DeWitt, Drummond, Ermatinger, Guillet, Hall, Jobin, Lacoste, Lafontaine, Lantier, Laterrière, Laurin, Leslie, Macdonnell (Dundas), Macdonnell (Stormont), Méthot, Monro, Murney, Nelson, Powell, Price, Roblin, Rousseau, Scott, Smith (Wentworth), Taché, Williams.—38.

NAYS.—Boulton, Cayley, Colville, Draper, Foster, Hale, Johnston, Macdonald (Cornwall), Macdonald (Glen-gary), Macdonald (Kingston), McConnell, Meyers, Moffatt, Petrie, Robinson, Seymour, Smith (Frontenac), Smith (Missisquoi), Taschereau, Viger.—20.

Mr. Draper brought in a Bill to amend the Charter of the University of King's College. Second reading on Tuesday.

The following Bills were sent down from the Legislative Council, and amended by that House. For relief of Inhabitants of the Magdalen Islands.

To incorporate the Albion Road Company.

Mr. Draper brought in a Bill to vest the endowment by the Crown for University Education in Upper Canada, in the University of Upper Canada, &c. Second reading on Tuesday.

Mr. Draper brought in a Bill to amend the Laws, regulating the taking out of certificates by Attornies, &c., in Upper Canada. Second reading on Tuesday.

Mr. Draper laid before the House a message from the Governor General, and documents accompanying the same, relative to the accommodation prepared for the Supervisor Courts of Upper Canada by the Law Society.

Mr. Attorney General Smith also laid before the House a message and documents relative to the Administration of Justice in the District of Montreal.

On motion of Mr. Attorney General Smith, the above message and documents were referred to the Committee on the Administration of Justice.

Messrs. Riddell, Webster, and Powell, obtained leave of absence for the remainder of the Session.

The message and documents relative to King's College were ordered to be printed.

Mr. Thompson moved an address for certain information relative to the Welland Canal.

House in Committee on Bill to amend the Upper Canada Registry Laws. Reported, amended, and ordered to be engrossed.

House in Committee on Supply. Reported progress. To sit again on Monday.

House in Committee on resolutions relative to the Administration of Justice. Several resolutions reported. To be received on Monday.

Adjourned.

Administration of Justice Expenses in U. C.

The House went into committee, Mr. Petrie in the chair, when Mr. Cayley moved the resolutions. Mr. La Fontaine addressed the committee in French at great length, in opposition to the resolutions, and was followed by Mr. Viger, who also spoke in French.

Mr. DEBLEURY would not enter into the discussion of the question at the present time, but would only answer some of the extraordinary statements made by the member for Terrebonne; he was sorry to see a disproportion manifested to introduce on all occasions, matter foreign to the subject in hand, and to take up the time of the House with it. For his life he could not see what the Union of the Provinces and the Special Council had to do

with the subject in hand. [Mr. Aylwin, hear, hear.] The member for Terrebonne ought to be the last person to refer to the unfortunate troubles of 1837-'38. [Mr. Aylwin, hear, hear, and laughter.] Mr. Chairman, if you do not keep that, that, that, he could not out of respect for the House utter the word that he was going to do, he would himself make him hold his tongue. [Mr. Aylwin, hear, hear.] He had with surprise heard the remarks made by the hon. member for Terrebonne, respecting the Special Council, his compatriots all regretted to see such Special Committee. We all took exception to it; we Canadians disliked it. [Mr. Aylwin, laughing, hear, hear, hear.] We Canadians—[loud cries of order]—we all regretted it, but he would ask the hon. member for Terrebonne who was the cause of it, who drew it upon us, if it was not you and your followers. (Hear, hear.) He was then about to continue when Mr. Aylwin interrupted him, there were loud cries of order, order. Mr. DeBleury then said, Mr. Chairman, if you do not keep that member in order, I shall be constrained to go over and pull his nose. (Mr. Aylwin, come and do it, you scoundrel.) Mr. DeBleury endeavoured to go over, but he was prevented by two of the members.

Mr. HALL, in an excited tone, are we in a Canadian Legislature to be bullied and brow beat by that member opposite.

Mr. DRAPER then moved that the Chairman do leave the Chair.

The Chair was vacated amidst much confusion. The Speaker took the chair, when the Chairman reported that he had left the chair of the committee in confusion.

Mr. DRAPER was about to proceed, when Mr. ARMSTRONG called for the galleries to be cleared.

Mr. HALL, "No, no," you are ashamed of your conduct. [Loud cries of shame, shame.] The galleries were then cleared.

When the doors were again opened, Mr. DeBleury was about to continue. Mr. Aylwin went over, and Mr. DeBleury moved, seconded by Mr. Aylwin, that the committee rise, report progress, and ask leave to sit again. The motion was put, Yeas, 22; Nays 32.

Mr. DEBLEURY continued, he was about answering some of the statements made by the member for Terrebonne, he ought to be the last person to speak of the Special Council. The Special Council was named by the Administration of the day, and why was it needed? Because the constitution had been suspended, and we Lower Canadians did not know our own interests. The member for Quebec terms himself a friend of the Canadians, he would ask him if he was not a member of an association, the professed object of which was the wholesale extermination of the Canadians. [Hear, hear.] The member for Quebec was their greatest enemy; he would, if he could, have brought every one to the scaffold. But it was out of place here to taunt and recal past grievances. The member for Terrebonne has spoken of the Special Council and the Union, why did he then except office under that Union, and by so doing affix his seal of affirmation to the act. It was said in this room and oft repeated, that the ministry had no sympathy with us French Canadians, a few days after the celebrated correspondence made its appearance, and we found that there was a great deal of sympathy felt for us. The person who holds the Speakers chair shews it, it was the greatest proof of sympathy that could be afforded, there was not a voice raised against it. He deprecated

the attacks on the Union, it had been affected and we cannot help it now.

Mr. AYLWIN said, that the question was one not to be decided on the present occasion. (Hear.) For a more infamous, or more iniquitous one was never placed on the table, and the hon. member for Montreal, who makes use of the expression "Us French Canadians" said that he was ready to give this act of spoliation his sanction.

Mr. DEBLEURY rose to correct the hon. member. He had not said one word with respect to the bill, he had merely replied to some remarks made by the hon. member for Terrebonne.

Mr. AYLWIN continued, the hon. member spoke generally, and he, the so called member for Montreal had ventured to taunt the hon. member for Terrebonne, to taunt the hon. gentleman for taking office.

Mr. DEBLEURY here rose to order. The hon. member had spoken of him as the "so called member for Montreal," he could tell that hon. member that in addition to his being called the member for Montreal, he was one of its members.

Mr. AYLWIN rose to continue, amid loud cries of "question" from the Ministerial Benches. He could assure hon. members that the question should not be put until he had closed his remarks, nor would he allow himself to be interrupted by any thing that might fall from hon. members on the other side. The hon. gentleman who styled himself the member for Montreal, had taunted his hon. friend with taking office under the Union Act, and that by doing so, he had given his consent to that act. Now he would turn to the hon. member for Dorchester, and he would ask what course did he take at that period, the hon. member for Dorchester would understand him perfectly well. When every effort was made to appeal against that most iniquitous act, an act which is now spoken against by the hon. President of the Council, where was the hon. member for Dorchester? He would now turn to another hon. member who plotted and planned, and by whose assistance that measure was carried. It was rather strange that his own colleague should rise and blame his dear act; and he would tell that hon. gentleman that he had a heavy account to settle with the country, and that account he would be one day called on to render. As to the effects of the act of Union the hon. President of the Council had already fully declared them. The hon. member for Montreal taunted people with inconsistency. He would ask how is it that he now maintains and defends a man in Her Majesty's Council whom he called a traitor, whom he was delighted to see in prison, and who perhaps deserved to be imprisoned. He perhaps thought these remarks were listened to with perfect sang froid by the hon. member for Montreal, and as to the hon. President, his heart was as hard as a mill stone [hear,] no impression could be made on him. But as he had said, his hon. friend had been taunted with taking office, and thereby giving his consent to the Union act, now how was it that the hon. member for Montreal would consent to be elected under that act? How was it that the hon. President of the Council was elected, and took office under that act? It was very easy for him to find faults in his hon. friend's conduct, although he could see none in the hon. President. The hon. President who by the way had pocketed his salary for months, being at the same time member for Nowhere. He would advise that hon. member when he employed people to defend him, he ought to find some one of greater ability than the hon. mem-

ber for Montreal. ("Question, question.") yes "question." The position of Lower Canada was in truth most extraordinary and the hon. member for Montreal would have to take his share of the effects of his own work. That hon. member must be well aware that by that act Lower Canada was spoiled in the most infamous manner. The position of Poland was dreadful, but that spoliation of Lower Canada was infinitely worse. (Hear, hear.) Yes, he cried "hear, hear." He would repeat it, and that hon. gentleman had given his consent and his assistance in carrying that act. But he (Mr. A.) could well divine some reasons which had induced the Merchants of Lower Canada to support that act. The hon. gentleman opposite as well as several other merchants had debtors in Canada, and by the expenditure of large sums of money in the Upper Province, they would have a chance of being paid, and they were paid. (Cries of hear, question, &c.)

Mr. CAUCHON moved the adjournment.

Mr. WILLIAMS was sorry to see that there was a determination on the part of hon. members on the other side of the House to speak against time and worry the House with motions of adjournment. He would oppose the motion, and hoped hon. gentlemen would do so too and continue in the performance of their duties.

The motion was lost.

Mr. AYLWIN rose to continue amid constant interruption. The proposition now before the House was of the most iniquitous nature, and although he was not surprised to see it supported by the hon. member for Montreal, and the President of the Council, he was obliged to confess that he was surprised when the latter said that L. C. was bound to contribute out of its resources for this purpose. That did cause him some astonishment, and though the hon. gentleman might say so here because he would not be hooted, he would not dare to say so in some parts of the Province with which he was acquainted, or he would be hooted as he was hooted at Richelieu, and as he was hooted when he offered himself as a Representative for the County of Montreal. (Question.) As to the cry of question raised by hon. gentlemen on the other side of the House he did not pay any attention to it, and was resolved to do as he pleased.

Mr. HALL.—No you won't.

Mr. AYLWIN.—Yes, I will.

Mr. HALL.—No you won't.

Mr. CHAIRMAN called the hon. members to order. The hon. member for Quebec was out of order in saying he would do as he pleased.

Mr. AYLWIN had not addressed the Chair, but the hon. member for Peterboro' when he made use of this expression.

Mr. HALL was anxious that the hon. gentleman should be more explanatory.

Mr. AYLWIN continued. With reference to this ill-fated and unfortunate Province, bad as are the terms granted to it by the Union Act, are they to be made still worse? What was the cry when his hon. friend from Terrebonne was at the head of the Government? "Upper Canada is governed by French Canadians, and a minority of the people of Upper Canada." Great attempts were then made to repeal the Union and obtain justice by the Upper Canadians, because they were ridden roughshod by the French Canadians. Yet in spite of all outcry, he would ask what measure was ever introduced, during the administration of his hon. friend, to alter the constitution of Upper Canada. And in those days when there was a strong Government, when it was said to be too strong, there was such forbearance

practised to Upper Canada that nothing was interfered with. Yet it appears that Lower Canada is now to be victimised by Upper Canada with the assistance of Messrs. Viger, Moffatt, Taschereau and DeBligny. He would appeal to the hon. member for Three Rivers.

Mr. M'DONALD, of Cornwall, requested the hon. member to keep to the question if he knew how.

Mr. CHALMERS, in a tone of commiseration, pitied the miserable condition of the hon. member, and expressed a fear that he had bile on his stomach. (Uproar.)

Mr. AYLWIN said it appeared that hon. gentlemen on the other side of the House thought that his observations were irrelevant. He could assure them that if they thought so, they were very much mistaken—for they were absolutely called for; and he took it for granted that if the Hon. President were permitted to address the House, a humble member of the opposition might say two or three words in answer. Well, that hon. gentleman had always been the most obsequious servant of that Ministry. He supported them on all occasions, except one, and where his difference with them on that one point was he had never dared to tell the country. Judas like, he shook hands with them, and one Sunday night, after dinner—

Mr. JOHNSTON wished to know what that had to do with the question? He supposed the hon. gentleman had eaten many a good dinner himself. (Uproar.)

Mr. CHALMERS rose to order. Expressions had been made use of to the Hon. President of the Council, who was an old man, which the hon. gentleman should make use of to a man about his age, which was forty-eight. (Shouts of laughter.)

Mr. AYLWIN said that if the hon. President were as old as Methuselah, notwithstanding his years he would attack him as long as he occupied that position. Why, he stood there to be hit at, to be attacked, and to defend himself. It is a pity he was not younger, because then he (Mr. A.) might have disposed of him in a summary way. (Renewed laughter.)

Mr. CHALMERS had directed the hon. member to make the attack on him, and he (Mr. C.) would stand in the breach.

Mr. AYLWIN assured them that any attempts made to interrupt him would only fail. With respect to the Union Act he looked upon it as similar to the union between Scotland and England, where the weel tochered lass was given over to a starving husband. There were terms, however, to that bargain. Then there was a union also between England and Ireland in which terms were agreed upon. Now here was the marriage of a weel tochered lass—yes, and a beautiful lass—(hear)—with Upper Canada, where they were all bankrupts and beggars. (Tremendous shouts of "Order," "Question," &c.)

Mr. PETRIE, the Chairman, begged the hon. gentleman to keep to the question.

Mr. AYLWIN.—Yes, at the time of the union the people of Upper Canada were bankrupts and beggars. (Tremendous uproar.)

Mr. WILLIAMS.—What do you mean by that, sir?

The CHAIRMAN called hon. gentleman to order. The hon. member from Quebec was not speaking to the question.

Mr. AYLWIN asked to have the motion read. The Chairman having read it, the ministerial members shouted "carried," and the opposition cried "lost."

Mr. LaFONTEINE hoped the motion would not be put while Mr. Aylwin was still in possession of the floor.

The CHAIRMAN replied, that the motion had not been put: he merely read it at the request of Mr. Aylwin.

Mr. M'DONNELL, of Dundas, desired that the hon. gentleman should not be put down, but let hon. members mark his words, and see that they be replied to.

Mr. AYLWIN would tell hon. gentlemen this, that before the union Upper Canada was in debt, and Lower Canada was not, and that Upper Canada was glad to send down its delegates in order to procure a loan in order to get the public works finished.

Mr. ROBINSON.—It was for your benefit.

Mr. HALL.—Where did the money come from?

Mr. AYLWIN.—That should be asked from the hon. President of the Council, from whose ancestors it came. The hon. President appeared to be a little shaken, and therefore his heart might not be quite so hard as the mill stone after all; and he would ask the hon. members for Montreal how they could now justify the Vigers and Papineaus, those men whom they had formerly treated as traitors and rebels. With respect to the charge that he [Mr. A.] had changed his politics, he denied it; he had always been opposed to the Vigers and Papineaus, and always would be—for they had inflicted on the Province such a string of their relations that he could not believe they could produce any more, except a famous hero of the last war, who would no doubt be appointed Adjutant General shortly. [Hear.] Well, this infamous Union Act was passed in Upper Canada at a time when they were bankrupts and beggars—

Mr. MEYERS hoped the hon. gentleman would abstain from using such harsh terms. The ministerialists did not apply the terms rebel or traitor to his side of the House, although they perhaps deserved them. [Confusion.]

Mr. AYLWIN was sorry to see that the hon. member felt it so keenly.

Mr. CHALMERS rose to order. The hon. member from the citadel of Quebec smelt as though he had wet himself in a cul-de-sac.— [Uproar.]

Mr. AYLWIN declined to proceed in consequence of these numerous interruptions.

Mr. MOFFATT said that after the repeated allusions that had been made to him, he could not avoid making a few remarks and he would first say in reference to the hon. member for Quebec, that he had attended meetings of the Constitutional Society, with that hon. member, and he knew no one who spoke more strongly in favour of the pretensions of the British population of Lower Canada; that was all he (Mr. Moffatt,) would address to the hon. learned and consistent member for Quebec. He had been also referred to by the hon. member for Terrebonne for his conduct in the special Council and was charged with yielding to the will of Lord Sydenham. It was not true that he had been governed by Lord Sydenham, he had often firmly opposed that nobleman and had even stood alone in doing so; and at Kingston, he [Mr. Moffatt,] was complimented for his independent demeanor; an hon. member who now taunted him, could then walk across the House and compliment him for having acted as an independent gentleman. It had been stated that Upper Canada was bankrupt at the time of the Union; he [Mr. M.] denied that; all Upper Canada wanted was to obtain control over her own resources, she was held in trammels by the Lower Province in consequence of having no sea port of her own. He (Mr. Moffatt,) had supported the act of Union to remove that state of things and to avert a conflict between the

two Provinces which he saw would otherwise come. The Union would work well if hon. members agreed to act together, and he would tell hon. members that if they did not agree to do so, three years would not elapse before they would feel it, their voice would not then be heard in the Councils of the country, they would not be there to obstruct the business of the country. With respect to the measure before the House, it was one of those that would cause some feeling at first, but it would soon be forgotten in the great good it would effect, and especially in assimilating still more the condition of the two Provinces; the British population of Lower Canada had laid much stress upon the question of the French language at first, but the late Repeal of the clause affecting it produced no notice, so it would be in time with the present question.

Mr. DAWITT regretted that many remarks had been made to excite angry feeling, and was sorry that the same spirit had not been manifested among the members, as was evinced when the militia bill was discussed.

Dr. TACHE declined to enter upon the discussion of the subject at this late hour of the evening, but he would on a future occasion reply to some of the remarks of the hon. member for Dundas.

The resolutions and schedule were put and carried by a large majority, all the Upper Canada members present voting for them.

LEGISLATIVE COUNCIL.

MONDAY, May 11, 1846.

Hon. J. MORRIS reported from committee on Commercial Bank Charter bill, and Upper Canada Bank Charter bill, that the committee had expunged the clause giving the right to hold real estate.

Hon. Mr. GORDON asked whether this would prevent the Banks from taking possession of property for debt.

Hon. J. MORRIS replied, that they can take a mortgage upon property, but the object of the committee was to prevent those Banks holding a larger amount of real estate than that to which they are entitled by law. Report adopted.

Hon. Mr. CROOKS reported from committee on Bible Christians Bill.

The Committee reported a new bill to relieve Ministers of the different sects from the restrictions to which they are now subject. Report to be taken into consideration to-morrow.

Hon. Mr. M'GILL reported from committee on Toronto and Lake Huron Rail Road Company bill. Report to be taken into consideration to-morrow. Also on Hastings Registration of Titles bill. The Kingston incorporation bill was reported with several amendments.

Hon. Mr. WALKER moved that a message be sent to the Lower House for information as to documents on which were founded bills to Light Quebec with Gas—and to supply Quebec with Water.

Hon. Mr. NELSON made a similar motion as to bill to repeal the Quebec Gas and Water Company bill.

Bills read a third time:—Andrews Road allowance bill; Distillers duty bill; bill for relief of attainted persons.

Bills read a second time and referred to a select committee:—Quebec incorporation bill. Hon. Mr. NELSON said he would not oppose the principle of the bill, but he strongly objected to the clause in it which would prevent poor people from gaining their livelihood by the sale of small wares. Upper Canada Ferries bill. Hon. Mr. GORDON said that this bill

was intended to make it compulsory to put the Ferries up to public competition. An instance had come to his knowledge in which a lease had been granted privately. This the bill was intended to remedy. With respect to the other object proposed by the bill, it was well known that persons crossing in their own boats had been fined under the act of last year, and it was proposed to amend the act so as to allow individuals to make use of their own property without molestation.

Hon. Mr. FERGUSON did not rise to object to the bill, but to express his astonishment at people being fined for making use of their own property. It appeared to him impossible, and he could not but think that this was a piece of supererogatory legislation. To be read a third time to-morrow. Huntington Bank Company bill, referred to a select committee. Magistrates appointment bill. Hon. Receiver General said that this was a short but very necessary bill. From the disordered state of society on the Ottawa, the necessity for a law of this kind has been long felt, and enterprising individuals having pushed into Lake Superior, the same necessity is felt there, and on Lake Huron as on the Ottawa. From the difficulty of finding persons of landed property capable of filling the office of Magistrate in those Districts it was proposed to dispense with that qualification, and the Government could then find persons capable of performing those duties, for instance the Hudson's Bay gentlemen, many of whom were wealthy, although not possessors of real estate. He therefore hoped the House would have no objection to give the Government the power for which he now asked.

Hon. Mr. FERGUSON would readily support the bill, as this power was absolutely required. There was one district in particular, which was filling up fast, but when society was in a very lawless state, and as persons could not be found in it capable of performing the duties of a Magistrate, he hoped the Government would send Stipendiary Magistrates among them.

Hon. Mr. M'KAY, where is it.

Hon. Mr. FERGUSON referred to Owen's Sound, the inhabitants of which are wild, but well meaning Irishmen, who would no doubt form an excellent population if kept in proper order.

Hon. Mr. M'KAY was rejoiced at the introduction of this bill, as society was in a most wild and disordered state on the Galtireau and the Ottawa. Events had taken place there which were a disgrace to any country, murder even had been committed, and he hoped that the Government would take steps for the appointment of Magistrates, in order to repress these disorders. Bill read a second time.

A message was received from the Lower House informing the House that the amendments to the Magdalen Islands bill were concurred in. The House adjourned shortly after.

HOUSE OF ASSEMBLY

MONDAY, May 11.

Mr. ERMATINGER moved for the appointment of a select Committee to inquire into the petition of William Hillis and others of the London District, complaining of Henry Allen, Esq., Judge of the District and Division Court.—He said that the subject was one of the greatest importance, and one on which no delay should take place. Since he brought the subject before the House on the present occasion, he had obtained a petition to this House, and there was one from John Wilson, Esq., Barrister of the town of London. In those petitions specific charges are made, and he hoped

that her Majesty's ministers would assist him, as he could not see that there was any other course to pursue except that he was pursuing. He stated that he had been for a number of years in correspondence in reference to Judge Allen with the Government, and although politely enough answered, he did not conceive that that attention was paid to his communications that they deserved, not that he would take to himself any undue importance, but he thought that when the representative of a District or County presented a petition, some attention ought to be paid to it. He did not know that the gentleman in question has ever been of any service to the country, and he did not know why he should be treated with so much delicacy. He did not consider that any person should be chosen before native talent. He did not think that the history of any country would afford a precedent in which a Judge had been so long on the bench after the numerous complaints that have been preferred. He hoped that her Majesty's Government would not attempt to baffle him, he had that much confidence in them that he felt sure that they would assist him. If this motion did not pass he would divest himself of all responsibility conceiving that he had performed his duty.

Mr. DRAPER, trusted that the motion would be successful, but he hoped that the hon. gentleman did not intend to take his petitions out of his hands. He would not oppose the motion to refer the petition of William Hillis. The petition of William Hillis, and one numerously signed had been presented by him and he had already taken steps in the matter so as not to present to the House an *ex parte* case.

Mr. BALDWIN.—It would seem prudent to allow the motion to pass after what had been said by the learned Attorney General West.

Mr. DRAPER, on the receipt of the petition, forwarded its contents to the proper quarter, and also sent to Judge Allen requesting his answer, if after a reasonable time no answer was returned, he would bring the matter before the House.

Mr. WILLIAMS considered it premature to take any steps from what had fallen from the learned Attorney General.

Mr. HALL, considered that the Committee had a perfect right to take the petition of John Wilson into consideration. If one tenth of the charges are true that are mentioned in the petition Judge Allen ought not to hold his seat for one hour, they are certainly most extraordinary accusations and he did not think that the House was bound to wait for the accusations of the Government. If after all our waiting the Government say that they are satisfied, and that they are not going to take any further steps in the matter, then the session will have passed over, and the country will have to be inflicted with the Judge for another year.

Mr. DRAPER.—No time has been lost in the matter, he wrote off to the Judge with as much expedition as possible. He recognised the full right of the house to investigate the matter, but he did think that it was a very unusual course to take a petition out of the hands of the member who presented it, and who is responsible for it; he had no objection that the member for Middlesex should refer his own petition.

Mr. AYLWIN, should vote for the motion of the member for Middlesex (Mr. Draper, so shall I) what right he would ask have the Government to correspond with the Judge, and not bring the matter before the House till they had received the Judge's answer; he conceived that it was absolutely necessary that an investigation should take place, he had been told that

this little judge was to be treated as the Chief Justice of Montreal. In Lower Canada our small judges can be easily used up by the Executive but in Upper Canada, you must treat them as you are now treating the Chief Justice of Lower Canada. He was sitting on a Select Committee on the administration of Justice in Lower Canada, where it was wanted to get rid of the Chief Justice of Montreal, you might do anything against him, but mark the difference, this little bit of a Judge cannot be touched, and for why, because he is under the patronage of the Executive, but you can do any thing against the Chief Justice because he has fallen under the displeasure of the Executive. He was not prepared to believe that the charges were true, till they had been proved. The member for Peterboro' blamed the Ministry.

Mr. HALL, your ears deceived you.

Mr. AYLWIN certainly was deceived by his ears, he must have misunderstood him; for he supposed him to make imputations on the Ministry. He agreed that if one tenth of the charges were true, that were set forth in the petition of John Wilson he ought not to sit our hour longer. With reference to the Chief Justice there were no petitions, the administration are his accusers. His hon. friend from Terrebonne had been attacked for not attending to his duties in the Court, while he was at Kingston, but the present Attorney General while residing at Montreal cannot find it convenient to attend to his duties as public prosecutor. There is nothing like contrast. With reference to this little Judge he is under the protection of the Ministry and you cannot touch him; with reference to the Chief Justice he has fallen under the displeasure of the administration, and he must be removed.

Attorney General SMITH said it was not the fact that the charges respecting the Bench of Montreal were concealed from the Chief Justice; on the contrary, they had been fully reported to that functionary, and the Government had endeavoured during twelve months to come to such an arrangement as would prevent the necessity of a Parliamentary enquiry.

Mr. ERMATINGER did not rank Judge Allen with such a distinguished official as Chief Justice Vallieres, but it should not be forgotten that the population over which he [Judge Allen] tyrannizes was 40,000, and his salary was some £500. He [Mr. Ermatinger] had never charged the Judge with anything like corruption, but he thought that the many minor charges preferred made an important whole; incapacity was the great complaint; one of the petitions spoke of alienation of mind. [Laughter.] He was happy to find that the Government were disposed to adopt proceedings, but he thought they did not propose the right course; he would press his motion; no time would be lost by it; if the Judge were communicated with and his answer found satisfactory, enquiry would not take place; if, on the contrary, enquiry was to take place nothing could be done this session, the House being about to adjourn.

The motion was carried.

Administration of Justice Expenses.

Dr. TACHE first addressed the House in French and then in English to the following effect. Now as I desire that there may be no mistake or misunderstanding on the subject which I wish to address more particularly to one hon. member, I will do so in English; to the frequent requests of the hon. member for Peterborough to explain and to shew him by whom and how the Provincial chest is annually furnished. I reply: the greatest part by duties imposed upon British manufactures im-

ported into the country, and by various other duties, taxes and licenses imposed by the Provincial Legislature; and I further say to him, that the inhabitants of the country cannot pay and make use of these taxed goods and pay the other taxes and licenses to which I have alluded, but in proportion as their industry and the produce of the soil enables them to do. The question then is to know if Lower Canada, in proportion to its population, furnishes its share of exportations, and if the produce of its agriculture and of its industry is equal to that of Upper Canada? As the hon. member for Peterborough has on all occasions, shewn himself the corypheus of the pretensions the most exorbitant on the part of the members from Upper Canada, I am anxious to throw down the gauntlet, and trust he will take it up. Now I am ready to prove to him that the county he represents does not export more than mine; that the agricultural produce in his county (regard being had to the population) is not greater than the agricultural produce of the county I represent. That he, in his family, does not consume or use a greater quantity of British manufactures, upon which duty is paid, than I make use of in my own family. I am ready with the census in my hand to shew him that there are as many horses, oxen and cows, pigs and other domestic animals in my county as in his. I am ready whenever he wishes it, to prove to him that in the houses of Canadians in the rural Districts, if we have not always as many articles of luxury as in the same class in Upper Canada, we have a great number of useful articles which are all more or less of British manufacture, and which have paid duty and have consequently contributed to the revenues of the country; and further, that there is a far greater consumption of liquors, especially wines and rums upon which heavy duties are paid, in Lower than in Upper Canada, and that in this respect Lower Canada contributes more to the revenue than Upper Canada. I will also tell the hon. member for Peterborough, that I am ready to name appraisers to establish what I have advanced, and that I am ready to give security by which I will be bound to pay all the expenses of such an appraisement, if the hon. member will deny the positions I have taken and leave the matter to arbitrators and appraisers; and in which case I presume the hon. member is quite ready to do what I offer to do myself. The hon. member is offered (in a manner which ought to be satisfactory to him) an opportunity of proving that great superiority of Upper over Lower Canada, in which he has the very bad taste so often to boast of. This much for the counties L'Islet and Peterborough. Now, sir, I am certain that there is not a single member representing a county of Lower Canada who is not disposed to do as much as I have done, towards the representative of any county in Upper Canada (regard being had to their respective populations.) With the gravest face and the most assured tone; the hon. member from Peterborough has said "who loads your fifteen or sixteen hundred ships which annually find their way up the St. Lawrence if it is not the inhabitants of Upper Canada?" In answer I will ask that hon. member to name four counties in Upper Canada which furnished cargoes in 1845 for more than one hundred and eighty ships, of the value of £140,000. The counties of Bonaventure, Gaspé, Rimouski; aye that, out of the world Rimouski and Saguenay, can show this, not from calculations of my own, but from official returns, which can be produced at any time.

Mr. HALL would not have risen on this occasion, if it had not been that he heard his

name mentioned by the hon. member who had just taken his seat, and who appeared to give him a challenge. The hon. gentleman had of course taken considerable pains in making his calculations, and it could not be expected that he (Mr. H.) would on the spur of the moment take up his challenge, but if the hon. member would give him time, he would be ready to do so. If the hon. gentleman would make the slightest statement as to the population and exports of his county, he (Mr. H.) would take him up at once, and he would tell him that although his county had not been settled more than twenty-five years, yet they would lose, in consequence of Sir Robert Peel's new tariff, £100,000, on wheat and timber alone. If the hon. member could say as much for his county or the next to it, he would conclude at once. With respect to another point, the hon. member had charged him with praising his county in bad taste.

Dr. TACHE begged leave to correct the hon. gentleman. What he had said was that, the hon. member for Peterborough was foremost among those who boasted of the superiority of U. Canada.

Mr. HALL misunderstood the hon. member, but he would tell him that he did not come down to Montreal in order to hear his section of the Province reviled, (hear, hear.) and as long as it was in his power to speak he would defend it. When he came down here at the beginning of last session, he heard the leader of the opposition, the hon. member for Terrebonne, say that these Canadians were bankrupts. That was something new to him, and he waited to see if it would be taken up by any one else, and to his surprise it was repeated constantly by hon. members on the other side of the House. In every speech on whatever subject he was sure to hear it reiterated. With respect to the figures brought forward by the hon. member for L'Islet, he had no doubt they would be taken up by some one on his side of the House who was prepared to answer them, but he would tell that hon. member that if he denied that the expenditure on the public works in U. Canada did not benefit L. Canada, it would be just as well for him to go to N. York and tell the people there that the Erie Canal on which they had spent millions of dollars was solely for the benefit of the counties through which it passed, and that the city derived no benefit from it. He might as well tell the inhabitants of Boston, that Albany alone benefited by another of their great works which terminated there; what answer would be given to him if he made such an assertion. Property in this city has risen \$800,000 in value in consequence of that work, and he imagined that the same rule would apply to Montreal and Quebec, and that they had increased in a relative proportion by the U. Canada trade. But if the U. Canadians imported nothing, and exported nothing if their trade was of no importance, how was it that the merchants of these cities are so fearful of the trade being carried away from the St. Lawrence by Oswego and Buffalo, and will not allow a pair of boots or shoes even to be imported into the Province except by this route. But if the Canals proved a failure the U. Canadians would show what they could do, and it would then be seen whether there were £400,000 or £100,000 of a revenue.

Mr. CAYLEY would endeavour to follow the hon. member for L'Islet, though he imperfectly understood the French language. It was said by that gentleman that the union was forced upon Lower Canada, when Upper Canada was in a bankrupt state. He could state that the Union had been equally unpalatable to Upper Canada as to Lower Canada. He looked upon

Upper Canada to be like an individual who had expended large sums in the purchase of machinery or materials for carrying on a highly remunerating business, but who felt himself cramped at the time for want of funds, while Lower Canada was like a man who was rich from inheritance, who held the purse strings and had possession of the gates through which wealth flowed. He contended that the great works of the Province were as advantageous to Lower Canada as to Upper Canada; that every improvement made in the upper part of the Province benefited the lower part. They were like numerous small tributary streams which tend to swell the main channel. As an evidence of this he read a statement of the revenues of the harbour of Montreal, since 1832:—

1832.....	£1,116 12 11
1833.....	1,936 9 9
1834.....	1,152 9 8
1835.....	1,153 6 0
1836.....	1,552 11 10
1837.....	1,393 1 2
1838.....	1,330 3 8
1839.....	2,121 8 9
1840.....	2,729 17 4
1841.....	9,681 2 11
1842.....	9,840 12 11
1843.....	7,401 14 3
1844.....	10,384 16 1
1845.....	11,244 9 8

so that if Upper Canada has been benefited, Lower Canada had at least had her share of the advantage. Then, again, the gross amount of customs collected in 1840 at the ports of Quebec and Montreal were only £154,115 4s. while the same source of revenue in 1845 were £297,190, still showing the greatly increased trade of Lower Canada. The whole amount of debt incurred by the carrying out of the public improvements of the country, amounted to upwards of £3,000,000. Of this, he considered the whole of the expenditure upon the main line to be on the joint account that part of the cost amounted to a sum of £2,355,593 1s 7d. Of the remainder, had been expended in Upper Canada £750,468 8s 5d., and in Lower Canada £320,627 15s 7d., showing a difference of £429,840 12s. 10d. expended in Upper Canada over that laid out in the lower part of the Province. Looking at the other side of the account, however, it would be found that Upper Canada had contributed to the public purse 2,160,605 acres at 7s. 6d. per acre, making a total of £810,244. Lower Canada had contributed 3,907,000 acres, at 3s per acre, producing £586,050, leaving a balance of value contributed by Upper Canada, amounting to £224,194. To this must be added the expenditure for the administration of justice for 4 years in Lower Canada, above the amount taken from the funds for similar purposes in Upper Canada amounting to £91,948, and he would beg leave to take credit for the good intentions of the Administration, who besides having given £7000 to the sufferers at Quebec, had already come down to the House and recommended a loan of £100,000, to be applied in the same manner. (This is a loan is it not!) Yes, a loan, no doubt, just as all the money spent upon the canals was loaned; the grant would stand precisely on the same ground. Besides this, he had again to call attention to the good intentions of the Government, who had appropriated a further sum of £19,000 for Light Houses in the Gulph of St. Lawrence. These five items added together would exhibit a set off of £442,142 against the previous charge of £429,840 12s 10d. for the local purposes in Upper Canada, leaving a balance against Lower Canada of £12,301 7s 1d.

To turn to the subject immediately before

the House. He thought the hon. member for L'Islet was mistaken in his calculation as to the administration of justice in the two sections of the Province. From the return which had been prepared, in answer to an address from the House, it would appear that the charges for the administration of justice in the two portions of the Province was as follows, viz:

	Canada East.	Canada West.
1842	£16,508 19 3	£18,136 17 9
1843	32,132 2 5	14,874 2 8
1844	39,351 0 7	16,216 17 6
	39,443 6 11	15,254 14 0
1845	£158,438 9 0	£65,189 12 11

Balance, £91,948 16 0

Giving an average excess of £22,987 3s.

From the returns furnished by the different districts, he had ascertained that the amount of expenses for the Administration of Justice, now charged upon the local resources of Upper Canada, which he proposed to defray from the provincial chest amounted to £17,231.—So that the £6,000 which he proposed to charge on the Provincial revenue for the first year, as one-third of the whole, would leave some margin for any increase that might occur.

He had not yet mentioned the substantial advantages which had accrued to Lower Canada. These were the excess of school allowance granted to Lower Canada, as compared to the upper section of the Province, amounting to £10000 0 0 The Jesuits' Estates, devoted to educational purposes 6000 0 0

£16000 0 0

Then there were the advantages derived from the Seat of Civil Government, and the place of meeting of the Legislature, being established in the lower section of the Province, the first of which caused an annual expenditure of £33,000 and the last of £17,000. In addition to these benefits which Lower Canada obtained from her connection with the upper part of the Province, he would mention the charges upon goods passing through Montreal, which went into the pockets of the inhabitants. The honorable gentleman then made a statement of the exports of the Province, to prove that the greater portion of these exports were the product of Upper Canada. He mentioned that some of the merchants of Montreal have undertaken to sell goods at Montreal as cheap as they are sold in New York. If our enterprising merchants will be able to accomplish this we have nothing to fear from the competition of our neighbours.

Mr. WILLIAMS understood the hon. member for L'Islet to state that no county in Upper Canada would, as it respects exports, bear a comparison with his county and the neighbouring county of Rimouski; as he has thrown down the gauntlet, he [Mr. W.] would take it up; and state that the county which he represented, and the one represented by the hon. member for Peterborough, produced last year 210,000 loads of square timber, and 500,000 bushels of wheat, the value of which exceeded £500,000 sterling. Is there any portion of Lower Canada of the same size and population as the counties of Durham and Peterborough, that produces as much; an amount of property capable of loading 500 ships of 400 tons burthen.

Dr. TACHE said that it appeared there was a great difference in the case of the administration of justice in the two sections of the Province, as stated by him, and the amount mentioned by the hon. Inspector General. He

(Dr. T.) had set down the expense in Lower Canada at £23,000, and in Upper Canada at £12,000, whereas the hon. Inspector General had made the estimate of the first at £38,000, and of the latter £15,000. If he had given a incorrect estimates it was not his fault, not having the official documents, no other data to proceed upon than the Journals of the House which must be in fault.

Mr. CAYLEY explained to the hon. gentleman that it was necessary to make a classification of several different items in order to arrive at a correct estimate, and he supposed the hon. gentleman did not do so, and consequently the difference which appeared.

Dr. TACHE continued, the hon. Inspector General had given very considerable accounts of the exports from the cities of Montreal and Quebec, but he had given no account of the export trade from the other ports in Lower Canada, one of which alone exports fish to the value of £60,000, which forms a very good item. Then he has forgotten the timber trade of Lower Canada, which is very large at Rimouski and the Saguenay. Then there are the provisions supplied to the shipping, which must be taken into consideration, and which would form a very large item of export if not thus consumed.

Mr. GOWAN was very glad to have an opportunity of replying to the observations of the hon. member for L'Islet, and of thanking him, for himself (Mr. G.) and he believed he might say for all hon. members on his side of the House, for the manner in which that hon. member expressed himself. (Hear, hear.) And he fully believed there was no one on that side of the House, who would approach the subject except in a spirit of candour and justice. One of the arguments used by the hon. gentleman, was that in proportion to the population of Lower Canada, there was not a sufficient amount of the public monies awarded to it. He conceived that that argument was not well based; for the expenditure of the public money should not be in proportion to the population, but to the produce and the exports. (Hear, hear.) If the hon. gentleman had shown that by an increased population there was a proportional increase in contributing to the public revenue, he would have admitted the justice of the argument, but if that could not be shown; the argument was necessarily false. The hon. gentleman had said that the prosperity of Lower Canada was well known before Leeds or Peterborough were heard of. Well he would be sorry to bandy words with the hon. member on that subject but he would tell him, that although Lower Canada was so very prosperous Leeds or Peterborough had never asked the Government to pay the Criers of their Courts (hear) or to maintain the prisoners in goal. [Hear, hear.] Then the hon. gentleman said that Lower Canada at the time of the Union had a large surplus revenue and that Upper Canada came in to despoil it. In answer to that he would ask, how was it produced? Was it not well known that the coffers of Lower Canada were full, because its Parliament did not legislate for years before the Union. [Hear.] Because the public officers were left unpaid. Hear, hear and a laugh, from Mr. Aylwin.] The hon. member for Quebec gave a hearty laugh, but he would tell him to look at the proceedings of the Lower Canada Legislature, and he would find that such was the case. Was not a message sent down requiring the payment of a balance of £4,500 to the Speaker of the Lower Canada Parliament. Then the hon. member stated that the credit, the debentures of Upper Canada rose immediately after the Union took place,

and that they were bankrupts before that event. He admitted at once that the credit of Canada did rise, but he would give the hon. member the reason, it was not on account of the Union with Lower Canada, but on account of the guarantee of the British Government. Now with respect to the observations of the hon. member for Quebec, who had called this a most iniquitous measure. He [Mr. G.] did not look upon it in that light, but as the hon. member for Terrebonne said there were many defects in the Union act, he looked upon it as one of them that the same measure of justice was not given to Upper Canada as to Lower Canada. At this day, the question before them should not form a subject of discussion, it should have formed one of the conditions on which Upper Canada consented to the Union. There should be no difference existing between Upper Canada and Lower Canada, and as the expenses of the administration of Justice in Lower Canada were charged on the Provincial Revenue, it ought to be the same in Upper Canada, and as that had been neglected he considered it is one of the defects of the Union. The hon. member for L'Islet had said that at the time of the Union Upper Canada was without credit, and another hon. gentleman had gone further and asserted they were bankrupts and beggars. He would take this opportunity of expressing his regret at the harsh terms employed on that occasion in reply to the hon. member for Quebec, and would assure hon. gentlemen opposite that the feeling was far from general on his side of the House. [Hear, hear, hear, "très bien, très bien."] But, returning to the hon. member for Quebec, he would ask him who employed the hundreds of trains which leave Lower Canada for the upper section of the Province in the winter season? The "bankrupts and beggars."—Who employed the hundreds of boatmen plying between the upper and lower sections of the Province? The "bankrupts and beggars."—Has he ever in his experience found that any portion of the population of Upper Canada come down here to seek employment? On the other hand, how many hundreds leave for Upper Canada, and all these are employed by the "bankrupts and beggars." And if the hon. member would walk down to the wharves of this city and observe the thousands of barrels of Flour coming from Upper Canada—

A MEMBER.—It is American.

MR. GOWAN.—Partly; but he could take the hon. member to milling establishments in Upper Canada, where they turn out thousands of barrels of flour, and then he would be able to say whether they are "bankrupts and beggars" or not. But in future every Canadian barrel of flour should be marked B. B., "bankrupts and beggars." [Hear, hear.] Let the hon. gentleman look at the calculations of the hon. Inspector General and say who produces the immense quantity of ashes which load the shipping in Montreal. Who were the "beggars"? The hon. gentleman then went at great length into calculations, which he defied the hon. member for Quebec to contravene in support of his views; and, in conclusion, hoped that there would no longer be a question of Upper and Lower Canada. The object of all should be to promote the welfare of the United Province.

MR. AYLWIN was pleased with the manner in which the hon. member for Leeds had spoken on this question. The subject before us has been treated after a peculiar fashion; the speeches of the hon. members opposite were made up of calculations and figures. This recalled to his mind two or three lines from a celebrated poet,

"They extract figures out of matter,
And shew them in a glass like water."

The hon. members opposite have endeavoured to prove to the people of Lower Canada, that they have gained a great deal by espousing a large debt. Several of the members would remember the discussion that took place in the Upper Canada Parliament about the Union. It was there urged as an argument in favour of the Union, that the bargain was a hard one for Lower Canada; they being able to saddle their debts upon Lower Canada; it was said to them by those high in authority; that if you vote against the measure you will be in an embarrassed state. It is easy to make calculations and thereby deceive persons who were not acquainted with the subject—we know how these exhibitions are made in England. It is said that it was the guarantee of the British Government and not the Union that improved the credit of Upper Canada, all he could say in answer to this is, that this guarantee would never have been given had it not been for the Union, for British guarantees are not given to people who repudiate. (Mr. Gowan—the Province of Upper Canada never did repudiate.) This guarantee was given for the purpose of gilding the bitter pill of the Union. He (Mr. A.) would not go into calculations for it was not necessary, he would only ask where is the majority of the population to be found if not in Lower Canada. The people of Upper Canada are in a favoured position, they have an extensive frontier and it was known whence came most of what they consumed. (Mr. Hall—we pay duty though.) Mr. Aylwin—you pay for all, you don't smuggle, (loud laughter) Lower Canada had no such advantage, she really paid duty on all she consumed, [yes, yes.] Upper Canada always basked in the sunshine of royal favour, and has been built up by military expenditure. Hon. members have asked who made Lower Canada; he would say to them, it was the descendants of those noble Normans, who in former days conquered England, that had made Lower Canada what it is. Some hon. gentlemen speak as if they thought that the District of Montreal was the whole of Lower Canada; and he regretted to state that this had been always the case even with the Lower Canada Parliament, for the leaders of the House of Assembly, the Vigers and Papi-neaus, to gain political capital, spent all the public funds in improving the favourite District of Montreal. The same spirit has been at work since the Union, hence we have the attempt to dredge Lake St. Peter, that the merchant princes of Montreal may be aggrandized. He had been attacked by the hon. member for Montreal for inconsistency; he was always glad to be attacked, for he was ever ready to defend himself. It is true that when the hon. member for Montreal was strongly opposed to the President of the Council, and his celebrated relative who formerly filled the distinguished office of Speaker of the Lower Canada House of Assembly, I stood up manfully for British interests, and was an active member of the constitutional association. I was appointed a delegate to a convention of these associations, and I can state that I prize the honour of being a delegate to that convention more than even being a member of this House. The measure that was first introduced into that convention was the Union of the Provinces I; immediately stated that if this measure was adopted I would leave the meeting; and true to my word, the measure having been carried with only two or three dissentient voices, I left. Efforts were made the next day by certain gentlemen who

are now strong supporters of the hon. member for Montreal [Mr. Moffatt] to induce me to return, but I would not, as I was always a determined enemy to the Union, I was prepared to stand or fall by the Constitutional Association, but they left me instead of my leaving them." He (Mr. A.) was taxed with inconsistency forsooth, by men who are now supporting individuals, whom they formerly designated as rebels and traitors; he could, however, afford to laugh at the taunt. He would ask his hon. friends around him if they consider him as an enemy to the French Canadians? (No, no,) from some of the French members. Was not a great deal of the heat which he manifested, occasioned by seeing opposite to him the hon. members for the town of Three Rivers and the county of Ottawa, supported by the hon. members for the city of Montreal? He could affirm that the British part of the population of Lower Canada was trampled upon and oppressed, by the majority in the House of Assembly. He had never denied that this was his opinion, and he had never regretted the active part he had taken against the Vigers and Papi-neaus of former days. What he thought, then, he still thought, for he equally hated the oppression of the many over the few, as the few over the many; the latter will be the case in the present instance. The people of Upper Canada luxuriated in two and twenty small districts, with their petty Sheriffs, coroners, &c.; and now all their little dirty officials who reside in that part of the Province, are to be paid out of the joint funds of the whole Province. He would again ask if the late administration ever attempted to force any measure upon the people of Upper Canada against the wishes of the majority of their representatives? The assessment bill was brought forward as an instance of this, but in reply, he would ask was that bill persisted in? He called upon the hon. member for Megantic to state if there was any desire to impose any measure upon Upper Canada without the concurrence of the majority of its members. [Mr. Daly, nodded assent.] How is Lower Canada now governed? By the ministers from that section of the country, supported by only three or four of the representatives of Lower Canada. Should his party regain power, he would not be in favour of imposing laws upon Upper Canada without the concurrence of the majority of its representatives. He was sorry that the words which he had uttered on a previous occasion had been taken up in an offensive sense, by certain hon. members. He did not intend to say any thing to wound the feelings of any one.

MR. McDONALD of Cornwall, had waited up to that time in the hope of hearing the hon. member for the North Riding of York. That hon. member had heard the Upper Canadians called bankrupts and beggars without offering a word in reply; this he added to the other favours which Upper Canada had received to wit; the removal of the seat of Government &c. He [Mr. McDonald] was not the only person who was watching the movements of that hon. member, the people of Upper Canada generally had their eye upon him, and if he persisted much longer in his present career Lower Canada would have again to find a place of refuge for him; he [Mr. Baldwin] not only refrained from speaking on the question before the House but when it came to the vote the other evening he found it convenient to be absent.—With regard to the question in debate he [Mr. M'D.] did not consider what was to be gained by it; the people were to be pleased, and they would not stop to ask what was the gain or the loss, their demand was to be placed on the

same footing with Lower Canada; he would repeat that it was no matter what was gained or lost in Upper Canada, if there was a gain, it was only a proof that the people know more than the people of Lower Canada, that we are cleverer than they are; [hear, hear and laughter] in his opinion Lower Canada had more than he was entitled to; the act of the Union was a favour conferred upon her, the proper way to act would have been to annex Montreal to Upper Canada, Gaspé and Bonaventure to New Brunswick, and then to place the District of Quebec under a Governor and Council, "that was what many of you deserved" said the hon. member waiving his hand towards the opposition. After some further important remarks in reference to the hon. Mr. Aylwin, the hon. member declared his intention to vote in favour of the report.

Mr. BALDWIN wished the House distinctly to understand that he did not rise merely in compliance with the wish of the hon. member for Cornwall. With regard to his [Mr. B's.] absence from the House on Friday evening last, when a decision was come to on the present question, he would deny that it was from any desire to shirk the responsibility of voting; it was solely because of a scene having arisen which he did not wish to participate in, and which appeared to him at the time to be likely to continue during the evening, and to end in no very happy way; he had been, however, glad to hear that it had terminated as such scenes always should, and he was particularly pleased to find that the debate on the present occasion exhibited no traces whatever of former ascription or ill feeling; he would especially refer to the happy tone of the hon. member for Peterborough, and also to the very proper manner in which the hon. and learned member for Quebec had expressed his regret for having, under the excitement of the moment, used certain offensive words towards the people of Upper Canada. In reference to the question before the House, he [Mr. B.] would first say, what he had often said before, that he was an unflinching advocate of the Union of the Provinces, and being anxious for that Union, he was also anxious that it should not be a mere parchment union [hear, hear] but one of hearts and hands; a Union that would give increased prosperity and strength to the country, and that would make her respectable not only in the eyes of her own people, but in the eyes of the world; and he was satisfied that if they put their shoulders unitedly to the wheel, if they forgot peculiarities and petty differences that grand end would be attained. What he (Mr. Baldwin) particularly deprecated was differences arising out of sectional feelings and interests; he entreated all parties to join with him in that desire, and particularly did he appeal to those who from their ability and influence were in a position to lead the public mind; he was keenly alive to the danger of those sectional differences, and it was because he desired to put an end to them, to bury them forever, that he would record his vote in favour of the proposition before the House. (Hear, hear.) He desired that political capital should no longer be made out of appeals against this or that peculiarity in the relative position of the two sections of the country; he wished to put it out of the power of evil disposed men to foment quarrels on that score, and therefore it was that when a Minister of the Crown conceived that the state of the public revenue enabled him to come down to the House with such a measure as the present one, in his [Mr. Baldwin's] view, calculated to promote the common peace of the country, he felt it to be his duty to support it [hear,

hear.] But he did not, in any degree, give his support to the present measure, on the ground assumed by some hon. members—viz., justice to Upper Canada; [hear, hear.] In strict justice Upper Canada had no right whatever to ask it; he entirely repudiated such a proposition; he adopted the recommendation of the Minister of the Crown upon no such ground, but merely as a means of promoting the general peace and welfare of the united people [hear.] He had objected to the particular terms used by the hon. and learned member for Quebec in reference to the finances of Upper Canada at the time of the Union, but he would advise hon. members to look at the Journals of the House and they would see that Lord Sydenham's recommendation of the Union was based upon the fact that the funds of Lower Canada were necessary to wipe off the debt of Upper Canada; it could not be denied that at that time Upper Canada was substantially bankrupt, her debentures, in the London market were as low as 80 per cent. [Mr. Draper 87½.] And as for obtaining a loan upon the guarantee of Upper Canada the thing was preposterous, the only possible way to obtain a loan was upon the assurance of a Union with the Lower Province. He admitted that some of the Lower Canadian members underestimated the advantages of the measure of the Union to their section of the country, but it should not be forgotten under what circumstances that measure was forced upon them; in Upper Canada the people had their Parliament through which to make known their views and wishes, and yet they complained of force [hear, hear from the ministerial side] Lower Canada had no Parliament at the time, her constitution was suspended, her voice as a country could not be heard; it was therefore not to be wondered at that she regarded the Union with an unfavourable eye. With regard to the question of the Canals in Upper Canada, about which so much had been said he could not help thinking that those Canals, and especially the Southern line of them, would afford great advantages to the country generally; but there was one point overlooked in the arguments on that subject, and that was the large amount that was sunk in jobbing; there was no doubt that the lawful expenses of the Canals was properly a joint debt of the two Provinces, but he would say that the loss by jobbing ought not to be charged to Lower Canada because she had no hand whatever in it. He had said in commencing that he wished the House to understand that in rising to speak he was no way influenced by the call of the hon. member for Cornwall; that he would then repeat, and the only notice he would take of the hon. member's speech was to state that that part of it which referred to the position in which he [Mr. Baldwin] stood towards his hon. friend the member for Terrebonne was drawn entirely from his [the hon. member for Cornwall's] own imagination; it had been said of other hon. members during the debate that they had availed themselves a good deal of their imaginative powers but in that regard the hon. member for Cornwall had exceeded all, had indeed, capped the climax.

Atty. Gen. DRAPER said that this was a question which involved some thing more than pounds, shillings, and pence, and after the remarks which fell from the hon. member for the Fourth Riding of York, he felt that he would not be doing his duty towards his hon. friends, if he did not briefly express his sentiments. He was happy to say that he concurred not only in the vote which that hon. member was prepared to give, but also in the high political principles which guided him on the occasion. He must say that so far

as regards the Union, that up to the year 1838, he was opposed to it, for he looked upon it merely in the light of an experiment which might never succeed, and he recorded his vote in opposition to that Union, the first session he was in Parliament. But when he saw Upper Canada perishing by slow degrees [hear,] and Lower Canada suffering from the want of a Constitutional Government,—a result brought about by an unfortunate rebellion which he for one was free to admit was not occasioned solely by the people, [hear,] he became a convert in 1839, and advocated the Union of the two Provinces at a time when the consequences might have been personally dangerous to himself, for it he remembered aright, the despatch from the Colonial Secretary stated that the question was one unfit to be brought under the consideration of the Imperial Government. He [Mr. Draper] might appeal to every act of his since the Union, that his only wish was to make it close & indissoluble, that was the sole basis of his conduct, he might appeal to many of his acts to show that they had but one end in view, to prevent the agitation of the question of dissolving the Union, and he would be content to rest this question on the broad basis that there should be felt no distinctions between the two sections of the Province. [Hear, hear.] And if anything should remain which will continue to mark the distinction between Upper and Lower Canada, whether it was in Upper Canada or whether it was in Lower Canada, he would be prepared to destroy that distinction, as he was prepared to carry this measure through. He would argue with the hon. member on another point, that it was only by carrying out the union thoroughly that we should hear no more of Upper or Lower Canada, but become a united people, and might expect to attain to that eminence to which this great country is destined [hear, hear.] She has all the elements within her, and it was only by fostering them that it could be expected she would take her proper position which he trusted and believed was not that of a mere adjunct to another country [cheers]; and he hoped that the spirit of monarchy, of free monarchy, would be so firmly established that there would be nothing to fear, nothing to hope for, from the republicanism of neighboring States [cheers.] And how was it to be carried out, by keeping open these distinctions or by laying them entirely aside and then presenting the bold front that a united people can do, those were the grounds on which he acted, that was his object, and the present measure was one of the means by which he hoped it would be attained; and if other hon. members opposed it, it was merely because they adhered to the petty and narrow distinctions which ought to be forgotten. He could bear the taunts of the hon. member for Quebec with great philosophy, for although the Normans did conquer the English, yet it appeared they had very sufficiently revenged themselves on different occasions, he made no allusions to recent events in this country, but forgetting any momentary ill feeling which might have been caused, he would call on hon. gentlemen to remember what they had often asserted, that whether of Norman or Saxon origin, their highest boast was that they formed part and parcel of the British empire, therefore no longer preserving these narrow distinctions, they should unite cordially in any project likely to make them appear less striking.

The report was then concurred in on a division—Yeas 44, Nays 19.

The House after some routine business adjourned.

ROUTINE BUSINESS.

MONDAY, May 11, 1846.

The bill to amend the Registry Laws of Upper Canada was read 3rd time and passed.

Petitions read.

Of R. Walker, et al., for alteration in the Charter of King's College.

Of the Post-Office Messenger to the House, for a salary instead of daily allowance.

Of G. O. Stuart, et al., of Quebec, for carrying out the project of a Railway connecting the St. Lawrence and the Atlantic.

Of the Roman Catholic Bishop of Quebec and several other Bishops, praying that the Jesuits' Estates may be placed under their control.

Of T. W. Blanchard, et al., of Drummond, that the law relative to Winter Roads may not be repealed.

The Committee on the bill to amend the Toronto Incorporation Act—reported the same amended—Committee of the whole to-morrow.

The committee on private bills reported the bill for the relief of the Jewish congregation of Montreal, and the bill to incorporate the St. George's Society of Quebec; each with amendments.

Mr. Gowan made an address for particulars relative to the expenditure of £58,000 granted for deepening Lake St. Peter, with the amount expended in the purchase of a line of steamers and dredging machines. Also, a statement of sums paid for labour done, distinguishing the sums paid to Engineers, Superintendants, and officers of Steamers, &c.

The amendments made by the Legislative Council to the Albion Road Company bill were adopted.

Also, their amendments to the bill to enable the inhabitants of the Magdalen Islands to establish a Municipal Council therein, and to extend the like benefits to other localities.

A message was received from the Legislative Council stating that they had passed the following bills.

To vest in J. R. Andrews a road allowance in Dunthies.

To restore the rights of certain persons attainted for treason.

To impose a duty on Distillers and on Spirituous Liquors.

Also, a message requesting the House to communicate the evidence on which the House had passed the Quebec Gas Company bill—and the Quebec Water and Gas Company bill.

Mr. Smith of Wentworth moved that Robert F. Gourlay be heard at the Bar on Wednesday in support of his own petition, which was negatived.

Mr. Cauchon moved an address for a statement of the names of all the Clerks employed in the various Public Departments, with their salaries &c.

Mr. Lautier moved an address for copy of Report of Board of Works on petition of Leonard Ravaria and others.

Mr. McDonell of Dundas moved an address for copies of petitions &c., addressed to the Governor General or Board of Works, relative to a Bridge across Williamsburg Canal in front of Mariatown.

Mr. Draper, by command of His Excellency the Governor General, laid before the House the following message.

CATHCART.—

The Governor General informs the Legislative Assembly that he has heard with great regret of the recent occurrence of an extensive and destructive fire in the County of Saguenay, and that it is his intention to adopt proper measures for instituting an inquiry on the spot, as to the extent of assistance that may be necessary for the relief of the unfortunate people who may have been rendered destitute by this distressing calamity, and for the issue of such number of rations, under the authority of the Commissary General as the necessity of the sufferers may require. The Governor General recommends to the consideration of the House the expediency of making provision for the same, and for granting such further aid in their behalf as in their wisdom they may deem applicable to the circumstances of the case.

Government House, 11th May, 1846.

Mr. McDonell of Dundas moved an address for copies of any petitions &c., from James Coons of Matilda to the Executive Government and the Board of Works, relative to his claims for damages under the Canal Act and the replies thereto, and copies of all communications between Mr. W. Freeland and the Government in relation thereto, and information relative to the duties and salary of Mr. Freeland.

Mr. Latierriere moved that the House would on Wednesday take into consideration the means of facilitating the settlement of the Saguenay territory. Also, the expediency of preventing the sale of timber from off the public Lands.

The petition of the Roman Catholic Bishops of Quebec, was ordered to be printed.

Also, the returns from the Crown Timber Office at Bytown. And the report of the Post Office Commissioners.

Mr. McDonell of Dundas brought in a bill to prevent the levying of penal actions in Upper Canada on the English bill of hreacy and buying of titles—second reading on Thursday.

The petition of Doctor Rees was referred to a Special Committee.

Mr. Robinson moved an address to Her Majesty praying that in case any change is made in the law regulating the admission of Foreign Wheat and Flour into the British markets, due regard may be had to the interests of Her Majesty's subjects in this Province, and a Committee was appointed to draft the address.

The resolutions agreed to on Friday for defraying the charges for administration of justice in criminal matters in Upper Canada from the Provincial Revenue were reported and agreed to in a division as follows.

YEAS.—Messrs. Baldwin, Boulton, Brooks, Cayley, Chalmers, Christie, Colville, Cummings, Daly, DeBligny, Draper, Dickson, Ermatinger, Foster, Gowan, Hale, Hall, Jessup, Johnston, LeBoutillier, Macdonald, [Cornwall], Macdonald, [Glengarry], Macdonald, [Kingston], Macdonell, [Dundas], McConnell, Moffatt, Munro, Murray, Papineau, Petrie, Price, Robinson, Roblin, Seymour, Smith, [Frontenac], Smith, [Miseisquoi], Smith, [Wentworth], Stewart, [Bytown], Stewart, [Prescott], Tachereau, Thompson, Viger, Williams, Woods.—44.

NAVS.—Messrs. Armstrong, Aylwin, Berthelot, Bertrand, Boutillier, Cauchon, Chabot, Desautier, DeWitt, Lafontaine, Lantier, Laurin Lemoine, Leslie, Methot, Nelson, Scott, Tache.—19.

Mr. Cayley brought in a bill in conformity thereto, 2nd reading on Friday next.

The bill to enable the executors of the late Hon. C. Jones to convey a certain Lot of Land in Brockville to Trustees, was read 2nd time, a motion of Mr. Jessup's to postpone the same 6 months, and a motion for committing the bill were negatived.

The bill was ordered for a 3rd reading to-morrow.

Mr. Smith from Fontenac, moved that the remaining orders be postponed, which was lost.

The bill to regulate the duties between master and servant was referred to a Select Committee.

The bill to provide for the erection of Slides to Mill Dams on the River Moira, was read the 2nd time, committed and amended. To be reported to-morrow.

Adjourned for want of a quorum at 20 minutes past 12 o'clock midnight.

LEGISLATIVE COUNCIL.

TUESDAY, May 12, 1846.

Hon. Mr. BRUNEAU reported from Committee the bill to Incorporate Les dames Religieuses du bon pasteurs without amendment.

Hon. Mr. FERGUSON reported from the Committee to whom were referred the petitions against vesting the Reserves in the Church of England.

Hon. Receiver GENERAL objected to the wording of the report, which made it appear

that the petitions referred to the Committee, had reference solely to the suspension of the sales, and would induce the public to believe that the sales were still suspended. Now he begged to assure the hon. gentleman that the suspension of the sales had no connection whatever with any petitions addressed to the Government, but was caused solely by information sent to the Government, that in some parts these Reserves were selling far below their actual value, and the Government had during the press of the Session, wished to investigate this matter and see where the blame lay: They did investigate it, and he could tell his hon. friend that the sales had been resumed eight or ten days ago, and that being the case he would leave it to his hon. friend whether he would allow the public to be deceived by that report.

Hon. Mr. FERGUSON thanked the hon. Receiver General for correcting him. The Committee had not been aware that the sales were resumed, and he would therefore withdraw the report in order to make the necessary alteration.

Hon. Mr. GORDON objected to the report in toto, for not a single petition had been laid on the table praying for the course adopted by this Committee.

Hon. Mr. IRVING said that it was a general opinion in his District, that the sales had been stopped by the influence of certain parties with the Government, in order to enable them to get a good share for the Church party.

Hon. Mr. FERRIE was very happy to hear from the hon. Receiver General that the sales were resumed, but it was impossible for the Committee to be aware of that, no advice to that effect having been published.

Report referred back to Committee.

Toronto, Kingston and Wolfe Island Rail Road bill, was reported with several amendments. Also, Quebec Incorporation bill.

Bills read, third time,—Commercial Bank, and Upper Canada Bank Charter bills, Ferris' bill.

The House went into Committee on consideration of report of Committee on Bible Christians bill and shortly after rose, reported progress and asked leave to sit again.

House in committee on report of committee on Toronto and Lake Huron Railroad bill.

Hon. Mr. FERGUSON remarked that it was not his wish to throw any impediment in the course of this bill, and he might add that it was not his interest to do so: as the line of the Toronto and Lake Huron Railroad would probably benefit him far more than the Great Western. He felt it to be his duty, however, to call the attention of the House to the history of this Railroad. Its original plan was that the line should run from Toronto to Penetanguishine. Before any progress, however, was made under that act, a scheme was devised by other parties to run a Railroad to the West from Hamilton, and a company was established, which has now become the Great Western Railroad, with a very large capital, subscribed partly in England partly here. It would seem that the Toronto Company then turned their attention to the West also, and, supported by the Canada Company, proposed a line through Guelph to Stratford and Goderich, and also to some other terminus on Lake Huron. A plan of this line was put out and was well received, but from this plan the Company now desire to recede, and to be left at full liberty to cross or to run parallel with the Great Western from London West. This (Mr. F. stated) he could not agree to; he considered it unjust to the Great Western, and also to the public, who looked reasonably to the advertised line by Guelph. What he (Mr. F.) would desire was

a line from Toronto through Guelph to Stratford, there to branch off to Goderich and London, and at the latter point to amalgamate, in some manner and by some arrangement, not difficult to devise, with the Great Western road.

Hon. Mr. M'GILL assured the hon. gentleman that the plan he referred to was not issued on the responsibility of the Directors, but on the responsibility of one individual; and no plan, no route whatever, was laid down in the bill. He was himself opposed to any interference with the Great Western Railroad Company, but it was in their power to form a junction.

The committee rose and reported the bill to the House.

Hon. RECEIVER GENERAL moved for the second reading of the Registry bill of Upper Canada. The hon. gentleman said that there is a Registrar in Upper Canada who holds three counties, and from age is incapable of performing the duties of his office, and under the present law it is impossible to remove a Registrar. It was proposed to alter the law in that respect, and also to enforce the registration of legal judgments, which would give great satisfaction in that part of the Province. With respect to fees also, it was proposed to reduce the fee for searching from one and threepence to sixpence; but, at the same time, it was provided that the Registrars should not suffer in their emoluments, which are not now too large. The bill provided also, that the Registry Office should be kept in a secure situation. The house to be built of brick at the expense of the Municipal Council if not constructed by the Registrar. It also gives to the Government the power of removing the Registrar, on presentation of the Grand Jury, of his absence from the county or incapacity to perform the duties. These were the prominent features of the bill, to which he hoped there would be no opposition, as it appeared to him it would form a system calculated to give general satisfaction.

Hon. Mr. CROOKS would wish to see a clause inserted in the bill enforcing the use of safes in order to preserve the documents in charge of the Registrar.

Hon. Mr. BRUNEAU coincided with Mr. Crooks. These safes could be constructed for £30 or £40, and could be removed from place to place for a mere trifle. He had brought in a bill for that purpose respecting Lower Canada, and he would be happy to see that safes were in use in the Registry Offices of Upper Canada also.

Hon. Mr. GORDON was of opinion that safes were necessary in Registry Offices. If used, there was very little danger of the papers being destroyed by fire.

Hon. RECEIVER GENERAL said that these safes were found to be useless in Europe; for a fire having occurred lately in Glasgow, the papers within the safe were entirely consumed. He was not aware that any of the safes in use in Quebec were tested during the great fires, but from the intensity of the heat, caused by a large fire, he was of opinion that safes were no security.

The Hon. SPEAKER said that a safe had been tested at Quebec, and the papers it contained were found uninjured within it.

The bill was then read a second time, and referred to a select committee, to which was also referred the bill to remove the Registry Office of the District of Simcoe.

Hon. Mr. FERGUSON brought in the report of the committee on the Clergy Reserves, but the same objection being urged, withdrew it in order to effect an alteration.

The House then adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, May 12, 1846

The House went into committee on the message of His Excellency respecting the fire at Quebec.

Mr. TASHCHEREAU moved a resolution to the effect that Government should borrow a sum not exceeding £100,000 on debentures at 5 per cent. He said that owing to the fires, the sympathy of the public, both on this continent and in Europe had been largely excited, and a large amount had been collected for their relief, exceeding what had been expected by the inhabitants, this has been found, however, totally inadequate for the permanent relief of the sufferers. The relief committee were prepared, he believed, to grant 15 per cent on the value of the property towards rebuilding the part destroyed, but this was comparatively speaking nothing. To give further relief to those desiring to build, the Government had come down prepared to recommend a grant of £100,000, and it would be the duty of the Government to see that it was properly invested.

Mr. BOULTON would be the last to oppose the affording of relief to the sufferers, and if he thought that the scheme proposed would effect that object, he would not oppose it; but he did not think it would. He believed that there still remained a very large sum in the hands of the relief committee, which as it was not required for the immediate relief of the indigent, they were applying for the widening of the streets and beautifying the city; if that was not the case, the statements of the papers were incorrect. If the sum was required to restore the city to its former position, he was perfectly ready to support the motion, but he thought it would be better to let the corporation borrow the money, and the province guarantee the interest. He considered that we might as well say it was a gift, for it is so in reality, and let us have the credit of it. He believed that it was not the working classes that were sufferers, for instead of getting 3s or 4s a-day on account of the demand for labour they are getting 6s or 7s.

Mr. VIGER said a few words, but in so low a voice that we could not make them out; we understood him, however, to say that it was not the custom in England for the Parliament to guarantee the interest on a loan in a case like this, but to make the loan, and become responsible for its payment.

Mr. M'DONALD, of Cornwall, was glad to see that for once, the honourable and venerable President of the Council if not applauded was at least not hooted by the opposition. It is a bad feeling that causes members of the opposition to hoot that hoary headed gentleman; but he was glad that one instance had occurred in which altho' they did not applaud him, yet they listened with politeness. Let us, he said, give things their proper names, let us not call this a loan, when in reality it is a gift. The view of the member for Toronto is correct, it is a gift and not a loan, let us then have the credit of it. He did not think that, if the Government loaned small sums that they should ever be able to obtain them back. In Upper Canada he knew that such was the case when they had loaned sums varying from £5000 to £10,000. But he believed that if the corporation were responsible for the payment of the loan they would be able to get it back. It is a farce for the government ever to expect to be able to get repaid the money, that they loan in small sums in the way proposed. Hon. members on the other side of the House were very warm in support of this motion. If, however, a similar vote had been

proposed for the city of Toronto, under similar circumstances, not one of those hon. members would have supported it.

Mr. LAFONTAINE addressed the House in French with some warmth, condemning the tone of the hon. member for Cornwall, whose indiscretion had, only the other day, cost the Government three votes on the wheat question. The hon. and learned member referred particularly, as we understood him, to the charge that the French Canadian would not vote for a grant to the city of Toronto under similar circumstances; and he instanced, as a proof of their generosity, the vote to Miramichi—altho' there was no connection between them but being subjects of the same empire.

Mr. M'DONALD, of Cornwall, never before considered that he was any thing more than the humble representative of the small and obscure village of Cornwall, but now he began to feel that he was some thing, when he had been the honored person against whom that great man the hon. and learned member for Terrebonne had directed an attack for nearly half an hour, he began to feel that he was at least an inch taller. He was overcome, that so great and exalted a man, a patriot of the first water, so great an orator had attacked him. He felt honored that he should be the person attacked by so brave a man, and he had the pleasure of looking at him, but he could not touch him, he could only look at him, as a cat may look at a King, and he had been the honored person who had drawn forth a shower of smiles from that great man, who, when at the head of the Government it was complained of by his supporters, never condescended to give a side bow, let alone a smile; and which was one of the means of his downfall, for shortly after that, he met his downfall. This attack has been long treasured up, the hon. member for Terrebonne, has said to himself that he would annihilate him, that he would do him up, that he would demolish him and leave nothing but a grease spot, as our friends on the other side of the line say. He was sure that it had been long laid up in store, as a rod in pickle for a bad child; but it had been kept so long that it has become spoilt. He believed that he had as much christian charity as the hon. member for Terrebonne, who sits so cosily by the hon. member for the North Riding, and who he was so willing to throw overboard or put on the shelf. The hon. member for Terrebonne says that he accused him of sleeping, so he did and he would repeat it, that on a recent occasion, not one word, not a sign escaped him, when the vital interests of the country were involved.

Mr. LAFONTAINE remarked that he never spoke on a subject but when he understood it.

Mr. M'DONALD continued, we will then hear him but very seldom, and he would congratulate this house, on the subject. He has said that my conduct has lost votes to the ministry; if such was the case, he would tell both him and the Administration that those votes were of little worth, when any conduct of his could occasion their loss; they would never do the Administration any good; if they were to depend on such votes, they were leaning on a rod that would pierce them; their doom would be irrevocably fixed if they put any such reliance on a broken reed. The hon. member calls Cornwall a village, and says that Sherbrooke contains no constituency, he would ask who there was that lived in Terrebonne, who was ever heard of out of Terrebonne, how many newspapers are there published in it; well in Upper Canada there is not a County or even a village but what has its newspaper, even the small and obscure village of Cornwall has one.

Mr. ARMSTRONG.—The Hon. Joseph Masson, one of the largest merchants of the city is from Terrebonne.

Mr. McDONALD.—Well there may be Mr. Masson, but he is only one exception, and the very exception proves my rule, but he might have gone there because he felt himself a monkey among kings and because he wished to be a king among monkeys. The conduct of the member for Terrebonne, has been cowardly in the extreme, but it is just what we might expect from him; he has attacked me in French, a language which I but very imperfectly understand, but it was just such as might be expected from a man who urged those unfortunate individuals on, who ultimately suffered on the scaffold. He thought he could attack me with impunity but he calculated then without his host; he (Mr. M.D.) never spoke freely before, he did so now, because that word "hear, hear," and that worse one "order" were especially startling to him at the first, but now he had overcome the difficulty; and at the last session, he had leared to speak in case he might injure the ministry, but now they are so strong that they cannot be injured, even by an attack from that man who after having urged others on to rebellion, left it when it became dangerous to able hands, and remained at home at his fire-side.

Mr. SCOTT would ask him for the proof of that fact.

Mr. McDONALD.—The proof is in black and white, all his conduct for years before tended to that end, and when the time came he shrunk back. The blood that was shed at that time will at a future day be called for at his hands. He hoped that the hon. member for Terrebonne would recollect the ground on which he stands, if this was never told to him before it was not but what it could be told, but from a sense of delicacy on the part of the members, a delicacy which he should never again feel; he intended to have adverted to one or two more matters, and to have shewn the hon. member completely up, but out of respect for the time of the House he would let him alone for the present; but there is one more matter before he finished and then he was done with him, he said that certain persons had put him down doubtful, but he thought from the votes which he had given that there could be but little doubt on the subject, perhaps not to the satisfaction however of the hon. members for Terrebonne and the North Riding; but to the question before the House (hear, hear) he would like to see the money presented as a gift rather than a loan as it would never be paid, and we might as well have the credit of the gift.

Mr. HALL hoped the time would come when we could discourse on a subject without so much angry feeling and bickering as we have had lately. He considered this a matter of pounds shillings and pence, and he would like to have seen it brought down in a more business like manner.

Mr. CHAUVEAU.—Although he had not a very high opinion of the hon. member for Cornwall, he could not concur in all that he had said against himself, for he (Mr. C.) was sure that the hon. member had never been so much abused by others as he had abused himself.—In one thing however he concurred with him, that he was sorry that the hon. and learned member for Terrebonne had devoted half an hour to an attack on the mem. for Cornwall. In respect to the question it is one on which there can be no difference of opinion, he was about thanking the Administration as he thought it was a measure calculated to be of the greatest good. It has been stated that there are large sums of money in the hands of the relief Committee, it was true, and he

was sorry that he could not say all that he would like said on this subject.

Mr. MOFFATT hoped that he would state what prevented him from speaking; he was a member of the relief Committee, and he would like to know whether they had been applying the money in their hands to widen the streets of Quebec.

Mr. CHAUVEAU continued, there was a resolution passed by the Committee that fifteen per cent should be granted for the widening of the streets but it has not yet been acted upon, and from the conduct of the Committee it is likely never will, for they passed a resolution one night and rescinded it the next; he said that party spirit was exercising its baneful influence on the proceedings of the Committee. The hon. member for Cornwall has said that the money would never be paid, if he knew the honest and enterprising laborers he would never say that.

Mr. McDONALD said that he did not mean that the people of Quebec any more than others would not pay, it had been found in Upper Canada that they would not pay.

Mr. CHAUVEAU.—He was happy to see that nothing offensive was implied, for there were so many offensive things in his speech that he had made up his mind to set it all down as offensive. He (Mr. C.) was sure that the gratitude of the honest and industrious citizens was a far better guarantee than any that could be given by the Corporation of Quebec. Their gratitude was so great to the British Government that on the occasion of the Oregon assuming a serious aspect, they offered themselves to the Government as a corps of Volunteers; he felt sure that their feelings of gratitude would be enough to make them re-pay the money.

Mr. DRUMMOND regretted the personal attack that had been made by the hon. member for Cornwall, upon the hon. member for the county of Terrebonne. And he (Mr. D.) would tell that hon. gentleman that all the members on his side of the House were determined to sustain the hon. member for Terrebonne, and were prepared to justify all his acts. He (Mr. D.) desired that the people of both sections of the Province would unite for the public good, and that a spirit of union, concord and fraternity should prevail among the members of this House.

Mr. McDONALD of Cornwall.—If the hon. gentlemen opposite will agree to cease from the bitter personal remarks that they are in the habit of constantly uttering against the venerable President of the Council and the hon. member for Ottawa, he would promise that he would never make a personal attack on the hon. member for Terrebonne.

Mr. DRAPER said, no subject could have been introduced which would have developed the sympathies of the hon. members in a greater degree, or would have gone further to prevent the introduction of angry words than the one now under discussion. He was sorry that any thing should have happened to prevent the House unanimously doing that which the country at large has previously done. It was with a desire to follow up in the same spirit the relief which had already been given, that the present measure was introduced, and that the Government after the second fire, had apprised the people of that city that they were prepared to take upon themselves the responsibility, not of preventing starvation only, but even providing the means of restoring that which had been destroyed. It was in this spirit he said that the hon. member for Dorchester had introduced the measure, and he was not a little surprised to see that so unfortunate a discussion had arisen. He (Mr.

D.) was glad to find—indeed he might safely have anticipated it—that no person would have withheld his sympathy from the sufferers, or have failed to do all in their power to afford a remedy. On that point there could be only one opinion, the difference consisted solely in the *modus operandi*; he would therefore explain why he thought the Government measure a better mode of carrying out the general designs than that proposed by the hon. member for Toronto. That hon. member wished to grant the guarantee on the faith of the Corporation of Quebec; now if he (Mr. D.) wanted any argument against that plan before the hon. gentleman who spoke last had addressed the House, he had heard enough from that hon. gentleman to convince him that the Government were right. If in a Committee of various denominations and gentlemen of all sects, races and parties, the House had been told that party spirit prevailed, how much more might it be expected to do so, if the distribution of the loan were entrusted to the hands of a Corporation. He must say, with the hon. member for the county of Quebec, that he would prefer the security of the man to whom they were going to advance an aid that would enable him to re-build his house, and would say to the lender, yes! I thank you for this loan, and I will faithfully re-pay it. He could appeal even to the hon. member for Cornwall to say, whether in Upper Canada those loans had been best re-paid which had been to Corporations. Then with regard to making this a gift instead of a loan, he thought it was misfortune enough for an honest independent man to lose all, without his being reduced to look upon the assistance afforded him as a charity; every man who knew the value of independence knew it was humiliating enough to ask for relief, however little his misfortunes were to be attributed to himself; and as the generous contributions of the community and of the mother country had taken away all the degrading sense of obligation, and had even tended rather to elevate than to depress the feeling of the recipient, so he would desire to avoid any thing that might tend to decrease that feeling.

Mr. BOULTON believed that he had said nothing that could lead to any discussion, what he proposed was, that if it was necessary that funds should be obtained to loan to sufferers to enable them to rebuild, that the corporation should be authorised to borrow the money, the Province guaranteeing the interest; there would then be a probability of it being repaid. He said that he found a resolution of the relief committee in one of the Quebec papers, by which they proposed to appropriate some of the monies in their hands for widening the streets; he thought that this was contrary to the intention for which the money was subscribed. He believed that the plan would have the effect of causing all the land to go into the hands of the opulent. If there was so very great an objection to the corporation, then put it in the hands of persons for distribution, who would not use it for political purposes. He did not want to make the Government stock jobbers.

Mr. CAUCHON saw great objection to placing the sum of £100,000 in the hands of the corporation of Quebec, he was also opposed to authorising the corporation to borrow the sum proposed, on the province guaranteeing the interest. He said that the city of Quebec was now in debt to the amount of £42,000 and that the revenue was only £3,500, how then could they even be able to pay the £100,000 if they borrowed it?

Mr. BALDWIN, in no city did he feel more in-

terest than that of Quebec, excepting his own native city; he agreed entirely in the remarks of the learned Attorney General, and he was prepared to support the proposition of the Solicitor General East. He felt sure that should a fire occur in Upper Canada, the same interest would be felt by the Lower Canadians as had been manifested on the occasion of the late disastrous fires by those of Upper Canada.

Mr. MOFFATT thought time ought to be afforded for the consideration of the matter; he was inclined to support the amendment of the member for Toronto. He had the same objection to the Government as had been urged against the corporation. He did not think that the rate of interest ought to be limited to 5 per cent. He was confident that money could not at present be borrowed at that rate.

Mr. ERMATINGER, the question is not whether we should afford relief to the destitute, but whether we should build up the city of Quebec. If the destitute sufferers are to be by any means benefited by this measure, he thought that the corporation would be far better judges how to administer it, than the Government, he believed that mischief instead of good would arise out of the scheme of the corporation.

Mr. CAYLEY said, that the laboring class, instead of being sufferers by the fire, might in reality be said to be the gainers, because the wages were nearly double what they were, before. It was the land holders who were the real and permanent sufferers.

Mr. BOULTON then withdrew his motion.

Mr. BALDWIN, before the House went into committee, he would move a resolution, that this House never would admit the constitutional rights of the Imperial Parliament, to levy monies in the Province without the consent of the Provincial Legislature. He had withdrawn the motion on a preceding evening with the hope of meeting the views of the Hon. Attorney General West, and had again brought it forward, as he had not been quite so successful in that respect as he could have wished. From the position in which this Colony is placed, he considered it was the duty of the House to record their firm determination not to permit so daring an interference with constitutional rights as our Statute book at present exhibits, and he brought forward his motion now, because he believed it was due to this Province, to the Sovereign and the sister Colonies, to take that step before entering into Committee. For these reasons, he thought it necessary to put his resolution in the strongest terms, and however he might differ with other hon. gentlemen on that point, he believed every one would admit the principle, even the hon. member for Montreal. The hon. Attorney General West in the course of his remarks on this subject on a previous evening, said he wished to have the motion couched in the most courteous terms. He was also of that opinion, and if he thought his motion was deficient in courtesy to the Imperial Government, he would give way, but it appeared to him that was not the case; it was merely a strong expression of the principle for which he contended. And as he conceived the motion prepared by the hon. Inspector General was not exactly what he would wish, he would make his motion, and it would then be competent for that hon. gentleman to move an amendment.

Mr. CAYLEY.—After the consideration of a day, though fully agreeing with many of the sentiments expressed by the hon. member for the North Riding of York; they had decided upon proposing an amendment to the motion of that hon. gentleman.

Mr. CHRISTIE preferred the amendment, because it was in accordance with the resolutions passed by the House of Assembly in 1843.

Mr. HALL was rather surprised at the reason which the hon. member for Gaspé gave for voting for the amendment. He (Mr. Hall) would vote against it, he contended that the British Government had no right to do what they did. By doing this on a former occasion, they lost thirteen valuable colonies; and they would never have dared to do it to us except at the time they did. He wanted to have the same privileges that the people of England had, that of stopping the supplies when the Government do not do their duty, and he (Mr. H.) would if it was necessary, stop the supplies as soon as he would vote £50 to fill up a mud hole.

Mr. MOFFATT had much pleasure in supporting the amendment, for while it sufficiently guards the constitutional rights of this House it is courteous to the mother country. He would not go into the circumstances which induced the British Government to make a permanent civil list a part of the Union Act, but he would say that extreme cases justify extreme remedies; and what they did had his entire concurrence under the circumstances.

The amendment was carried—yeas 28, nays 23.

House in Committee of supply.

Mr. CAYLEY moved the adoption of the first resolution, reserving any remarks he would have to make, until they come to the items.

Mr. BALDWIN supposed that on the general subject of the Civil List, the Government had no more information to lay before the House than had been given last session. With regard to the question of the Civil List, he thought it was unfortunate that the British Government had taken it up and decided upon it, without consulting the people of this Province; but that having been done under circumstances which some hon. gentlemen conceived to be a sufficient cause, he must say he did not think the minute of Council of 1843 had received that attention from the Imperial Parliament to which it was entitled. As it was in their power to do so, it appeared to him that it would have been more gracious to have repealed that part of the act, and then brought the question of a Civil List before the House. It was unfortunate that course was not taken, and the result was that they must either accept the proposition submitted to them, or undertake a series of agitations, which in the present state of affairs would not be desirable. And if both those courses were rejected, then the only alternative would be to leave the question as it now stands unsettled. Now he looked upon that as highly objectionable, as it would leave on the Statute book a principle that affected the constitutional rights of this and all the other colonies, and under whatever circumstances that might have been done, the time was now come to sweep it away. On this ground, he was of opinion that the grant of a Civil List ought to be favourably entertained by the House. He would not have felt pledged to it if the previous resolution had not been adopted, for without that the House would have recognised the right of the Imperial Parliament to interfere with our intended arrangements, but the principle he contended for having been recognised, he felt bound to support the grant of a Civil List. The principle being admitted, the only question then respecting the Civil List is as to its provisions. And the first broad feature which presented itself was that part which provides for the payment of the Officers for the Crown. In fact it might be divided

into three branches: first, the Head of the Government; secondly, the Judiciary; and thirdly, the members of the Administration. As regards the first point he never had a doubt, for the principle of our constitution demands most emphatically that the Head of the Government should not be subjected to the controul of the Legislature; then as regards the Judiciary, it is necessary that it should be as independent of the people as of the Executive; on those two points there could be no doubt, being an acknowledged principle that they should not be dependent on an annual vote. Then with regard to the third part, which contains a charge on the Province for the Executive, for his own part he thought the best method would be to defray that by an annual vote; he admitted that with regard to the actual ministers of the Crown, there would be some difficulty in voting their salaries annually, it would in fact place them in a false position, but what he wished for was that the amount voted for a permanent Civil List should not be so great as to put it in the power of the Administration to carry on the Government without coming down for an annual vote. On this point there was a vast difference between the mother country and this colony, there the Civil List is a mere drop in the bucket, and the Government is obliged to bring forward an annual vote for a different class of public servants, and consequently there is an effectual check. But in this colony that class is not provided for, and in order to obtain an efficient check on the administration, he would like to see the third class provided for by annual vote. And if that check could be obtained, he would not care about two or three thousand, more or less on the Civil List, as the House would always have a sufficient control over them, for they cannot come down now as an hon. Attorney General did before the introduction of Responsible Government, and boast that they are independent of the House, that is now beyond their power. With respect to another point, he did not see any permanent provision for the Crown Lands Office, with the exception of the Clerk's salary, and he really thought that so many complaints had been made on both sides of the House respecting that office, that in order to put a stop to them, the Gov't had discovered some magical method of carrying on the department, with £300, and he had prepared himself to give the hon. member for Ottawa unbounded praise. He was under all these circumstances prepared to support a Civil List, putting the Head of the Government and the Judiciary on an independent footing, but would of course reserve to himself the right of opposing certain items respecting which he did not concur with the hon. Inspector General. There was one point in the general scheme to which he did not give his concurrence. That was as respected the Office of Civil Secretary, a term which was apt to mislead the public and even the officer himself, of which an instance had occurred this session. His view of it was that the person who prepared despatches from this Government to be sent home, should have the confidence of the Head of the Government, which was impossible if the officer were permanent, for Governors change repeatedly, and therefore cannot have that confidence in a permanent officer, which is necessary in that situation, and it appeared to him that the Private Secretary was the person best fitted for the duties of the office. It appeared to him there was a mistake altogether as respected this office, some comparing it to the Civil Secretaryship for Ireland, but that officer was responsible for the performance of his duties, whereas our Secretary never was. If the office were absolutely

necessary, then bring the Secretary into Parliament to answer for himself, but the safer way as it appeared to him (Mr. Baldwin) would be to abolish the office and transfer the duties to the Private Secretary. In conclusion, he would say that with regard to the votes, he was not disposed to deal with the Administration in a niggardly spirit, on the contrary, he was disposed to be liberal rather than otherwise.

Mr. HALL had always understood that before Parliament granted the annual supply of money the important measures of the country were disposed of; that was not the case in the present instance; the question of the Board of Works was still untouched, the Government knew that the greatest abuses existed in that department and yet nothing towards reform was attempted. There was, also, the Crown Land Office which was a disgrace to any civilised country (oh! oh!) he would repeat that that Office was a nuisance to the country; if there was one consideration which more than another prompted him (Mr. Hall) to come to that House it was to urge a reform in the management of the Crown Lands; he was not there merely to please or applaud the Ministers but to state the truth, and see justice done his constituents and the country at large; it was wrong in the Government to ask for the supplies before they had discharged the duties of the session and especially before introducing those important measures of reform to which he had referred and which the country unanimously called for; he would, with the view of postponing the supplies, move that the Committee rise, report progress, and ask leave to sit again.

Mr. BOULTON was also anxious to mark his objection to the conduct of the Government in proceeding with the supplies before effecting the reforms alluded to by the hon. member for Peterborough; it was notorious that there were serious charges against the Board of Works and Crown Lands Office and they should be disposed of; they were not to be told Session after Session that the Government intended to bring forward the measures called for by the country; he would support the amendment and did not doubt that his constituents would justify his vote.

Mr. LA FONTAINE opposed the amendment as an improper mode under Responsible Government of censuring the Ministry; the proper course was by moving a vote of want of confidence; the day for stopping the supplies had, he trusted, gone by.

Mr. McDONALD of Dundas opposed the amendment; he thought its adoption would be a virtual defeat of the supplies. The hon. member then proceeded to consider the items of the Governor General's salary, that of the Chief Justices of Upper Canada, and the salaries of Puisne Judges in Upper Canada; he contended that the financial statements of the Government shewed a necessity for retrenchment and he thought it ought to commence with His Excellency's salary; he had the utmost respect for the representative of the Sovereign, but he thought that the establishment of Responsible Government greatly reduced the duty of the Governor of Canada; he would also call attention to the fact that the President of the United States was only allowed a salary of \$25,000. In reference to the Chief Justice of Upper Canada he thought his salary was not too high, he was a most able and hard working man. Of the Puisne Judges he would say they had a heavy establishment of them in Upper Canada, there were more of them than in the Court of Queen's Bench at Westminster, and many of them were appointed not from fitness for office but because

some had rendered political services and others were in the way of carrying out political schemes.

Mr. HALL would request gentlemen not to be alarmed about the supplies being stopped, their loyalty need not be shocked, he had no intention to take such a step and even if he had the supplies would be paid to the amount of £75,000 despite of him or any one else; the Imperial Government had taken that authority, and therefore were the Canadians not freemen, they were in bondage, chains were around their necks; England took that right from the country at the only time she could have attempted it, she would not have dared to do it at another time; already had she lost 16 Colonies by such an act. The hon. member next reverted to the state of the Crown Land Office; he said that a report which had cost the country £250 was that day laid upon the table although he believed it had been ready since the beginning of the Session; he again denounced the office as a shame and a curse to the country, the Minister at the head knew nothing whatever of his duties (hear, hear, and oh! oh!) hon. members might cry hear, hear, but he would ask does the commissioner know a single thing about his office? he does not, neither was his deputy fit, nor his clerks; he (Mr. Hall) would get three men in Montreal to do the business better than the whole of them; when members of Parliament whose applications ought to be supposed to have some weight, went to that office it was with the greatest difficulty they could get anything done, and how much worse must it be with poor men, and persons without any influence, who had occasion to go there. He would persist in condemning such abuses and did not care for the consequences; he desired to reduce the constitution of the country to practise.

Mr. MOFFATT.—In reference to the remarks of the hon. member who had just sat down, that England would not under other circumstances than those which existed at the time dare to do what she did with our civil list he (Mr. Moffatt) trusted that England would always dare do what she conceived necessary for the protection and well being of her Colonies; he regarded the question before the House, as whether we should adopt a civil list of our own or that fixed by imperial authority, (hear, hear.) He was happy in agreeing with Mr. Lafontaine, that the day of stopping the supplies had gone by.

Mr. LA FONTAINE explained that he did not mean to say that the Parliament had not the power as, before, to stop the supplies, but that under Responsible Government it was not probable that such a necessity would arise; before the present form of Government was granted stopping the supplies was the only check and the country was justified in resorting to it.

Mr. McDONALD of Glengarry, said that he would cheerfully vote for the motion in amendment made by the hon. and learned member for Peterboro, did he (Mr. McD.) conceive that any good was likely to result from its adoption by the Committee, but so far was he convinced to the contrary that he felt himself bound to oppose it and to support the main motion. Did his hon. friend hope at the close of this Session to obtain any satisfactory insight into the state of the Board of Works, or that of the Crown Lands Department, and because forsooth, that information was not now in the possession of hon. members, this Committee is called upon by the motion in amendment, to postpone the consideration of a subject so grave and important as that of the civil list, until the final report of the Commissioners appointed to investigate into the condition and management of those two

branches of the public departments shall be printed for the use of members, he would ask how the mismanagement or extravagance of any department could have any reference or interference with the question under consideration. It surely would be no answer to our constituents, and far less to those whose services the public are pledged to remunerate to say, oh! you the Judges of the land, and you the subordinate officers and clerks of the Government must have your salaries laid over, just because the hon. member for Peterboro fancied that the Board of Works and Crown Land Department have mismanaged the business allotted to each. It is true that the final report respecting the Board of Works has not yet reached the House, and it was only this very night that the hon. the Commissioner of Crown Lands placed on the table the report on his department, which it would appear has cost the Province £250. But whose fault is it that these reports, which were long since in course of preparation and which ought to have been submitted to this House at its opening in March last, have been delayed to this moment? It was the fault of the hon. member for Peterboro, and of those who like him have supported the Ministry. They ought to have forced the Administration long since to supply the information now sought for. The country knew that the supporters of the Ministry were in the majority, and yet they did not compel the publication of these reports. And the public is also aware that if a motion were made from the minority on a question which implied censure on the Administration it would meet with a defeat. It was quite evident that the Ministry were not prepared for the opposition raised this night by the hon. members for Peterboro and Toronto. To his (Mr. M.D.'s) side of the House, it sounded strange to hear from the hon. member for Peterboro that the hon. the Commissioner of Crown Lands was wholly incapable of discharging his duties, that in fact he knew nothing as regarded the business of his office, and yet the hon. the Commissioner of Crown Lands is one of the members of the conservative administration of Canada, and the conservative member for Peterboro is a strenuous supporter of that administration. [Hear, hear.] It is really too bad to hear the administration so abused by one of its fast supporters. The question now before the committee, he (Mr. M.D.) had said was an important one; it was to consider what salaries the people of this Province are willing to grant to those whose services are required to conduct the Government. Let us therefore approach the subject with that consideration which its importance demands. No time should be lost in settling this matter, in order that the people of Canada may by pledging the payment of those salaries as well as the incidental charges requisite for the support of the various public departments, and for maintaining the credit of the Government regain that constitutional control over the monies raised in the Province, of which as respects the amount of the civil list the inhabitants of Canada have been deprived by the terms of the Union act. His hon. and learned friend from the 4th Riding had already this evening in his usually clear and comprehensive style expounded to the committee, the light in which he (Mr. Baldwin) had regarded, and would regard the interference of the Imperial Government with the monies raised by the people of Canada unless with the consent of the people themselves. He (Mr. M.D.) concurred in every sentiment expressed by his learned friend the Atty. General on that head. The first item on the list is that relating to the salary of the Representative of the Sovereign

in this Province. He (Mr. M'D) would declare at the outset that he was unwilling to interfere with the amount fixed for that exalted personage, by the Imperial Parliament. His station and rank require a liberal allowance, and that allowance being subjected to a variety of calls, in the nature of expenses and charities he (Mr. M'D) would leave the amount as it now stands; besides that were we to lower it, the measure might be defeated altogether, if the Imperial Government should not sanction the reduction of the Governor General's salary. His (Mr. M'D's) hon. and learned friend from Dundas, had remarked that considering the arduous duties which devolved upon the Representative of the Sovereign in Canada, and the toil and labour he had to undergo, the salary ought to be liberal, but he considered £7000 sterling too high a figure. Now, for his (Mr. M'D's) part, he had already stated in plain terms his views respecting the amount, and he would add, that he was ready to vote for the highest sum, because he discovered that the exalted individual at the head of the Government, unlike others that could be mentioned, was not toiling and laboring, as the head of a party or a faction in this Province, and creating unnecessary agitation throughout the length and breadth of the land; but he was regarded by all parties with that measure of respect which is not only due to his own character as a soldier, but to the situation he holds amongst us. He (Mr. M'D) was delighted to find that for the first time at all events since he [Mr. M'D] had paid attention to public affairs, his native Province can boast of a session of the Legislature having passed without one uncourteous term being used towards the Head of the Government, and this is precisely one of those advantages which arise from the working of Responsible Government. The Governor General's name should be mentioned only with respect, in like manner, as we are taught to allude to Her Gracious Majesty. He would not trespass further on the time of the Committee, but would reserve other remarks until other items on the list are brought under discussion.

Mr. HALL withdrew his amendment.

Mr. THOMPSON was anxious only to vote such a Civil List as was in accordance with the means of the Province, for it was useless to vote a List that we cannot meet. We cannot now expect protection in England, and we ought therefore to reduce our expenditure. He would prefer to leave the List as it is than sanction by our votes the List proposed by the Ministry. He contrasted the salaries of public officers in the United States, with the salaries given to our officers.

Mr. GOWAN, the members from Upper Canada have no right constitutionally to blame the British Government for what they did with respect to the Civil List; for the Parliament of Upper Canada made it a condition of the Union that a permanent Civil List should form part of the Act of Union. He agreed with the remarks of the hon. member for Peterboro' with respect to the Board of Works and Crown Lands Department, that they were miserably mismanaged. But there is another department, under the Imperial control, which is a great grievance, he alluded to the Post Office. He considered that the Ministry ought to have entered into a correspondence with the Home Government, so that some reform might be made in that department.

Mr. BALDWIN was opposed to any reduction of the Governor's salary, and thought that in considering it, regard should be had more to the style of things, habits &c., in the country

he came from than in this; it was no doubt upon that view that the salary as fixed by the the Imperial Government was predicated, and and it ought in his opinion to be left so.

Mr. THOMPSON thought that as the country had to pay the salaries they ought to have the power to fix them; that was the proper way to shew Reform principles; he was surprised to hear the views of the hon. member for the Fourth Riding, and began to think that the great question between party leaders was that of "outs and ins," those out wished to get in, and those in to remain so; such ought not to be the aim of hon. gentlemen; no man should desire office except as a means of doing good, and whether in office or out it should not be forgotten that they were sent to that office to guard the public interest, and above all to see that there should be no wasteful expenditure of the people's money.

Mr. MOFATT wished His Excellency's salary to remain as it was; none but men of high rank and known ability should be appointed to govern Canada, and a man of such standing would not leave England unless a salary every way suitable to his position were fixed.

Mr. McDONALD of Dundas renewed his objections to the amount of the salary and proposed £6000. Mr. MUNRO moved £6,500, all of which amendments were lost and the original sum £7000 carried.

ROUTINE BUSINESS.

TUESDAY, May 12.

Three petitions were brought up.

The petition of James Johnston, Esq., and others was referred to a special committee.

Mr. CHABOT moved a message to the Legislative Council, communicating the proofs in which the 3 bills relating to the supply of Quebec with gas and water, were passed by this House.

The House in committee on His Excellency's message relative to the fires in the City of Quebec. A resolution agreed to. To be reported to-morrow.

The following bills were returned from the Legislative Council amended:—

For the better establishment and maintenance of schools in U. C.

To amend the act extending the charter of the Commercial Bank.

Do do do Bank of U. C.

The amendments to the two last bills were concurred in.

The Council also passed the bill to make provision concerning Ferries in U. C., without any amendment.

Mr. Secretary Daly laid before the House, a message as follows:—

CATHCART.

The Governor General recommends to the consideration of the Legislative Assembly, the expediency of granting a sufficient sum of money to defray the expense of a survey and estimate for the construction of a railroad from Quebec to the south-east boundary of the Province, to be connected with a railroad passing through New Brunswick to Halifax, in accordance with the views of the Imperial Government; and also to procure a report of such statistical or other information as may fully justify the Legislation of Canada in co-operating with the Legislatures of the Provinces of Nova Scotia and New Brunswick, in the prosecution of a work of such general importance.

Government House,)

12th May, 1846. }

Also a message transmitting the copy of a despatch, relative to the commercial interests of Canada.

Mr. Papineau laid before the House the report of the Commissioners on the state of the Crown Lands Department.

Mr. Inspector Cayley presented a message with the public estimates for the current year.

The committee appointed to prepare an address to Her Majesty, respecting the admission of foreign wheat and flour into Great Britain, reported a draft, which was ordered to be engrossed.

An address was voted to His Excellency, to transmit the said address to Her Majesty.

The committee on Railroad Bills reported the Montreal and Lachine Railroad bill, and the Montreal and Kingston Railroad bill, with certain amendments. To be committed to-morrow.

Mr. DeBligny reported on the petition of T. Appleton et al, that it was inexpedient to make that alteration in the law, as prayed for by the petitioners.

Mr. LeMoine moved that 500 copies of the report relative to the Crown Lands Department, be printed.

Mr. Hall moved that it be 1000, which was carried.

The hon. Mr. LaTerriere moved an address of thanks to his Excellency, for his message relative to the recent destructive fire in St. Ignace.

Mr. Methot brought in a bill to remove the Registry office of Nicolet to Beauceville.

Also a bill to remove the Circuit Court and Registry office in Yamaska, from Labaëte to St. François; 2nd reading to-morrow.

Mr. Munro brought in a bill to reverse the attainder of Peter Matthews; 2nd reading to-morrow.

Mr. Papineau brought in a bill to establish the division line between Upper and Lower Canada, from the St. Lawrence to the Ottawa; 2nd reading on Friday.

Mr. Thompson brought in a bill to give effect to letters patent for lands, in cases where the grantee has died, before the completion of the same, and for other purposes; 2nd reading on Monday.

Mr. Laurin moved an address for correspondence between the Provincial Secretary and Board of Works, relative to a sum of money voted last session, for the construction of a bridge over the Riviere Duchêne in E. Bichinière.

The time for receiving reports on private bills, was extended for one week.

Mr. Laurin moved that the House do adjourn on to-morrow, until 10, a. m. on the following day, which was negatived.

The message from his Excellency relative to the recommendation of the Interior Courts of Justice in U. C., was referred to the committee of supply.

The bill to provide for the construction of slides to mill dams in the river Moira, was ordered to be engrossed.

On the question for going into committee of supply—

Mr. Baldwin moved that it be resolved that this House can never admit the existence of a constitutional right in the Crown or Parliament of the United Kingdom, to grant or appropriate any monies raised upon her Majesty's subjects in this province, by whatever means or in whatever manner, without the free consent of their Representatives in Provincial Parliament; and they do therefore now, when about to enter upon the consideration of a grant of a Civil List to Her Majesty, solemnly protest against the assumption of the power to make such grant and appropriation contained in the act of the Imperial Parliament, for the re-union of Upper and Lower Canada.

Mr. Cayley moved in amendment that all after

"that" in the said resolution, be expunged, and the following inserted: "the appropriation of monies raised upon her Majesty's subjects in this province, can only be constitutionally made by their Representatives in Provincial Parliament; and that however the peculiar circumstances of the Canadas, at the period of passing the Act of Union, may have rendered expedient the appropriation of the Civil List therein contained, this House solemnly protests against the acquiescence in that appropriation being drawn into a precedent for the future, for an appropriation of the public revenues of Canada, by any other authority than that of the Legislature of this Province."

The House in committee of supply; progress reported. To sit again to-morrow.

The address to Her Majesty on behalf of G. H. Ryland, Esq., was taken into consideration and concurred in.

Adjourned.

LEGISLATIVE COUNCIL.

WEDNESDAY, 13th May, 1846.

Hon. Mr. WALKER reported from the committee on Mr. Ryland's petition, and moved that an address to the Queen be passed, praying Her Majesty to take Mr. Ryland's case into consideration. He said that an address to that effect had passed the other branch of the Legislature, and had been presented to His Excellency, who would send both addresses by this evening's mail, if the House concur in it. Carried.

Hon. Mr. IRVING reported from committee the Peterboro' and Port Hope Railroad bill without amendment.

Hon. JAS. MORRIS hoped the House would recommit the bill in order to amend that clause which directed the manner of appointing arbitrators. This clause gave no appeal from the decision of these arbitrators, and the committee on another and similar bill were of opinion that it was a power which should not be placed in the hands of any three men.

Hon. Mr. GORDON, although a member of the committee, did not concur in the report, which he had not seen before it was presented to the House, and he hoped the hon. chairman would have no objection to withdraw it.

Hon. Mr. BRUNEAU pointed out the necessity of narrowly investigating every bill which came from the other House.

Report was withdrawn, and the bill recommitted.

Bills read a third time:—Bill to incorporate *Les Dames Religieuses*, Toronto and Lake Huron Railroad bill, Hastings Registration bill, Kingston Incorporation bill.

The House went into committee on report of committee on Wolfe Island and Kingston railroad bill. Adopted the report and reported to the House.

House in committee on report of select committee on Quebec Incorporation bill.

Hon. Mr. WALKER explained the object of the bill. The first clause was to enable the city to recover the taxes of two Wards which were likely to be lost in consequence of the Assessors not being properly appointed. Another object of the bill was to diminish the number of Pedlars in Quebec, although on that point he knew there was great difference of opinion not only in Quebec but even in the committee and in the House. With respect to another part of the bill, he would mention that he had received a petition signed by five hundred of the inhabitants complaining of the undue representation of the suburban wards in the City Council.—It was perfectly true that the population of the suburban wards was far greater than that of

the city wards, but they did not contribute as much to the city funds, and yet a bill had been hastily passed at the close of last session giving to each of those wards four representatives. The intention of the bill was to place the representation on a more equal footing, and he must say the petitioners had no reason to complain.

Hon. Mr. CARON said that this was a bill of great importance as regards Quebec, and he regretted that it did not embrace the whole subject of the Corporation, for at present there are five or six small acts all having reference to the incorporation of that city, and he would wish to see them all consolidated into one. As to the Assessors, they had been named; but in two wards not being qualified to act, there was a danger that the taxes would be lost, and consequently it was necessary to concur in the first clause, in order to prevent a great injustice being done to the city. The second clause had caused considerable diversity of opinion, but he thought the hon. gentleman went too far in saying there was great diversity of opinion in Quebec. It was true these pedlars were honest and deserved the protection of the laws, but he did not wish to see them encouraged to the injury of those who paid more to the city funds, and it was a fact that during ten years he had been Mayor of Quebec no one ever gave him so much trouble as those people, and the inhabitants of Quebec were very desirous of putting them under some restrictions.—That being the case he came to another clause which would cause the loss of the bill. ["No,"] Yes, he believed his information was correct, that the clause to which he referred would cause the bill to be thrown out in the other House. The population of the two suburban wards was nineteen thousand, who returned six representatives; whilst the population of the city wards was only thirteen thousand, and they returned twelve. By the act which passed last session, one representative was added to each of the suburban wards, making the number returned by them eight, but as the city still returned twelve, he could not see that they had anything to fear. In fact the number of English names had increased in the Council, in consequence of some French gentlemen who had gone out of office being replaced by English gentlemen, so that there was no reason to fear French ascendancy. But there was another consideration: two thirds of the city in extent had been destroyed by fire, and if those streets were built up by the aid of the loan of £100,000, and the large contributions which had been given, where £100 was collected formerly in the shape of taxes, the Corporation would then get £1000. Well, if he were correct in that supposition, and the representation of these wards is diminished because they do not contribute very largely this year, next year they will be obliged to increase it, in order to give these wards a fair share in the representation, and he conceived that it would be better to wait until next year, when they would be better able to judge what is required in that respect. At all events, if the hon. gentleman persisted in his intention, it would be better to introduce a separate bill for that purpose, and not cause this one to be lost.

Hon. Mr. MASSUE agreed with the hon. Speaker in thinking that this is a most improper time for making any alteration in the representation of the different wards. There was nothing whatever to fear from the preponderance of the suburban wards in the Council, for they had merely eight representatives, while the city wards had twelve, and there was a much larger proportion of English than French names in the Council.

Hon. Mr. WALKER disclaimed all national

feeling on this subject. He did not care whether the English were inferior in numbers in the Council or not; all he was anxious for was that the representation of the different wards should be put on the same footing.

The committee then rose, reported progress, and asked leave to sit again.

The House then adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, May 13.

Montreal Corporation.

Mr. MOFFATT moved the second reading of the bill "to amend the laws incorporating Montreal, &c."

Mr. LAFONTAINE wished the second reading to be postponed, on account of the illness of Mr. Drummond. He wished this bill and the one introduced by the latter gentleman to be consolidated into one act.

Mr. MOFFATT could not at this late period of the session agree to postpone the measure, and thereby risk its passing. He did not think it would be expedient to consolidate the two acts. The bill was then referred to a Committee of the whole House. The two clauses in the printed bill were agreed to, and clauses to enable the Corporation to proceed to the election of a Councillor and assessors for the East Ward; to provide for the election of Councillors and Mayors in future, whose election shall not have taken place on the day fixed by law, to make provision for the making and levying of the assessments for the current year, were added to the bill. Mr. Moffatt then moved another clause, authorizing the Corporation to fix the time within which the assessment was to be made, &c.

Mr. LEMOINE did not see the necessity of so much hurry when the House did not know what effect these long amendments would have upon the bill, he trusted therefore that twenty four hours would be given to consider these amendments.

Mr. MOFFATT.—These clauses had been placed in his hands by Mr. Councillor Gibb, and the city clerk, and they considered them necessary for the interests of the city. It was then agreed to postpone the consideration of the latter clause until the next day (Friday,) and then to be the first order of the day.

Inspector of Licenses.

Mr. LESLIE made an enquiry of the Ministry relative to D. S. Stuart, Inspector of Licenses.

Mr. VIGER said that the subject was under the serious consideration of the Government, but as the documents were very voluminous they had not been able to get through them yet.

The bill for the vesting in the Board of Police a certain lot of land in the town of Brockville, left for an infant school by the late Hon. Charles Jones, was moved to be read a second time.

Mr. BALDWIN, this bill is to vest a certain lot of land in the town of Brockville, in the Board of Police of that city. It appears that the late Hon. Chas. Jones gave a lot of land on which was to be erected an infant school. The school house was erected by subscription, the subscription amounted to £164 15s., and of the subscribers, only eight of them petition for the amount of the subscription, the sum of £38 15s. No notice of the application has been given in the newspapers, and the residuary legatee is in England. It therefore seemed to him improper that it should be passed at present; it could not produce great inconvenience. He moved that it be postponed for a week.

Mr. GOWAN, there is nothing to be gained by the postponement for a week; as the hon. member for Grenville is not going to return. He said that the eldest son and heir at law of the late Hon. Charles Jones, and Mr. Ford one of the executors of his will, had signed the petition, and all the leading persons in the place have also signed it. The only person who has any real objections to the bill, is the brother of the member for Grenville, and he objects to it, because he is about building a private residence on the adjoining lot, and he does not wish to have a public school so near him.

Mr. BALDWIN, from his own showing, it ought to be postponed, till all the subscribers had agreed on the subject, it was invading private rights.

Mr. PRICE, there were only eight petitions against the bill, if the others were opposed, why not get their names. He said that it had been conducted as a grammar school under their very eyes, the infant school having been given up.

The amendment was lost, the bill was then read a second time.

Winter Road Bill.

Mr. DEBLEURY had introduced this bill in order to obtain for Lower Canada, those good roads of Upper Canada. He said that the only objection was as to the necessity of legislation, but as to the remedy, there is no difference of opinion. He then moved for the second reading.

Mr. COLVILLE deemed it a fit subject for legislation, the back townships were unable to get to market, because they used double teams, he did not believe that it would ever be put in practice unless by legislature enactment.

Mr. BOULTON considered this a matter of purely a local nature, and although he repudiated the system of double legislation, yet if the Lower Canadians were not alive to their own interests, he would not lend his vote to force any measure of the sort down their throats. He would ask whether it would be right if they were in the majority to force upon us the cahots.

Mr. ROBINSON did not consider that it was a matter of purely local nature, for if a person starts from Upper Canada with a loaded double team, he is unable to proceed with it when he comes into Lower Canada.

Mr. McDONALD, of Cornwall, this was a matter in which the people of the Eastern District were interested, for they were unable to use double teams, which they would otherwise do, in their intercourse with Montreal.

Messrs. Methot, Lafontaine, Lacoste, and Lantier, spoke against the bill in French.

Mr. JOBIN moved that it be read a second time in six months.

Messrs. McCONNELL, McDonald of Glengary, Brooks, Cornwall, Colville, spoke in favour of the bill; and Messrs. Methot, Lafontaine, Viger, Lacoste, and Nelson, spoke against it, after which the amendment was carried, and the bill lost by 28 to 16.

Vote by Ballot in Montreal.

Mr. LESLIE moved the second reading of the bill for establishing vote by ballot at Municipal Elections in Montreal, he said that his object was to prevent the disgraceful riots that have occurred at these elections in Montreal. The system that he proposed to introduce was, that 15 days would be allowed for the electors to deposit their votes in the present of certain sworn Commissioners, and after this period had elapsed, the ballot box was to be taken to the Court House and opened in the presence of these Commissioners and a Circuit Judge.

Mr. DRAFER was opposed to the system of

vote by ballot, and it would require some strong reason to induce him to support this bill in its present state.

Mr. MOFFATT would be happy to support any measure, that would give to the people of Montreal peaceable elections, but he did not think that this bill would accomplish the object desired. He was opposed to vote by ballot.

Mr. MACDONALD, Cornwall, said he could not see what inducement there was in hon. members advocating the system of voting by ballot. It was a system which produced corruption. He knew that during the late general election in the United States that 5000 canallers employed upon the Welland Canal, went to Buffalo and voted as citizens of the "free and enlightened." He was opposed to the second reading of the bill.

Mr. LESLIE said, by the present bill corruption was prevented as every person would be required to show his certificate of qualification from the City Treasurer before he placed his vote in the ballot box.

Mr. BOULTON was opposed to the bill.

Mr. THOMPSON was opposed to the system of voting by ballot in any ordinary country. For instance he would oppose the introduction of voting by ballot in Upper Canada, where the people were more orderly, but from the scenes he saw in Montreal during the month of March, he considered the system absolutely necessary. Those scenes, he said, were a disgrace to the Province.

Mr. BALDWIN had always advocated vote by ballot, and would therefore support the present bill. This system is not an un-English one, for it is adopted in numerous chartered institutions and in those clubs where the elite of society meet together. The outrages which had been perpetrated at these elections were a disgrace not only to Montreal but also to the whole Province, and therefore he called upon the respectable portion of the citizens to discountenance these disgraceful proceedings, for he did not think that even vote by ballot would stop these riots unless they would do so.

Mr. MACDONALD, Kingston, said, if the system of voting by ballot was beneficial to Montreal, it would be equally so in all parts of the Province and in the House. What is the principle which the ballot system advocates? To obtain the secrecy of a vote. This he contended the system would be unable to perform in Canada. The people there had no one exercising an illegitimate influence over them, as in England and other European countries. Every man in Canada would, and did, make public his opinions, and therefore defeated the object of the ballot. By that system the innocent would frequently suffer with guilty. When there were such a connexion of different races, each would be expected to vote for his countryman, and treated accordingly by the party in opposition. In New York the gross frauds in voting were practised by that system. Should any person be charged of being elected by false votes, it could be examined by the House.

Mr. ROBINSON said the subject brought to his recollection an article of Sydney Smith upon voting by ballot. It was this—voting by ballot enables a man to take bribes from both, and vote for neither.

Mr. ROBLEN considered this the strongest argument that could be advanced in favour of vote by ballot, for it would destroy that abominable system of bribery, by making the party who gives the bribe uncertain that the other party will vote as he desires. During the last Presidential election in the United States, notwithstanding they have universal suffrage, not a single individual was killed; while in Canada, with no more than a tithe of the population

of the United States, there were two persons who lost their lives at the last general election.

Mr. PRICE said that one of the arguments urged against the ballot was that it was anti-British; in this hon. members were mistaken, the ballot was commonly used in England, in the Bank of England, one of the largest institutions in the kingdom, the ballot was the means by which questions were decided; so it was with those kings of merchants as they have been called, the Directors of the East India Company, and with all the chartered institutions in England; again, the Peers of England as well as the Commons, choose all their Committees by ballot. With regard to the cowardice of a man giving his vote without disclosing his name and intention, it might be answered that such was not compulsory under the ballot, any man might vote as publicly as he pleased, but if it were desirable or prudent to act otherwise the ballot afforded him that protection. He (Mr. Price) could inform hon. members of a case that came under his own view in which a man lost his life at an election, by being obliged to declare for whom he voted; it was in the county of Durham in Upper Canada, the man was not known to those about the poll, but when he named the candidate for whom he voted he was that moment killed, his brains were knocked out. There was often an indirect influence used at elections which amounted to absolute tyranny, and which parties might protect themselves against by means of the ballot; he (Mr. P.) remembered an election in Toronto in which the Sheriff was a candidate, there was no doubt that there were scores of writs against parties in the Sheriff's hands at the time, and although he was satisfied that officer did not in any way avail himself of such a circumstance, still it could not be doubted that it had effect upon those of his opponents who knew that they were thus at his mercy. Similar influence might also be used, and was used by contractors over the men they employ in such places as Toronto and Montreal. The ballot would protect the employed in such cases by enabling them to vote quietly, and without stating who they favoured or opposed. Another advantage of the ballot was, that an immense loss of time was saved by it [Hear.] He agreed with the hon. mem. for Montreal that the sooner an election was got rid of the better he would advise the number of polling places to be increased so that all the votes could be taken in the shortest possible time. He would vote in favour of the bill, and contended that the ballot was the best protection for the voter, and gave him the true right of a British subject to exercise his franchise according to his conscience. It had been urged by hon. members that candidates who had been defeated by unfair means had ample opportunity of obtaining satisfaction by the scrutiny now afforded, and which, under the ballot, would not be allowed. Could such an argument be seriously urged after the result of the contested elections lately disposed of by this House, contests that had been carried on for eighteen months at an enormous expense to the petitioner, had ended in disappointment and vexation by being decided not upon their merits but upon some legal or technical difficulty? Had not a Committee of that House seated the hon. member for the Third Riding of York having a minority of votes, and unseated an hon. friend of his (Mr. P's) possessing a majority of legal votes. If he (Mr. P.) were defeated at the Poll, nothing on earth could induce him to petition this or any other House against the successful candidate.

Mr. McDONALD, of Dundas, said that if the bill to incorporate the city of Montreal was

before the House for the first time, he would not agree to vote by ballot, but he could not forget the scenes of violence he saw at Municipal elections in Montreal, and he was willing to apply an extraordinary remedy to an extraordinary case. The hon. member then referred to a remark made by the hon. member for the South Riding of York [Mr. Price] respecting the decision of the committee in the case of Mr. Small, of which committee he [Mr. M'D] had been a member; he thought no one should dare to impugn that decision; it was reordereed under oath; and was founded upon the fact of Mr. Small not being qualified, which was the same in fact as if an alien were elected; he wished to know if the hon. member imputed improper conduct to him on that committee?

Mr. M'DONALD, of Cornwall, without rising. "If I had been a member of the committee, I would thrust your words down your throat."

Mr. SPEAKER, "order, order."

Mr. PRICE said he never had, and would not then condescend to listen to or answer any of the remarks of the hon. member for Cornwall, but he entertained a respect for the hon. member for Dundas, and was desirous of setting him right on the subject of the 3rd York committee. He (Mr. Price) had contended that it was a hopeless business to petition this House against any sitting member, from the uncertainty of the law, and the immense trouble and expense attending such petitions, and he had reverted to the late contests before this House, and amongst the rest he had alluded to the decision upon the Third York committee, where the member representing a minority had been seated, and the gentleman representing the majority expelled. He imputed no improper conduct to the hon. member for Dundas on that committee; he could not, for he [Mr. P.] had not attended the investigation, and he believed the hon. member had acted conscientiously in the matter.

Mr. M'DONALD, of Glengarry, thought that every person who had heard of the atrocities committed at the Montreal elections would admit something must be done to put a stop to them; and, although he was opposed to the vote by ballot on principle, he would impose the ballot on them as a curse (hear) to bring them to their senses, and when that was achieved he would be ready to abolish it.

Mr. ERMATINGER said that with respect to the argument made use of by the hon. member for the First Riding of York, that voting in Banks and similar establishments was carried on by ballot, it was absolutely necessary in commercial establishments, where secrecy was required; but the vote by ballot, when used for the election of representatives, was a very different thing; instead of being a means to protect the freedom of election, it engendered corruption in its very worst form. Did it ever prevent riots and bloodshed as had been asserted? Let hon. gentleman look to the United States, and they would be found occurring as frequently there as in any other place. And how could it be otherwise, when the political leanings of every voter were well known, no matter what form of voting might be adopted. His opinion of the vote by ballot was, that it encouraged immorality; and what could be worse than secret guilt, a man lying to his own conscience, and individuals who had witnessed the working of the system had frequently stated to him that such was the case.

Mr. COLVILLE asked if the principle of the bill was the vote by ballot, or whether it was an intention to put a stop to the horrible system of conducting elections in Montreal? If the

latter, he was prepared to vote for it; but if by voting for the second reading an assent was given to the ballot system, he would certainly oppose it. He did not intend to enter into any discussion respecting the vote by ballot, as his opinions had been much better expressed in the words of Sydney Smith, but he thought other means might be adopted in order to secure a peaceful election; for instance, increasing the number of polling places, which he had no doubt would be efficacious, but his repugnance to the villainous ballot system was so strong that rather than it should be introduced into the colony, he would prefer that the Montreal election should be carried on as usual.

Mr. DICKSON was at a loss to discover how this balloting would prevent riots from occurring, for he understood that during the riots the polls were taken possession of by one of the parties, and consequently it would be a difficult matter for their opponents to vote either by ballot or otherwise. In short, it would make little difference to a man going to the poll whether he had a ticket in his pocket or not, provided he was intercepted in the way.—Now as to the remarks made on the ballot being used in England, hon. members must be aware that amongst mercantile men there was no need for the intense excitement occasioned by political feelings; aye, and as the hon. member for Simcoe said, they knew what name was on the ticket. As to the hon. member for Glengarry regarding it in the light of a curse, he must say that he thought that was the most correct view of the matter, and it had made a very forcible impression on his mind, and as he could not believe it would have the effect desired by the introducer of the bill, he would oppose it.

Mr. SMITH, of Frontenac, was opposed to the ballot system being introduced into this Province. He would inform the hon. gentleman who had charge of the bill that in the cities in Upper Canada, where they have the votes registered, the polling is concluded within four or five hours, and consequently there is very little rioting; and if he would amend his bill and propose some other remedy which would have the desired effect, he (Mr. S.) would support it.

Mr. LESLIE had no great objection to withdraw that clause in the bill which referred to the ballot.

Mr. DEWITT said that in the ballot system there was full security against fraud, as a register of votes was delivered to the returning officer, and consequently it was impossible to have more votes in the ballot box than there were voters.

Mr. SCOTT was in favour of the second reading of the bill, for he believed there was but one opinion as to the disgraceful scenes which had taken place in Montreal. The remedy was not too severe, Liverpool had been disfranchised for similar occurrences, but if it were a curse as the hon. member for Glengarry said let them take it, it would be a lesson to them.

Mr. LESLIE having consented to withdraw the ballot clause, the bill was read a second time and referred to a select Committee struck by the House, composed of Messrs. Drummond, DeWitt, Hale, Macdonald of Kingston, and Leslie.

Mr. M'DONALD (Cornwall) then moved that it be an instruction to the said Committee to strike out that section of the bill which related to vote by ballot.

This was carried by a vote of 26 to 23, Messrs. Lafontaine and Leslie voting with the majority.

B. A. Mining Company.

Mr. BOULTON moved the second reading of the bill to incorporate the British-American Mining Company; he said that different parties had received licenses to explore the northern shore of Lake Superior, in order to discover the mineral wealth of that region, after the exploration was made these parties were bound to make a return to the Government of the result of their labours, and then the Government were to lease any mines that might be discovered, at such rates as might be afterwards determined upon.

Mr. BALDWIN, considered that the Government had not acted properly in granting these licenses—they ought to have thrown open this privilege to public competition, and as this was one of the revenues of the crown which have been granted to the Provincial Parliament, in place of a Civil List, they ought to endeavour to make the most of it. He mentioned that three or four of those who have obtained licenses are members of this House.

Mr. DRAPER, was prepared to defend the course the Government had adopted, when their arrangements were completed. At the present time he did not think he was called upon to enter upon the discussion of the question. He objected to some of the extraordinary powers given to this company by this bill; he considered that the fifth clause encroached upon the prerogatives of the Crown; he did not like the second clause, which made the capital of the company to consist of 50,000 shares at £2. each, this he thought looked too much like a lottery. The Government have not the returns which the persons who obtained the licenses, are bound to make, and until these returns are received, he conceived it better to postpone the passing of this bill.

Messrs. M'DONALD of Kingston and MORTFATT spoke in favour of the bill, and Colville and Monro against it.

The bill was withdrawn.

Cobourg Manufacturing Company.

The House again in Committee on this bill.

Mr. HALL.—The House having on a previous occasion expressed a decided opinion against the principle of limited liability, this bill had been altered, and the Company is to be a *societe en commandite*; the stockholders to be liable only for the amount of their shares, but the directors to be liable to the full amount of their property. There are to be seven Directors each to hold at least ten shares, and all of these together to possess at least the fifth of the whole stock of the Company.

Mr. THOMPSON and GOWAN objected to incorporating Companies on this principle, because they might, when they perceived that they were getting into difficulties, elect men of straw as directors, and then the public would be defrauded.

Mr. BOULTON and MORTFATT advocated this principle, and referred to the People's Bank as an instance in which it had worked well. The public have the security in the amount actually paid up, and the liability of the managers to the full amount. These Corporations are the only way, by which individuals of small means, can break down monopolies in the hands of persons of large capital.

Mr. DEWITT considered that stockholders are not going to put their money into the hands of directors to squander it. And therefore they will take good care to elect the most substantial men to manage the affairs of the Company. He considered it to be their duty to encourage manufactures and thereby the agriculturalists would be benefited. He pointed to Lowell as an evidence of this.

The clauses of the bill were agreed to.

ROUTINE BUSINESS.

WEDNESDAY, May 13, 1846.

Several Petitions were laid on the table.

The Bill to cause slides to Mill Dams over the River Moira was passed.

Petitions read:

Of the Municipal authorities of St Jean Baptiste de Nicolet, for the payment of the proceeds of Tavern Licenses to their treasurer, without the present formalities, and that they may be allowed to recommend persons for Tavern Licenses, and to regulate the number thereof.

Of Alex McLeod, praying redress for loss in consequence of his false imprisonment in the U S in '41.

Of N Sparks, of Bytown, that certain land may be restored to him;

And several Petitions respecting the Clergy Reserves.

Mr Sec Daly laid before the House a return to the address for the names, &c, of officers employed in the Pro Sec Office.

Also, a return to the address for a return of Receipts and Expenditure of the Provincial Revenue, with the Receipts and Payments for each branch.

Petitions referred to Special Committees:

Of the Post Office Messenger and others, to the Committee on Contingencies.

Of M Noel dit Tousignant and J B Laliberté, to the Committee on the Militia Bill.

Of J Wilson, Esq, to the committee on the petition of W Hilles et al.

The Report of the Commissioners on the Crown Lands Department was referred to a committee consisting of Messrs Thompson, Robinson, Hall, Williams and Chabot.

The Bill to enable the Executors of the late Hon C Jones, to convey a certain lot of land to the Board of Police, of Brockville, was passed.

The Special Committee on Railroad Bills reported the Bill to incorporate the Quebec and Melbourne Railroad Company. To be committed to-morrow.

A Resolution for raising by debenture £100,000 at 5 per cent, and loaning portions thereof to such persons, who having had their houses at Quebec destroyed by fire, are desirous of rebuilding, at 3 per cent, was adopted; and a Bill brought in by Mr Taschereau in conformity therewith. Second reading on Friday.

On the second reading of the Bill to amend the Winter Roads Ordinances, Mr Jobin moved that it be read this day six months; on which the Yeas and Nays were as follows:

YEAS. Messrs Armstrong, Baldwin, Berthelot, Bertrand, Boulton, Boutillier, Cauchon, Chabot, Chauveau, Daly, Desautier, DeWitt, Jobin, Lacoste, LaFontaine, Lantier, LaTerriere, Laurin, LeMoine, Leslie, Méthot, Murney, Nelson, Price, Roblin, Smith (Wentworth) Taché, Viger.

NAYS. Messrs Brooks, Colville, Cummings, DeBloury, Foster, Gowau, Hale, Macdonald (Cornwall) Macdonald (Glengarry) McConnell, Moffatt, Petrie, Robinson, Smith (Frontenac) Stewart (Bytown) Stewart (Prescott.) 16.

Carried and ordered accordingly.

Facts for Mr. Gowan!

The Bill to incorporate *des Dames Religieuses de Notre Dame de Charite de Bon Pas'eur*, at Montreal, for the care and reformation of female penitents, was sent down from the Council without amendment.

The following were sent down amended:

To incorporate Kingston as a city.

To remedy certain defects in the registration of titles in Hastings;

And the Bill to amend the Act amending the Toronto and Lake Huron Railroad Act.

Mr Sec Daly laid before the House the return to an address for a copy of a Report by the Board of Works, on the petition of Leonard Rasarie and others, relative to the construction of a Bridge over the Rivere Delisle, in St Ignace.

The Bill to amend the Act therein mentioned, and to establish the vote by ballot, in the Municipal Elections in Montreal, was referred to a Special Committee.

Mr McDonald, of Cornwall, moved that it be an instruction to the committee to strike out that part which relates to vote by ballot;

Which was carried: Yeas, 26; Nays, 23.

The amendments by the Legislative Council, to

the Bill relating to Schools in Upper Canada, was read, and the same was negatived.

On motion of Mr Draper a committee was then appointed to draw up the reasons of the House for dissenting from the said amendments.

The said committee having presented their report, a conference was requested for the purpose of communicating the same to the Legislative Council.

The Bill to remove doubts as to the validity of certain deeds executed before Notaries in Lower Canada, was again committed, reported, and ordered to be engrossed.

The Bill to incorporate Bytown was committed and amended. To be reported to-morrow.

The Bill to remove the Registry Office of Lotbinière, was ordered to be engrossed.

A Bill to provide for the registration, &c, of certain informal marriages in Gaspé, was committed, and progressed reported.

Adjourned.

LEGISLATIVE COUNCIL.

THURSDAY, 14th May, 1846.

Hon. Mr. BRUNEAU reported from the Committee on Registration bill.

Hon. James MORRIS thought the bill required amendment, as the Registrars could not themselves afford the expense of building such houses as might be deemed necessary to secure the records. He would wish to see a clause introduced making it compulsory on the Municipal or District Councils to undertake those expenses. As to the necessity of providing something of that kind there could be no doubt, since it appeared by the Inspector's report that many of these offices were in occupied wooden buildings.

Hon. Mr. BRUNEAU said it was not in the power of this House to make such a provision, but an amendment to that effect might be made in the lower House.

Hon. Mr. MCGILL was clearly of opinion that this expense ought to be borne by the Councils. The Registrars could not afford it, many of them not having "salt to their parritch" to make use of a Scotch expression.

Report to be taken into consideration to-morrow.

Hon. Mr. FERCUSSON reported from the Committee on bill for appointment of magistracy in remote Districts. To be taken into consideration to-morrow.

Hon. Mr. NEILSON reported from Committee on Winter Roads bill.

Hon. Mr. BRUNEAU moved in amendment to the bill that the Sleigh ordinance be suspended in District of Quebec, until next June.

A message was received from the Lower House demanding a conference on the amendment made to the Common School bill, the House therefore adjourned during pleasure and a conference was held. The House then resumed, and agreed to take the subject into consideration to-morrow.

The House went into Committee on Quebec Corporation bill.

Hon. Mr. DEBOUCHVILLE was opposed to this bill. During Lord Sydenham's Government the cities of Quebec and Montreal were incorporated by the Act of Incorporation of Quebec, that city was divided into six Wards, four city and two suburban. The latter contained a population of nineteen thousand souls and was represented by six councillors. The former with a population of only twelve thousand was represented by twelve. The injustice of this being seen, an act was passed last year increasing the number of the Suburban representatives to eight, and now the hon. gentleman on his right wished to have the number again reduced. It was true the population of the suburbs had been driven forth by a calamity which the hand of man could not

arrest, but they remained in the neighbourhood only waiting for the re-building of their habitations when they will again return to them, and hon. members must remember that those old streets would be replaced by others far superior in every point, and consequently those Wards would contribute more to the city funds than they did formerly. But what struck him very forcibly was, that a clause should have been inserted into this bill at the request of five hundred individuals; [hear, hear;] if there had been any real ground of complaint it might be expected that the Corporation would have applied for an amendment, but no, they had not done so, and that he thought would show clearly, that the Corporation did not think the representation too large. Now as to the petitioners, he had not the slightest doubt that many of them were very respectable, but far the greatest part they were merely tenants, whilst although the inhabitants of the suburbs were poor they were nearly all proprietors of their tenements, and he must say that he hoped a clause inserted in the bill on such authority would meet with no support from this House.

Hon. Mr. WALKER begged leave to assure the hon. gentleman that many of the petitioners were proprietors of landed property in Quebec and some of them very wealthy. He really believed that the gentleman whose name was first in the list of signatures was worth more than the sum loaned by the Government, and he resided in one of the suburban wards. The argument which he wished hon. gentlemen to consider was that population did not form the sole basis of taxation, but the sum, the amount of revenue produced by the different wards should be taken into consideration.

Hon. Mr. MCGILL, said that from the prayer of the petitioners it was evident that some alteration was necessary. He would not however go into the question, as it was a local one and therefore likely to awaken disagreeable feeling and would content himself with saying that he perfectly concurred in the view taken by his hon. friend who had just sat down.

Hon. Mr. CARRON said that with regard to the argument made use of by the hon. gentleman in charge of the bill, if he would consider the population of the Suburban Ward was nineteen thousand, and that of the Suburban Wards was only twelve thousand, he would find on comparing the revenue derived from each that there could not be a fairer representation, following out his doctrine. He must say that when the Act passed last Session, was introduced he had hesitated in giving it his assent but not a single voice having been raised against, it was not his duty to oppose, but it had been tried and found to work well, and he hoped sincerely the House would not repeal it when the Corporation who must certainly know their own interests had not petitioned against it.

Hon. Mr. FERCUSSON had listened with great attention, and while he did not wish on one side to put it in the power of a rabble to turn and have the distribution of the money of the more wealthy, on the other hand he was not prepared to give the power to an oligarchy to oppress the people, and as the latter was the most to be feared in the present case he would oppose that clause of the bill.

The amendment diminishing the number of Suburban Councillors from eight to six was then put and lost. The remainder of the bill having been assented to the Committee rose and reported to the House.

The Mona Slides bill was read a second time and the House then adjourned.

HOUSE OF ASSEMBLY

THURSDAY, May 14.

Mr. CHALMERS moved an Address to His Excellency respecting contracts for constructing the Burlington Bay Canal. He said, that owing to the non-completion of the work, great loss was occasioned to the ship owners, one friend had stated to him that he had lost £600.

Mr. CAYLEY said, that as this would be a subject of investigation by the commissioners of enquiry, he would suggest that it should be postponed.

The Address was passed.

Mr. LAURIN made an enquiry of the ministry respecting a bridge over the *River du Chene*.

Mr. SMITH said, that as the subject would be contained in the correspondence which would be laid on the table in a few days, he would suggest that the enquiry be with drawn, and if the subject was not mentioned in the correspondence, he might renew the enquiry.

King's College.

Mr. BOULTON presented and read a petition from King's College, praying that Counsel might be heard at the Bar of the House against the bill affecting that Institution, which is now in progress. The hon. member also moved that Counsel be heard on Thursday next.

Mr. BALDWIN took that occasion to complain of the small number of copies of the College bill that had been printed; he had not had any to send to parties interested in the measure, and who ought to be fully informed of its nature; he would have, even, sent a copy to the College; it was wrong that the principal should have to complain, as he did in the petition, that it was only "casually" he heard of the intention of the Legislature. [Laughter.]

Mr. ARMSTRONG, as a member of the printing committee, would state that it was the duty of those who introduced a bill to move for the printing of extra copies if they required it; he was not aware of such an application ever having been refused.

Mr. BALDWIN was glad to hear the explanation of the hon. member, and he hoped that in future it would be understood that the printing of a sufficient number of bills was in the hands of hon. members themselves.

Messrs. HALL and GOWAN were opposed to the motion on the ground of the advanced stage of the session.

Mr. McDONALD, of Cornwall, was in favour of the motion, in order that the College might have nothing to complain of.

Mr. BOULTON said that it was not the intention that Counsel should come from Toronto; he was instructed to employ a member of the French bar to address the House in the French language.

The motion was carried.

The member for Carlton.

Mr. JOHNSON resigned his seat as member for Carlton, and complained of having received much annoyance from some hon. members on the Ministerial side of the House; he named the hon. members for Durham, Leeds, and the Hon. Mr. Moffatt; he thanked hon. members on the opposite side except one, for the courtesy he had experienced from them, and would say of his own side, and especially the Ministry, that he had received at their hands base ingratitude, he, however, wished all the hon. members of the House well, and hoped they would be in as good health when he next saw them as at present; he warned the hon. member for Bytown that at the next Election he would unseat him for that town under the new bill.

THURSDAY, May 14.

Several petitions were laid on the table.

Bills passed:

For removing the Circuit Court of Lotbiniere to the Village of Lotbiniere, and the Registry office to St. Croix.

To remove doubts as to the validity of certain deeds, &c., executed before Notaries in L. C.

Petitions read:

Of certain officers of the House, praying for an enquiry into their duties, services and emoluments.

Of the counsel of King's College, praying to be heard by Counsel in defence of the rights, privilege and property entrusted to them, against the bill for transferring those privileges to a new university.

The following petitions were referred:

Of certain officers and clerks of the House, to the committee on contingencies.

Of Alexander McLeod, to a special committee.

The committee on private Bills reported the Montreal consume Gas Co. bill, with amendments. Also the bill to authorise the Sisters of Charity of the General Hospital of Montreal to dispose of certain property; and read to be engrossed.

The committee on the Hamilton Incorporation bill, reported the same with amendments. To be committed on Monday.

The committee on the bill to facilitate a partition of land in certain cases in L. C., reported the bill as amended, with evidence upon the same. Committed to-morrow.

Mr. Dickson brought in a bill to incorporate a company to construct a railway from the Welland Canal to Niagara; 2nd reading on Wednesday next.

Mr. Scott brought in a bill for indemnifying petty jurors from country parts in L. C.; second reading this day week.

Mr. Chalmers moved an address for copies of correspondence between the Lessee of St. Maurice Forges and the Government, relative to the contemplated sale of those Forges, and copies of any petition from the work people at the Forges to the Government.

Also an address for a copy of the contracts entered into by the Board of Works, for the construction of the Burlington Bay canal, with the names of the parties and surties; and the amount given by them; also the date of such contracts, and whether the same were given under tender previously advertised, or otherwise, and the prices at which the work is proceeding.

On motion of Mr. Scott the report of the commissioners on losses by rebellion in L. C., was ordered to be printed.

An address was ordered to His Excellency, praying him to transmit the address to Her Majesty, respecting the annual presents to the Indians.

The amendments made by the Legislative Council to the following bills were concurred in.

Bill to Incorporate Kingstow.

Bill to amend the Toronto and Lake Huron Railroad Act.

The Legislative Council sent a message agreeing to a conference on the Upper Canada School Bill.

Mr. Robinson moved an address for copies of all correspondence with the Commissioners of the Toronto Lunatic Asylum, respecting the claim of Dr. Rees, for further remuneration for his services.

Mr. Boulton moved that the Council of King's College be heard by Counsel at the Bar, which was carried on division.

Mr. Johnston moved that 500 additional copies of the Bills relating to King's College be printed; which was negatived on division.

A Petition of the Montreal Turnpike Trustees was presented by Mr. Moffatt and read, which was referred to the Committee of the whole on the Lachine Railroad Bill.

Mr. Johnston rose in his place and resigned his seat as member for Carleton.

The Bill to Incorporate Bytown was ordered to be engrossed.

The Bill to Incorporate the British and Canadian School Society of Quebec was referred to the Committee on Private Bills.

The House went into Committee on a Report of the Printing Committee, and adopted the same, which recommends that the Printing be given to

Messrs. Campbell and Perrault, their tender being the lowest.

The Bill to provide for the proof of Registration of certain Marriages in Gaspe, was reported, amended, and ordered to be engrossed.

Mr. Secretary Daly laid before the House the following message:—

CATHCART.

The Governor-General recommends to the consideration of the Legislative Assembly, that measures should be adopted to authorize the Commissioners for the erection of a Provincial Lunatic Asylum at Toronto, to raise by Debenture a sum not exceeding £30,000, not chargeable on the consolidated Revenue, to be secured on the tax of $\frac{1}{4}$ h of a penny in the pound, established by Legislative Enactment in Upper Canada; in order to meet the expense of constructing the said Asylum.

GOVERNMENT HOUSE, {

14th May, 1846.

The Bill to amend the laws incorporating Montreal, and to facilitate the decision of certain cases wherein the right of any party may be called in question, was read the second time, committed, and to be further considered to-morrow.

The Bill to attach certain territory to the District of Huron, was read the second time, and ordered to be engrossed.

The Bill to amend the Act constituting the Board of Works, was read the second time; to be committed to-morrow.

The Bill to divide the Municipality of Hochelaga was committed, amended: to be reported to-morrow.

The Bill to enforce the attendance of witnesses before Superior Courts, was ordered to be engrossed.

The Bill to amend the Act amending the Montreal and Quebec Police Ordinance, was ordered to be engrossed.

The Bill to amend the Act detaching the Island of Orleans from Montmorency, was read the second time: committed. To be reported to-morrow.

The Bill to authorize the Desjardins Canal Co. to raise a further loan, was read a second time, and ordered to be engrossed.

House in Committee on Report in Petition of T H Guay et al; a resolution agreed; to be reported to-morrow.

The Cobourg Paper Manufactory Incorporation Co. Bill, was ordered to be engrossed.

The Bill to amend the Great Western Railroad Act, was again committed and ordered to be engrossed.

Adjourned.

LEGISLATIVE COUNCIL.

FRIDAY, 15th May, 1846.

A motion was made for an address to His Excellency to grant Col. Fitzgibbon a retiring allowance of £300 a year, in consequence of his inability to perform his duties, and to appoint Mr. De Lery to the vacancy.

Hon. RECEIVER GENERAL opposed the motion; it appeared to him that it was in fact a sort of dictation to his Excellency.

Hon. J. MORRIS supported the address, because he conceived it was imperatively necessary to make a change in the present system, as, owing to the absence of the head clerk, every thing was deranged, and the officers of the House did not understand from whom they were to receive orders. To obtain this important change, which would have the effect of curtailing the expenses of the House, it would become necessary to grant a retiring allowance to Col. Fitzgibbon; and he [Mr. M.] was willing to go to the extent of £300, although he had some hesitation in recommending that sum, as the country might think it too large; but under all the circumstances he thought the House would be justified in pressing this address, besides it must be considered that there would be an annual saving of £200, if Col. Fitzgibbon retired on that allowance, and that Mr. DeLery, the senior assistant clerk, should be appointed in his place. At present, Col. Fitzgibbon receives £500, and each of the

assistant clerks £400. Now if Mr. DeLery were appointed, there would be a saving of £400 per annum over the expense in case a stranger should be appointed. Allusion had been made to Mr. Joseph as one who had claims on the office. In his [Hon. Mr. M.'s] opinion, whatever claims he might have upon the Government, regarding which he would express no opinion, he considered that he had none on this House, and that he should view his introduction as an aggression, which he would be ready to repel. He gave every praise to Mr. DeLery while in the performance of his duties. He had been appointed to one of the inferior clerkships in 1818, and in 1825 had been raised to the office of assistant clerk, since which time up to the present he had performed the duties of his office with zeal and fidelity, and he hoped that the House would make no delay in passing this address.

Hon. Mr. BRUNEAU said this was not a new question of granting a retiring allowance to Col. Fitzgibbon, for it has been in the minds of hon. members during the last three years, in consequence of Col. Fitzgibbon not being able to attend to his duty. He was assured that £300 was not too much for a man of his family and his long services. As to Mr. DeLery, he (Mr. B.) had known him since the Union, and he believed that no objection could be made to his appointment as head clerk, having constantly discharged his duty with assiduity.

Hon. Mr. MOORE was prepared to vote for the address, for although the physical health of Col. Fitzgibbon might be good, yet he was incapacitated from taking his chair by the want of those mental faculties which at one time he possessed in an eminent degree. With respect to Mr. DeLery, he had performed the duties of head clerk during the past four years with general satisfaction, and he (Mr. M.) believed that he was fully competent to fill that office.

Hon. Mr. CROOKS entirely approved of the motion, for it was evident that Col. Fitzgibbon was incompetent to fill his chair any longer. At the same time he would remind hon. gentlemen of the repeated applications of Mr. Joseph for employment, but he supposed they could not be attended to at present as two clerks were sufficient; if any vacancy however did occur, he hoped Mr. Joseph would not be forgotten.

Hon. Mr. MCGILL was in favour of the motion, but he would wish to know whether Col. Fitzgibbon was aware of these proceedings and willing to retire. For if the address passed and he did not wish to retire, the Government would be placed in as difficult a position with respect to him as they occupied already towards another individual.

Hon. Mr. WALKER.—The address prays His Excellency to remove Col. Fitzgibbon.

Mr. FERGUSSON considered the report as dividing itself into 2 branches. 1st, it referred to the position of the first Clerk and 2nd as to a successor to that gentleman, should he retire; for four years the House had been without a head Clerk, and sure he was, that the business of the House had been quite as well performed as they could desire. In fact there could be no real use for more than the services of the two gentlemen now at the table. It came then to be considered, what should be done, with their head Clerk. The health and nervous irritability of that gentleman, forbade any hope that he could ever exercise his duties with advantage or comfort. In fact the gentleman had himself assured Mr. F. that for £10,000 he could not place himself in the Clerk's chair. His case seemed to be somewhat analogous to that of the well known

and amiable author of the task, who was utterly incapable of accepting the valuable situation of Reading Clerk to the House of Commons from extreme nervous derangement. He (Mr. F.) was therefore quite ready to concur in the recommendation of the Committee upon that point. As regards the other part of the report proposing to recommend Mr. DeLery as successor, he (Mr. F.) had the greatest pleasure in cordially concurring. The House knew Mr. DeLery too well, to render any eulogium necessary, but he must say for strict attention, urbanity of manner, and general fitness no man could exceed him. Mr. Fergusson felt extremely astonished at the language of the Hon. Receiver General, when he presumed to designate, a respectful address proposed by the House as *dictating* to the Gov. G. It was a rash and most unparliamentary expression, and sure he was that it must have dropped inadvertently from the hon. gentleman, and that he would regret having introduced it, as applied to an undoubted privilege of this House.

Hon. Rec Gen MORRIS was surprised at the anger of his hon. friend, after having reflected on the subject so long. He would not have risen if it had not been for the comparison drawn by him between Col. Fitzgibbon and the author of the task, who was scarcely out of his majority, and remarkable for that modesty, which formed one of his greatest peculiarities, when appointed to a situation in the House of Commons.

Hon. Mr. FERGUSSON, it was a nervous irritability.

Hon. Rec. Gen. MORRIS continued, did the hon. gentleman wish to make it appear that was the reason why Col. Fitzgibbon could not perform his duties? He had served his country long, and in important situations, and perhaps possessed less of that feeling for which the amiable author of the Task was so remarkable, than any person on the floor of the House.

Hon. Mr. IRVING concurred in the opinion of the hon. the Receiver General that the amount of pension on the clerk of this honourable House retiring from office was worthy of serious consideration. He (Mr. I.) thought the clerk of this honourable House might clearly be considered as a pensioned officer of this House for four out of the five years since the Union, and for the services he had rendered in the interval. He (Mr. I.) would make no allusion to what occurred at the opening of Parliament last year when the clerk got two years leave of absence, and nothing was then said from feeling of delicacy towards the Executive. In fact nothing was known of his getting that leave by the Executive or others till announced on authority from the highest quarter; he (Mr. I.) could not conceive the slightest impropriety in this hon. House recommending a fit and proper person to His Excellency the Governor General as clerk, and felt quite confident that His Excellency would not think it dictating when couched in respectful and becoming terms; on the contrary, it was the source above all from which the Governor and Executive should receive recommendations or appoint such officers to this honourable House. Who so qualified as its members, many of whom were much longer acquainted with Mr. DeLery than he, (Mr. I.) but all agreed in the report—and that he was amply qualified to ably fill the office—all were sensible of his urbanity of manner, gentlemanly deportment and attention at all times. He (Mr. I.) could see none of the difficulties alluded to in adopting the report, or that there was the slightest analogy

in the circumstances or case of the distinguished individual alluded to by an hon. gentleman and the clerk of this House. He (Mr. I.) did not expect to hear such insinuations in this House, because it was notorious from the very high character & unimpeachable reputation of that very distinguished individual that he would not hold office one hour when unable fully and faithfully to discharge the functions of his high office, but would never be a party to any under hand proceedings or aid in secret or corrupt designs, but no doubt would continue to discharge the duties of his office with his accustomed ability.

Hon. Mr. MCGILL.—What do you mean by that Sir? So far from making any ungenerous attack on that distinguished individual, I have the highest respect for him.

Hon. Mr. IRVING said he did not mean to cast any reflection on the hon. gentleman but meant strongly to signify that there was not the slightest analogy in the case of the very distinguished individual the hon. member had alluded to, and the clerk of the Legislative Council. That the allusion also of the hon. member to the powers conferred upon the clerk of naming a deputy, amounted to nothing. When Registers and similar appointments were made, it was customary to give the power of naming deputies. But on retirement or removal of the principal from office you heard no more of the deputy, particularly when never appointed as in this case.

The address was then proposed and ordered to be presented to His Excellency by the Hon. Receiver General.

Hon. Mr. CROOKS reported from the Committee on Niagara Suspension Bridge bill, without amendment.

Bills read a third time.

Huntingdon Plank Road Company Bill, Lower Canada Agricultural Societies bill, Quebec Incorporation bill, Mill Dam's Slide's bill, Registry Law amendment bill, Port Hope Railway bill as amended.

The House went into Committee on consideration of amendments made by Select Committee to Great Western Railway bill, adopted the report and reported the bill as amended to the House.

The report of select committee on Magistrates appointment bill was adopted in committee of the whole, and reported to the House.

House in committee to take into consideration the reasons of the Assembly for not concurring in the amendment to Common School bill. The amendments were withdrawn, and a message ordered to be sent to the other House to inform them thereof.

The Deeds and Instruments Validity Bill was read a second time. Also, the Lotbiniere Registry office bill.

The latter referred to a select committee.

The House then adjourned until 10, A. M., to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, May 15.

Mr. ROBLIN moved the petition of the hon. James Crooks, be referred to a select committee.

Mr. DRAPER, this matter has been decided over and over again. It is not a matter in which this Province is at all concerned. It is solely a matter of international law. The Hon. James Crooks has himself admitted that he had no claim on the Province; unless the hon. member is prepared to state what object was wished for, he would be compelled to oppose the motion.

Mr. ROBLIN, there can certainly be no claim on the Provincial Government. It is solely a

matter of international law. He could not state what course the Hon. Mr. Crooks intends to pursue, he had only asked him to present the petition, and refer it to a select committee. He believed that he merely wished an expression of opinion from this House.

Mr. MOFFATT, if the hon. member could point out any way in which the House could assist the petitioner, he would have no objection to the reference. He thought that the Home Government had taken a wrong view of the case, they ought not to have said that it was a subject which did not concern him, he thought that it was a case of great hardship.

The motion was then put and lost.

Mr. BALDWIN moved for an address to His Excellency, for circulars addressed to Agents of Clergy Lands. He said that on a former occasion, he had been told that there was no despatch from the Home Government on the subject, and that the sole cause of the stoppage of the sale was owing to the under valuation, now he had been informed on good authority, that allusion was made in the circular to a despatch.

Mr. DRAPER, there has been no despatch received. The hon. member for Ottawa, who was over the Crown Land department is not here, but he supposed that there could be no objection.

Mr. METHOR asked the Ministry a question in reference to bridges in Lower Canada.

Mr. SMITH said that that matter would be settled on the interference of the Legislature.

Mr. STEWART, of Bytown, introduced a bill to amend the act 7 Vic., cap. 11.

Mr. LAFONTAINE protested against measures of such importance being introduced at this late period of the session.

Mr. BOULTON moved for leave to introduce a bill for the formation of limited partnerships.

Mr. LAFONTAINE said, that this was nothing more than the *societe in commandite* of Lower Canada. He stated that a bill of this nature had been placed in his hands, and he was busy investigating the subject.

The motion was lost.

L'Original Road, U. C.

Mr. M'DONALD, (Cornwall) moved for a committee to enquire into the manner in which £900 voted for a post road in the Eastern District had been expended and complained that under Responsible Government the Country did not obtain sufficient satisfaction in answer to complaints; gentlemen on the Treasury Benches, supported by those who expected to be on them, refused enquiry; if such were the nature of "Responsible Government" the country was come to a pretty pass.

Mr. DRAPER objected to the appointment of a committee; because he was prepared to defend the conduct of the Government in this matter, some member would recollect that in 1811, a great deal of trouble had been taken to improve the road from L'Original to the St. Lawrence, accordingly, a sum of money was granted, and laid out under the direction of the Board of Works, on a road from L'Original to Cornwall, but in 1843, a complaint was made, that the road was not laid out so as to make Cornwall a starting place. The fact was, however, that that course would have taken the road about 16 miles further round. However, the thing was done, and the House would not take any further action. Last year, however, a sum of £900 was granted for making a road from Cornwall into this road, and a Surveyor was appointed to carry out the intentions of the Legislature. This gentleman had reported on two different routes, by one of which a good road could be made for £96, while the other would cost £200. The Gov-

ernment had adopted the cheaper route, to expend the money upon, especially as there was a bridge or two on the other line which would require repairs in a short time.

The motion was negatived.

Lake St. Peter.

Mr. ARMSTRONG moved for a Committee to enquire into certain surveys said to be made on Lake St. Peter. He said he understood that besides the report of the Committee appointed by the B. of Trade to enquire into the works of Lake St. Peter, another report had been presented to the Board of Trade, by Capt. Boxer and five other gentlemen, which he understood was to be suppressed.

Mr. CAYLEY said that he thought the hon. member had made use of a very uncalled for expression as to the suppression of the report; [hear, hear] The report of the commission of Enquiry would be presented next day to His Excellency and would of course be very shortly afterwards submitted to the House. For anything which might have been done by the Board of Trade of course the commission was not answerable, but he could assert that there was no desire whatever for any concealment on the part of the committee.

Mr. ARMSTRONG was not a little surprised that the hon. Inspector General should offer any opposition to the motion after the interview he (Mr. A.) had lately had with him. He could well understand the hon. member when he said that certain persons went down to survey Lake St. Peter, but that they were invested with no authority by Government, and that he (the Inspector General) invited Captain Boxer to accompany the Commissioners. But he (Mr. A.) took it that when the hon. Inspector General took the part he did on that occasion he acted as the Government, and he would put the question, did he (the Inspector General) not invite Captain Boxer to aid in surveying Lake St. Peter, did not the Board of Trade request one of their body to join in the survey, and did not Captain Armstrong, one of the oldest navigators of our waters, and two other experienced pilots also take part in it. He (Mr. A.) did not exactly expect an official yea or nay, but he thought the hon. Inspector General could not deny that he was cognizant of the fact; he that as it might, he (Mr. A.) would, in consequence of the unexpected opposition he had met with, state facts which he would not otherwise have been induced to refer to. Messrs. Hayes and Redpath as Commissioners to inquire into the proceedings of the Board of Works, proceeded to examine Lake St. Peter accompanied by certain gentlemen who, according to the hon. Inspector General, were volunteers, viz: Captain Boxer, R. N., Captain Armstrong of the steamer Sydenham, John Young, Esquire, a member of the Board of Trade, and Messrs. Côté and Hamelin, two most experienced pilots. Now it is currently stated that the report of Messrs. Hayes & Redpath, although diametrically opposed to that of the other gentlemen, has been accepted by the Board of Trade, and the other disallowed. The object of the motion was to procure both these reports, and to examine parties in reference to the work; and he (Mr. A.) believed that no hon. member of that House who valued his independence, would resist an enquiry so obviously called for.

Mr. CAYLEY said those five gentlemen of the Board of Trade who accompanied the commissioner and Captain Boxer, were not recognised by the Board of Trade, but went upon their own responsibility.

Mr. MOFFATT said that as a member of the Board of Trade he knew nothing of the proceedings referred to, and begged to assure the

hon. member for Berthier, that any report presented to the Board of Trade could not be suppressed but must appear on the Journals, and could be seen at any time by a member of the Board, and even copied from the book.

Mr. ARMSTRONG knew that the report drawn up by John Young, Esquire, Captains Boxer, Armstrong, Côté and Hamelin was refused, that is not adopted by the Board of Trade, and that by Messrs. Redpath & Hayes was adopted.

Mr. MOFFATT.—Whether adopted or not, every report presented was on the Journals and could not be suppressed.

Att. Gen. SMITH considered the motion to be premature. The report of the Commissioners appointed to examine into the affairs of the Board of Works had been laid before His Excellency that day, and it would be communicated to the House either on Monday or Wednesday; then if the statements which were made in that report with respect to the works on Lake St. Peter were not satisfactory, it would be perfectly legitimate for the hon. member for Berthier, to move for a Committee to examine the subject.

Mr. ARMSTRONG said it would be remembered that during last Session he (Mr. A.) objected to, and condemned the plan of the Board of Works to shut up the different channels leading from the north and south shore; piles were brought in great quantities, piling had actually commenced as drawn on the map, but lo and behold when the absurdity of the work became too notorious, the Board of Works had the effrontery to say that it was never in contemplation to stop up the channel. He (Mr. A.) would predict that after another year's expenditure, the work now going on in Lake St. Peter would also be stopped; but he would have the satisfaction of knowing that he had done his duty, that he had raised his voice against the waste. It might be asked why he took such an interest in the work in question? It was because he lived in its immediate locality, and was cognizant of all that was going on; and he felt that it was due to his country, his conscience and that House, to state the facts he had stated; he would repeat that he did not see why the motion he had submitted was opposed; it was to enquire into a large expenditure of money which he (Mr. A.) denounced as useless; yes, he would assert that ten year's work and ten times the money expended would not make the contemplated new channel as good as the old. He (Mr. A.) would declare in conclusion that he had no feeling against the Board of Works except on public grounds, he believed he had not an enemy on the Board and he had much respect for many of its members whom he knew, and as regarded his county there was no reason to complain, but he believed some great error existed about Lake St. Peter.

Motion agreed to.

House in Committee of supply.

Mr. MOFFATT said it had been expected that there was to be a reduction in the number of Crown Officers, but it appeared that such was not to be the case, that there were still two Attorney Generals and two Solicitor Generals. It was his opinion that one Attorney General and one Solicitor General was quite sufficient, and in 1841, there were many hon. members who agreed with him; then they had changed their opinions, but he had not, and would move in amendment that the Solicitors General be struck off the list, leaving two Attorney Generals for the transaction of the Crown business. He would also wish that the Attorney Generals should have seats in the House but not as mem-

bers of the Executive Council, so that when called on to give an opinion they might do so freely and without bias, at present every opinion every vote given by them is biased by Executive influence. At all events it would assimilate our Constitution to that of England for the Crown Lawyers there formed no part of the Executive, and he would wish to see the same principle adopted in this Province. The hon. gentleman then moved his amendment.

Mr. BALDWIN said that at one time he was approximating to the opinions of the hon. member for Montreal, but his experience has fully shown him that this proposition was impracticable. With respect to one remark made by the hon. member, he would say that although the Attorney General was not a member of the Cabinet in England, yet the Chancellor, who was a Crown Officer, was in the Cabinet, and was called upon for advice in a similar manner to that of the Attorney Generals of this Province. Another point was also to be considered; the hon. gentleman should remember that generally speaking the most prominent person in political life is a member of the legal profession; he did not mean to say that such always would be the case, but it is so at present, necessarily arising from our social condition, and if the opinion of the hon. member were universally adopted and the Government deprived of the assistance and advice of these individuals, he did not think a very desirable or beneficial change would be effected. Then as regarded the Solicitor Generals, his experience showed him the necessity of the Solicitor General West remaining at Toronto for the purpose of carrying on the Crown business. He had found even at Kingston the inconvenience of having the office at Kingston with a sort of excrescence at Toronto; and when Montreal was made the seat of Government, that inconvenience must have been felt in a far greater degree. On the score of economy, the proposition of the hon. member would certainly fail; for, in the absence of a Solicitor General, the Crown would have to employ their Counsel at a far greater expense.

Mr. GOWAN said it appeared to him that all the duty performed by the Solicitor General, was one circuit which cost the country three times as much as if Queen's Counsel were employed. The amendment proposed by the hon. member would save the country some hundreds, and he was surprised that it should receive any opposition from the hon. member for the Fourth Riding, and he was more surprised at his opposition to the wish expressed by the hon. member for Montreal to assimilate our constitution to that of the Mother country, by excluding the Attorney Generals from the Executive as well as the Solicitor Generals, if that were done and the Vice-Chancellor admitted into the Cabinet, and appointed to the Speakership of the Upper House, there would be a saving to the Province of £1000 per annum.

Atty. Gen. DRAPER in reply to what had fallen from the hon. member for Leeds, would tell him that the Civil List is framed according to the existing Statute, and no alteration could be made until that was amended. He had himself thrown out a proposition in 1841 for making an alteration in the Civil List, because he thought four Crown officers were unnecessary, and he was not certain his plan was defective, but it was impossible to alter one Civil List for another, when it was based on an existing statute, and of course the same difficulty still exists at the present time. When the hon. gentlemen spoke of the Circuit, he could assure them that the criminal business was the least part of an Attorney

General's duty, and he would appeal to those who knew anything of the duties of that situation if that were not the case. In fact he looked upon the Circuit as an agreeable relaxation or an escape from the office. It is there that the duty is heaviest, looking after revenue cases, informations for smuggling, and various other matters concerning the revenue, which every one knows must be carefully looked after, as also the suits in Chancery, every one of which must be carefully examined in order that nothing may affect the Crown. He therefore agreed with the hon. member for the Fourth Riding, that it was an advantage to have a Crown officer at Toronto, to whom the briefs might be sent, but if instead of Solicitor General, Queen's Counsel were employed, hon. gentlemen might depend on it there would be very little economy. With respect to what had been said on different occasions that there should be but one Attorney General and one Solicitor General for the whole Province, he would merely say that he knew no person who would undertake to perform the duty of Attorney General for both sections of the Province and for this reason, that there was no one sufficiently well acquainted with the laws of both sections to do so.

Mr. ROBINSON could not see any necessity for the constant attendance of the Solicitor Generals at the Seat of Government, this making it necessary to employ Queen's Counsel to perform the criminal business, but as that double expense had been incurred repeatedly, he hoped the Government would in future dispense with their attendance and allow them to attend to the Criminal prosecutions constantly. He would cheerfully vote for the resolution.

Mr. BOULTON said the time was not come for carrying into effect the amendment of the hon. member, but when it did come he was quite ready to vote for the abolition of the Solicitor Generalship altogether, for he could not see why there should be such a person, when his duty was performed by Queen's Counsel. And the worst of it was that the Counsel engaged to carry on the Criminal business, were seldom chosen on account of ability. It was sufficiently well established that political opinions generally guided the Government in their choice. The hon. gentleman then stated that three or four years ago a Queen's Counsel charged a prisoner on three separate indictments for stealing a horse, bridle and saddle, by which he managed to pocket £12 instead of four.

Mr. McDONALD, of Glengarry, was of opinion that no member of this House ought to be employed as Queen's Counsel, for they would be biased in favour of the Government. He read from the accounts that Col. Prince, Sir Allan McNab, and Rolland McDonald had received payment for criminal prosecutions. He was in favour of doing away with the office of Sol. General, and establishing [as they do in the United States] District Attorneys. Many prisoners are now brought in under warrant, who are liberated, because there is no person to prosecute them before the Quarter Sessions.

Mr. GOWAN, there is a great deal of truth in the remarks of the hon. gentleman who has just spoken. The powers of the Quarter Sessions are very much enlarged by the acts passed in 1841, and there was no prosecuting officer to this Court. He was in favour of doing away with the office of Solicitor General. It was vacant for several months in both sections of the Province, and no inconvenience had resulted from it.

Mr. CHRISTIE, during the time we had no Solicitor General in Lower Canada, the charge for Queen's Counsel was most extravagant

He was in favor of only employing Queen's Counsel, but reducing their fees one third. The motion was lost—Yeas 20, Nays 31.

Mr. BALDWIN moved that wherever the Civil Secretary and Private Secretary occur the words Governor's Secretary should be inserted. He thought that the words Civil or Private Secretary were likely to produce misapprehension both on the part of the incumbent and the public. He said that Lord Durham had had a Chief Secretary as had also Lord Sydenham, but that was during the time that Despotical Government had its sway here. When constitutional Government was restored, it seemed that the office appeared to create misapprehension; he thought that the duties of that office ought to be confined to correspondence of a private nature; all the other correspondence ought to be carried on by the Provincial Secretary, or it would be likely that the Administration might get into trouble. As to the amount of remuneration he would not speak, he ought not to receive as much as the now, but if he were to be a permanent official, he ought only held office on an uncertain tenure. He said that he did in the present motion only express the opinion of Parliament, on a motion made by the hon. member for Gaspe. He ought to be one possessing the personal confidence of the Governor; as the representative of the Sovereign, it was due to him that he should have perfect confidence in his Secretary. He thought that the only way to get rid of these two offices was by uniting them, and giving a sufficient remuneration. He hoped that the Ministry would have no objections, he felt confident that if the House was unanimous the Home Government would have no objection. He said that he made the motion free from party motives.

Mr. GOWAN was opposed to the motion, he recollected when the hon. member for the 4th Riding was in office, and there was no proposition of this nature; there was then a Civil Secretary, and a Provincial Secretary for Upper Canada, there was then more Secretaries than there are now. The member for the fourth Riding was a member of Lord Sydenham's Cabinet, (hear, hear,) yes he hoped he would hear; why then does he call it Despotical [Mr B. referred to the period before the Union.] He feared there was a good deal in the motion that savoured of party purposes; it appeared as if the hon. member was determined to have a last blow. He thought the word "Civil" ought to be retained in opposition to that of the Military Secretary.

Mr. BALDWIN.—In reference to his being a member of Lord Sydenham's Cabinet he was not in it till after the Union, and then constitutional Government was restored.

Mr. GOWAN, you charged it with tyrannical Government, you must then have had a hand in it.

Mr. BALDWIN applied the term to L. Canada before the Union after that Constitutional Government was restored as he had said before. He said that he had brought the motion forward free from party motives, and not for the first time. He hoped the member for Leeds would not make imputations when he knew nothing of the facts. If he would refer to the Journals of 1843, he would find this suggestion embodied in a memorandum, which had been submitted by the late Inspector General to the Governor with the concurrence of his colleagues. Mr Baldwin here read from the memorandum a recommendation to the same effect as that now proposed.

Mr. MOFFATT was in favor of retaining the names.

Mr. BALDWIN, the hon. member for Gaspe made a motion for which he voted, so that not

only did he recommend it to the Government; but in 1843, he had had the honor to record his vote in favor of the proposition. 'Tis true this was after the resignation, but the memorandum was before it, and this motion was made without his having been previously made aware of it.

Mr. CHRISTIE, not one of the members of the Government were aware of the motion; the only persons to whom he communicated it, were the members for Durham and Sherbrooke.

Mr. GOWAN did not consider that his proposition would bear him out; what he stated was, that the hon. member not only retained this Secretaryship, but also a Secretary for Upper Canada; there is no proposition in what has been read to do away with the office, there may be an inuendo. You proposed, he said, to continue a larger staff than there is now.

Mr. PRICE said, that the two offices of Civil and Private Secretary had been wholly distinct. Rawson W. Rawson was Civil Secretary, and Mr. Hihginson was Private Secretary, with a salary of £320 per annum. He (Mr. P.) was in favor with doing away with the Civil Secretary, and raising the salary of the Private or Governor's Secretary.

Mr. BALDWIN said that the late Ministry were entitled to the credit of the non-appointment of a successor to Mr. Harrison which had nothing whatever to do with their resignation, and he would appeal to the hon. member for Megantic, who, he had no doubt, would do him justice in that particular.

Mr. DALY said the case of Mr. Harrison had nothing whatever to do with the resignation.

Mr. HALL wanted to know what benefit the office of Civil Secretary conferred on his country: he was opposed to such an office, and would vote for the amendment.

The motion was carried.

Mr. GOWAN moved to reduce the salaries of the Civil Secretaries Department from £1786 to £500.

Mr. LAFONTAINE said that such a vote would defeat the whole measure.

The motion was lost.

Mr. BALDWIN moved the sum should be £1536, which was carried, the effect of this motion is to reduce the salary of the Civil Secretary to £750.

On motion of Mr. Lafontaine the Assistant Secretaries salaries were reduced £50.

Mr. LAFONTAINE objected to the Clerks in the Surveyor of Customs Department.

Mr. MOFFATT had when this question was created, anticipated this increase; he certainly saw no use for so many Clerks, he had been always opposed to this being a District Office.

Mr. CAYLEY was not prepared to dispense with a single hand in his office.

Mr. GOWAN said, when the office of Surveyor of Customs was established, he was opposed to it, but he had discovered his error, and now thought that much credit was due to the gentleman who had advised its establishment.

Mr. BALDWIN moved that the salary of the Chief Justice of Upper Canada be £1,250.

Mr. LAFONTAINE considered this to be quite sufficient; the Puisne Judges receive £1,000.

Mr. McDONALD of Kingston considered that £1,500 was not too much, for many practitioners at the Bar receive more than that sum from their practice. The Chief Justice ought to be an individual of the highest legal talent in the country.

Mr. BALDWIN.—The Chief Justice holds his office for life, and when he becomes disqualified from filling the situation from age or sickness, a suitable pension is granted to him. He ought not to receive more than the Provincial

Ministers who hold their office by a very precarious tenure.

The motion was carried—Yeas 25—Nays 31.

The Chief Justice of Lower Canada's salary was also reduced to £1,250.

Mr. CAYLEY moved that the blank after the words Vice-Chancellor be filled up with £1,125 Mr. HALL would like to ask the Inspector General, are the services of the present Chancellor worth anything like that sum?

Mr. McDONALD of Kingston.—This Court is now a monstrous system of abuse. The office of Vice-Chancellor is filled by a gentleman, who is not deficient in legal talent, but who does not give satisfaction. Most of his decisions that are appealed from, are reversed [hear, hear.] He considered that a slight adaptation of our Law to the civil Law, as in force in Lower Canada would be a great advantage and this Court might be done away with. He thought that the system of allowing each party to put the other upon his oath, called in the French law *Interrogatorios sur faits et articles*, ought to be introduced into Upper Canada. The motion was carried.

Chief Justice of Montreal.

Messrs. Moffatt, DeLelure, and Gowan, were desirous of doing away with this office, and of assimilating the Lower Canada system of Judicature to the Upper Canada, one and of having four Puisne Judges in Montreal, instead of three, and no Chief Justice.

Messrs. Smith, Viger and LaFontaine opposed this plan, and stated that the Courts in Montreal and Quebec were entirely independent the one of the other; and that the Chief Justice of Montreal had as many duties to perform, as the Chief Justice of the Province. The words Chief Justice of Montreal were then agreed to.

Mr. MOFFATT then moved that his salary be £1000, which was lost and the sum of £1200 as proposed was agreed to.

ROUTINE BUSINESS.

FRIDAY, May 15, 1845.

Ten petitions were laid on the table.

Mr. Price moved that the Commission issued for taking evidence on the Middlesex contested Election be superseded, the Committee having made a final report.—Carried.

Mr. Stewart of Bytown moved that a writ do issue for the Election of a member for Carleton, in room of James Johnston Esq., who has resigned.—Carried.

Bill passed.

To attach certain territory to the Huron District.

To amend the act amending certain provisions of the Ordinance for establishing Police in Quebec and Montreal.

To enforce the attendance of witnesses from any part of the Province, before the Courts of Superior Criminal Jurisdiction.

To revive for a limited time an act therein mentioned, relating to the proving and recording of certain Marriages, Baptisms and Burials in the District of Gaspe anterior to 1821.

To authorise the "Grey Nuns" of Montreal to dispose of their property on Pointe a Callieres, and to invest the proceeds in other real property.

To authorise the Desjardins Canal Company to borrow a sum of money to complete the Canal.

To define the limits of Bytown, and establish a Town Council therein.

To amend the Act of defining the limits of Counties and Districts in Upper Canada.

To incorporate the Cobourg Paper Manufacturing Company.

To amend the Charter of the Great Western Rail Road Company.

Petitions read.

Of W. W. Beckett, et al., that the recommendation of the Board of Works for altering the line

of the main Eastern Township road between Sherbrooke and Shefford may not be adopted.

Of Rev. J. Taylor, et al., of Eaton, praying that Railroad trains may not be permitted to run on Sunday

Petitions referred to Special Committees.

Of Reid and Larned.

Of Rev. J. Taylor, et al., to Committee on Rail Road bill.

Of Hon. James Crooks.

Mr. McDonald of Cornwall, moved that that part of the report of the Board of Works, relating to the Cornwall and L'Original road be referred to a Committee of Messrs. McDonell of Dundas and Stormont, and McDonald of Glengarry, Kingston and Cornwall.—negatived.

On motion of Mr. Armstrong, that part of the said report which refers to Luke St. Peter, was deferred to a committee, consisting of Messrs. Armstrong, Williams, Leslie, Gowan, and Chabot.

The report of the Inspector of Registry offices for the District of Montreal, was ordered to be printed.

It was ordered that the House should meet on Monday at 10 o'clock, a. m.

The following bills were passed by the Council without amendment.

To amend the Registry Laws of Upper Canada.

To provide for the construction of Slides to certain mill dams on the River Moira.

To incorporate the Huntingdon Plank Load Company.

To allow the formation of more than one Agricultural Society in each county in Lower Canada, and for the relief of the Society for the county of Montreal.

To amend the Ordinances Incorporating Quebec.

The House was acquainted by message that the Legislative Council did not assist on their amendment to the Upper Canada School Bill.

The bill to incorporate the Wolfe Island and Toronto Rail Road Co., and the bill to incorporate the Peterboro' and Port Hope Railroad Co., were returned from the Legislative Council amended.

The bill to divide the municipality of Hochelaga, as amended yesterday, was reported.

Mr. Viger moved that it be recommitted. Negatived, and bill ordered to be engrossed.

The bill to amend the act detaching the Isle of Orleans from Montmorency, and amended yesterday, was ordered to be engrossed.

A resolution for establishing a separate Registry Office in the lower part of the County of Dorchester, was reported and Mr. Taschereau presented a bill in conformity thereto. Second reading on Tuesday.

The House went again into committee on the bill to amend the laws incorporating Montreal and to facilitate the decision of cases where the rights of parties to an office in the Corporation may be called in question, and it was reported amended, and ordered to be engrossed.

The House went again into committee of supply, and several resolutions were agreed to.

To be reported on Monday. Committee to sit again on Monday.

Adjourned till 10 o'clock, a. m., on Monday next.

LEGISLATIVE COUNCIL.

SATURDAY, May 16.

Hon. Mr. IRVING moved that the petition of Alexander M'Leod be referred to a select committee.

Hon. Mr. FERGUSON would wish to know if any petition had been presented to the House this session. If it were the same that was presented last year, it appeared to him the motion was irregular.

Hon. Mr. IRVING would mention that a petition had been presented to the House, conceived in much stronger terms than the petition of last year; and he only made this motion in order to procure justice for an innocent man,

who had been treated much worse on this side of the line than in the United States.

The Hon. SPEAKER said his motion was out of order if no new petition had been presented. Motion was withdrawn.

Bills read a second time:—Montreal and Quebec Police-Bill.

Hon. Mr. NEILSON could not see any great objection to the bill. He certainly thought the power granted to the magistrates was rather summary, but it was necessary they should possess such power.

To be read a third time to-morrow.

Desjardins Canal Company bill read a second time.

Hon. Mr. CROOKS said that it was proposed by this bill to give power to the Company to borrow £25,000 for the purpose of rendering the canal more efficient, by deepening it in order to allow craft of a larger size to pass through. There was no doubt that it would be perfectly practicable for the Company to procure this loan, as a gentleman now in Scotland, but possessing extensive property in the Province, had himself offered to make it; and he conceived there would be no doubt when he mentioned that 98,000 barrels of flour, besides a large quantity of other produce, had passed through it last year, the tolls on which amounted to £1000. Indeed, he might say that this was most important in a public point of view, for it was intended to carry the canal as far as Burlington heights, which would add greatly to the strength of that fortification, and that it was expected some assistance would be given by the Ordnance Department. He therefore hoped there would be no objection to this bill being read a third time on Monday.

Mr. FERGUSON said it appeared from what his hon. friend said, that this company were in reality about to execute a work for the public defence at their own expense. If they chose to do so, he could see no objection to it.

Hon. JAS. MORRIS said, his hon. friend who had introduced the bill, had said that the tolls last year amounted to £1000, but he would ask if there were not already a heavy charge on the tolls, and if they borrowed this sum of £25,000, how would it be possible to repay the Government, the interest on the large debt which he believed was already due.

Hon. Mr. CROOKS said that the hon. gentleman was quite right, that the company had borrowed the sum of £17,000 from the Government on condition that if the payments were not paid at regular intervals, the Government should take possession of the work. This the Government had declined to do, although the work was offered to them, and they had consented to allow the new loan to have a prior claim. Besides it should be remembered that the tolls would be greatly increased by allowing larger craft to pass through, and as the traffic through it was increasing yearly, he had no doubt that these debts would be discharged in four years without difficulty, and the only way of saving the £17,000 loaned by the Government was to pass this bill.

Hon. Mr. FERRIE said there never was a more unlikely bill to benefit the Province than the present. This Canal passed for miles through a most horrible swamp, and he felt quite certain from what he knew of the country, that the money already vested in the canal would be lost. And he could not think that the House should wink at this jobbing because the Government chose to do so; what would become of the colony if this system were persisted in but bankruptcy?

Hon. Mr. FERGUSON was sorry to find that his hon. friend was opposed to this bill, but he could not help giving him his thanks for his dis-

interested views on the subject. He had a property which would be greatly benefited by this canal, and he felt convinced that in opposing the bill it was only from the most generous and honourable motives.

Ordered to be read a third time on Monday. Cobourg Manufacturing Incorporation bill read a second time and referred to a select Committee.

Bill to alter and amend the charter of the Great Western Railroad Company read a second time and referred to a select Committee. Also, the Huron Territory bill.

The House then adjourned.

LEGISLATIVE COUNCIL CHAMBER,
MONTREAL, 15th May, 1846.

This day at Three o'clock, P. M., His EXCELLENCY the GOVERNOR GENERAL proceeded in state to the Chamber of the LEGISLATIVE COUNCIL, in the Parliament Building. The Members of the Legislative Council being assembled, His Excellency was pleased to command the attendance of the Legislative Assembly, and that House being present, the following Bills were assented to in Her Majesty's Name, by His Excellency the Governor General, viz:

An Act to alter and amend the Laws imposing Provincial duties of Customs.

An Act to repeal certain Acts therein mentioned which impose a duty on Distillers and on the sale for trade of Liquors made by them, and to provide for the collection of such duties.

An Act to vest in Roanoke K. Andrews a certain allowance for the Township of Dumfries in the District of Gen. Township of Dumfries in the District of Gen.

An Act to remove certain doubts in relation, conferred upon the Court of the jurisdiction in Upper Canada; in matters relating to Lunatics, Idiots and persons of unsound mind, and their Estates, and to amend and extend the Laws in force in Upper Canada relating to Lunatics, Idiots and persons of unsound mind and their Estates.

An Act for the better Administration of Justice in the General Sessions of the Peace for Gaspé, and for preventing charges upon the Treasury of the Province for unnecessarily summoning Jurors.

An Act to revive and extend an Act of the Parliament of Upper Canada, Third Victoria, Chapter thirty-three, intitled, "An Act to incorporate certain persons under the name and style of 'The President, Directors and Company of the Bronté Harbour.'"

An Act to increase the Salary of the Supervisor of Cullers.

An Act to indemnify Anthony Leslie, Inspector of Licence, for having, in ignorance of the Law, voted at the late Election for the County of Lanark.

An Act to incorporate "La Communauté des Filles de la Charité," of the Parish of St. Hyacinthe, in the District of Montreal, for the care of infirm and sick persons, and for other purposes.

An Act to amend an Act passed during the last Session of this Parliament, intitled, "An Act to amend, consolidate and reduce into one Act, the several Laws now in force, establishing or regulating the practice of District Courts, in the several Districts of that part of this Province, formerly Upper Canada."

An Act to provide for vesting in Trustees the Sites of Schools in that part of this Province called Upper Canada.

An Act to consolidate and amend the laws relating to the Provincial Penitentiary.

An Act to enforce the attendance of Witnesses before Magistrates in Lower Canada in certain cases.

An Act to explain and amend a certain Act therein mentioned and to make further provision concerning Ferries in Upper Canada.

An Act for the substitution of more simple modes of assurance in lieu of Fines and Recoveries.

An Act to provide for the recovery of the Rates or Taxes intended to be imposed by certain By-Laws of the District Council of the District of Huron.

An Act to incorporate certain persons under the name of the "Albion Road Company."

An Act to transfer to Queen's College, at Kingston, certain estates, rights and liabilities of the University at Kingston.

An Act to remedy certain defects in the Registration of Titles in the County of Hastings in Upper Canada.

An Act to encourage the establishment of certain Societies commonly called Building Societies in that part of the Province of Canada formerly constituting Upper Canada.

An Act for the relief of John Macara, Esquire of the City of Toronto.

An Act for defining and establishing the course of the side lines of Lots in the Gore of the Township of Gloucester, in the District of Dalhousie.

An Act to facilitate the conveyance of Real Property.

An Act to repeal an Act therein mentioned, authorizing the raising of a sum of money in the District of Niagara, for the purpose of relieving the said District from debt.

An Act to alter the mode of Assessment in the Towns of Niagara and Queenston.

An Act to authorize the Courts of Queen's Bench and of Chancery in Upper Canada in their discretion to admit John W. Dempsey, to practice as an Attorney and Solicitor therein.

An Act for the better preservation of Wild Fowl in the County of Elsie.

An Act to vest in Richard E. Vidal, his Heirs and Assigns, the Government allowance for a Road across certain lots of land, in the Township of Saranac, in the County of Warren, belonging to him.

An Act to incorporate certain persons as "The Trafalgar, Esquering, and Erin Road Company."

An Act to incorporate the Town of Kingston as a City.

An Act to authorize the Devises and Trustees of the Will of the late Honorable Chief Jones, to convey a Town Lot therein mentioned to the President and Board of Police of Brockville, for the uses and purposes therein mentioned.

An Act to amend the Act therein mentioned, relating to the appropriation of monies derived from the sale of School Lands in Upper Canada.

An Act to amend the Act for the encouragement of Agriculture by the establishment of Agricultural Societies in Lower Canada.

An Act relating to the Magdelaine Islands in the Gulf of St. Lawrence, and to enable the Inhabitant Householders therein to establish a Municipal Council in the said Islands, and to extend the like advantages to certain localities in the County of Saguenay, and to those parts of the Counties of Rimouski and Kamouraska known as the Madawaska Territory.

An Act to prevent the opening of Government allowances for Roads without an order from the District Council of the District, in which the said allowances are situate.

An Act to amend the Law in cases of Forgery.

An Act to incorporate Les Dames Religieuses de Notre Dame de Charite du Bon Pasteur, at Montreal, for the care and reformation of Female Penitents.

HOUSE OF ASSEMBLY.

MONDAY, May 10, 1846.

Mr. PRICE, enquired of the Ministry whether the report of the Rev. A. MacNab late acting Deputy Superintendent of education for Upper Canada, had been received.

Mr. DEAPER stated that he would answer the question in the afternoon. We believe that he stated in the afternoon that it would be laid on the table to-morrow.

Mr. CAYLEY introduced a bill to exempt the property of the Crown from local rates and taxes in Lower Canada.

Mr. MCFARLANE, this bill will affect the revenues of the cities of Quebec and Montreal, he thought therefore that notice of the intention ought to have been given to them.

Mr. BOULTON, asked the Ministry whether it was their intention to grant any money this Session for the improvement of Toronto Harbour.

Mr. DRAPER, said that this subject was under earnest consideration, but it was not this Session their intention to grant any money for that object.

Mr. DRAPER, moved that when the House adjourn, it adjourns till $\frac{1}{2}$ past 2.

The bill to amend the public lands act was read a second time, and it was moved that it be referred to a Committee of the whole.

Mr. BALDWIN, there was one subject that was not mentioned in the bill, it was where property had escheated to the Crown in default of heirs, but was only escheated to be regranted to illegitimate children, if there were any; he doubted if that could be done under this bill.

Mr. DRAPER, said that there was another class of cases, they were those in which a surrender had been made of certain lands in favour of the Crown, for certain other lands; he had found some difficulty in this matter but had finally determined to advise their being taken as payment.

Mr. ROBINSON, hoped that they would not proceed with this bill till the report of the Committee on the report of the commissioners on the Crown Lands department had been made. The report recommended the removing of the land Canada. If they were determined to proceed with the bill he hoped that they would refer it to that Committee.

Mr. LATERRIERE spoke in French was not understood him to say it ought not to be proceeded with.

Mr. McDONNELL of Dundas, hoped that no member would throw any opposition in the way of this bill passing, he was willing to let it pass with all its defects when it was known that the boon which the hon. member for Stormont has so long contended for is now about to be granted and the Upper Canada Loyalists, and the Militia are about to receive their long withheld but just rights; that they are about to be placed in that position in which they long ago, ought to have been placed.

Mr. McDONALD, of Glengary, made a few remarks somewhat to the same effect as those of the preceding speaker; he then said that the Upper Canada Loyalists and Militia had been done out of their just rights, they had been compelled to perform a settlement duty, which it was almost impossible to perform, owing to the distance of the lands that were granted to them; and the cost of performing the settlement duty became more than the value of the lands. The lands thus came into the hands of speculators who got the lots for £5, £6, £7, and £8, and managed to get their patents from the Executive Government. He could not account for it, but it was a fact that whenever a person got into office, he forgot almost all his former opinions, but those that it suited him to retain. This was the case even with the hon. member for the Fourth Riding.

Mr. BOULTON hoped and trusted that the suggestion of the hon. member for Simcoe would be attended to; he thought that the bill ought to be referred to the committee on the report of commissioners of the Crown Land Department. He thought that the land granting office ought to be stationed in Toronto. In Toronto alone there is now paid over £1000 to the branch office there; this of itself would go a great way towards the payment of the expense of the office.

Mr. BALDWIN, the land granting department

is a part of the Executive, and there would, therefore, require to be a constant correspondence between the office at Toronto and the Executive at Montreal. It would make it confusion "worse confounded" than it is now. It would be creating an *imperium in imperio*, which must either carry on a constant correspondence with Montreal, or be independent. He believed that the only remedy was to improve the local agencies.

Mr. HALL, the same objection applies to the local agencies. It appears that the Executive are a part of the land granting department; you write to the department and receive no answer, you write again and you are assured that it has been referred to the Executive, and God knows how long it stays there. This bill is a regular patching up of the old one, there are only one or two more clauses. He said that the people were dissatisfied. In the United States, 4000 miles from Washington, you can get out your title without reference to the capital, and even when you go there you are not put off as you are here.

Messrs. CAUCHON and VIGER spoke in French.

The motion was then withdrawn.

Emigrant Agents.

In answer to a question from Mr. BALDWIN Mr. DRAPER said that the Emigrant Agent at Quebec was appointed subordinate Agents authority, but that all the Provincial Government were appointed, and salaries for these officers were, and from three sources—a sum from the Imperial Government, a tax on emigrants, and an allowance from the Provincial chest. The hon. member further stated the Agent at Quebec had no authority paramount to that of the Provincial Government, and that the Government held itself responsible for the conduct of all the Agents.

Chief Justice of Montreal.

Upon the question of concurrence in the seventh item of the Civil List (salary of the Chief Justice of Montreal) being put

Mr. MOFFATT renewed his objection to the continuance of two Chief Justices in Lower Canada; but he thought that according to the Union Act, Sec. 53, the offices in Schedule A, to which the present belonged, could not be abolished but the salaries might be altered, and if after the time of the present incumbent the Government thought fit to abolish the office, there would be less difficulty than at present in effecting it. He would vote against the item.

Sol. Gen. SHERWOOD thought that the change proposed by Mr. Moffatt could not then be effected; the Judicature of Lower Canada should first be altered; while the present offices were in existence it was the duty of the Legislature to provide salaries for each of the Judges.

Mr. Gowan and Mr. DeBleury supported the views of Mr. Moffatt.

Attorney General Smith, Messrs. Viger and Lafontaine spoke against the change on the ground urged by Solicitor General Sherwood. The question was then carried by 41 to 8.

Solicitors General of Upper and Lower Canada.

Mr. MOFFATT moved in amendment to the 14th item "that the words Solicitors be struck out." The object of this amendment would be to abolish the office of Solicitors General in both sections of the Province.

Mr. BALDWIN spoke against the proposition, and contended that as the Solicitor General was the person who was to succeed to the office of Attorney General, it was right that he should have the benefit of political and Par-

liamentary experience. He (Mr. Baldwin) must, without any desire whatever to reflect upon the learned gentleman appeal to the Attorney General East, to say whether if he had had parliamentary experience, he would not have been more competent to discharge both his professional and Parliamentary duties in that House.

The amendment was lost by 36 to 9.

Common Schools, L. C.

On the 27th clause being read, which provides for dissentient schools,

Mr. LANTIER proposed an amendment to the effect of giving the trustees of these schools the same powers as the school commissioners, over the school house they possess, and of taxing those who wish to have the dissentient school established. He considered that unless this is done, the dissentients will always consider that they are not treated fairly—that they do not receive their fair share of the public and local taxes. He wished to protect these schools and place them all upon an equal footing. It is true that some arguments may be advanced against the plan proposed, but as we have allowed the minority in every municipality to have distinct schools from the majority, it is better to make them free and uncontrolled by the majority.

Attorney General SMITH did not see how this amendment could be carried out. One of the principles of this bill is, that whenever the Government have advanced any funds to aid in building any school house, that school house should become the property of the school commissioners.

Sol. Gen. SHERWOOD,—The principle advocated by the hon. member for Vaudreuil was sought for by the Church of England in Upper Canada, but their petitions were rejected by this House, and improperly rejected in his opinion. Both in Upper and Lower Canada, the Roman Catholics have the privilege of having separate, or dissentient schools, but when the Church of England asked the same privilege it was denied them. He considered that all denominations of Christians ought to have been allowed to have separate schools if they pleased.

Mr. BALDWIN.—It is perfectly clear that if you allow all denominations to have separate schools you would destroy the whole common school system for while the wealthy bodies would have good schools the poorer ones would have none, and would have either to give their children no education or send them to the school of the richer denomination. And this is what the hon. member for Toronto, not the Solicitor General, but the Lord Mayor of Toronto said on a previous occasion, when this subject was discussed, when this argument was employed, "cannot they send their children to our schools." It is sufficient to make a difference between Roman Catholics and Protestants, and he wished there was no distinction even between them; but among Protestants, who are split among so many sects, it would be folly to allow them to have separate schools.

Mr. BOULTON.—When the hon. member for the North Riding of York gets a crotchet into his head, it is hard to drive it out of him. He (Mr. B.) had said that it would be no hardship if children of other denominations had to come to the Church of England schools.

Mr. MOFFATT considered that when a school House has been erected principally, at the expense of those who are in possession of it, it ought not to be taken away from them, and the minority of a municipality might be the majority of a certain school District, in that case he considered they should be allowed to retain the school House.

Atty. Gen. SMITH thought that dissentient schools ought not to be encouraged, for they would divide the school fund too much. The principle of a common School bill is, that a number of children should be united together to receive instruction in the common branches of education, and so sufficient funds might be collected to pay a proper teacher, but if the people split up, and leave schools for this and that denomination, the funds would not be sufficient, to pay a suitable teacher for each.

Mr. LANTIER was surprised at the remarks of the Attorney General, for, according to this bill, if the school commissioners chose to oppress the dissentients, the latter cannot extricate themselves.

The amendment was lost, yeas 11, nays 22.

ROUTINE BUSINESS.

MONDAY, May 18.

Mr. Speaker laid before the House a statement, furnished by the Queen's Printer, of the distribution of the statutes of last Session.

Nine petitions were brought up.

The following Bills were read the third time and passed:—

Bill to divide the Municipalities of Hochelaga and Three Rivers, and further to provide for the support of schools, and the management of local affairs therein.

Bill to amend the act detaching the Island of Orleans from Montmorency.

Bill to amend the laws incorporating Montreal, and to facilitate the decision of cases when the right to any party to office in the Corporation may be questioned.

The following petitions were read:—

Of R C Gapper and others, complaining of the delay in completing the improvement of Yonge street, under the Board of Works.

Of Dame Margaret Metzler and others, proprietors at River St. Pierre, praying that the Commissioners of the intended road at that place may not be invested with any discretionary power.

Of Donald Cameron, of Thorah, stating that he was imprisoned for five months subsequent to the rebellion in Upper Canada, and then liberated without trial, and praying compensation for his injuries, sufferings and losses.

Petitions from Rensfrew, McNab and Horton, for the passing of a bill relative to King's College, similar to that of last session.

Of the Rev W King and others, of Bury, praying that railroad trains may not be allowed to travel on the Lord's day.

Of Richards and others, of Prince Edward, for alterations in the law relating to Innkeepers' licenses.

Of the Trustees of the Montreal Turnpike Roads, praying that the Act 8 Vic. cap. 40, may be so amended as to secure them from the interference of any Municipal Council.

Petitions from St. Catharines, Grantham, and Gimsby, against removing the site of the Niagara District town.

The petition of R. C. Gapper and others, was referred.

Mr. Bertrand presented a report on the petition of J. B. Chamberland and others, with evidence. To be printed.

The Committee on Contingencies presented a third Report.—Committee for to-morrow.

On motion of Mr. Hale, an Address, was ordered for copies of all instructions given by the Board of Works to the Surveyors employed on the Main Eastern Townships Road, particularly the branch to Sherbrooke, with the Reports of the Surveys upon the same.

Mr. Caley brought in a Bill to exempt the property of the Crown in Lower Canada from local taxes. Second reading to-morrow.

The Bill to incorporate the St. George's Society of Quebec, was ordered to be committed to-morrow.

The amendments of the Council to the Bill to incorporate the Peterboro' and Port Hope Railway Company—and the Bill to incorporate the Wolfe Island and Toronto Railway Bill, was concurred in.

The Bill to incorporate Cornwall, as amended

on Friday, was reported, and ordered to be engrossed.

The Bill to authorise Commissioners for inquiring into public business to take evidence on oath, was read the second time, committed, amended, and ordered to be engrossed.

Adjourned till half-past 2 o'clock.

At half-past two o'clock, P.M., the House again met.

The House waited on His Excellency the Governor General at the Bar of the Legislative Council, where he was pleased to give the Royal Assent to several Bills.

A petition from J. G. Barthe, Esq., of Montreal, was presented, against the Bill for removing the Circuit Court and Registry office of Yamaska.

The Bill to amend the Cornwall Incorporation Act and to establish a Town Council therein in lieu of a Board of Police, was read.

Also the Bill to empower commissioners for inquiring into matters connected with the public business to take evidence on oath.

Mr Moffatt from the committee on the Bills relative to Inland and Foreign Bills of Exchange, presented a Report.

Mr Moffatt brought in a Bill in accordance therewith. 2d reading Wednesday next.

Mr Lantier moved that the House meet at 10, a. m. to-morrow, which was negatived.

The Resolutions from the committee of supply (Civil List) were reported. The 1st resolution schedule A, being read, the 1st to 6th items were agreed to. On the 7th item in said resolution, (salary of Chief Justice of Montreal) the yeas and nays were taken as follows:

YEAS.—Messrs Baldwin, Berthelot, Bertrand, Bouillier, Cauchon, Cayley, Chauveau, Christie, Cummings, Desautier, DeWitt, Draper, Duggan, Foster, Jessup, Jobin, LaFontaine, Lantier, LaTerrière, Laurin, Leslie, Macdonald (Glengary), Macdonald (Kingston), Macdonell (Stormont), Méthot, Monro, Papineau, Petrie, Prier, Robinson, Rousseau, Scott, Sherwood (Brockville), Sherwood (Toronto), Smith (Frontenac), Smith (Missisquoi), Smith (Westworth), Stewart (Prescott), Taché, Taschereau, Viger. 41.

NAYS.—Messrs DeBligny, Ermatinger, Gowen, Macdonald (Cornwall), McConnell, Moffatt, Seymour, Stewart (Bytown) — 8.

From the 8th to the 13th items were also agreed to. On the 14th Mr Moffatt moved an amendment that the words "or Solicitors" be struck out, on which he yeas and nays were taken as follows:

YEAS.—Messrs Christie, DeBligny, Gowen, Lantier, Macdonald (Glengary), McConnell, Moffatt, Scott, Sherwood (Brockville) — 9.

NAYS.—Messrs Baldwin, Berthelot, Bertrand, Bouillier, Cauchon, Cayley, Chauveau, Cummings, Desautier, DeWitt, Draper, Duggan, Ermatinger, Foster, Hall, Jobin, LaFontaine, Laurin, Leslie, Macdonald (Cornwall), Macdonell (Dundas), Macdonell (Stormont), Méthot, Monro, Papineau, Petrie, Prier, Robinson, Rousseau, Sherwood (Toronto), Smith (Missisquoi), Smith (Westworth), Stewart (Prescott), Taché, Taschereau, Viger. 26.

The said item and the remainder of schedule A, were agreed to. The 2d resolution (schedule B) was agreed to. The 3d resolution being read, Mr Baldwin moved an amendment—that the words "now at the disposal of the Crown in this Province" where they first occur in the said resolution, be expunged, and the following inserted in lieu thereof, viz: "now or at any time heretofore claimed to be at the disposal of the Crown in this Province;" and that those words when they occur a second time be expunged. Yeas and nays were taken as follows:

YEAS.—Messrs Armstrong, Baldwin, Berthelot, Bertrand, Bouillier, Cauchon, Chauveau, Christie, Desautier, DeWitt, Hall, Jobin, LaFontaine, LaTerrière, Laurin, Leslie, Macdonald (Glengary), Macdonell (Stormont), Méthot, Rousseau, Smith (Westworth). — 21.

NAYS.—Messrs Cayley, Cummings, Daly DeBligny, Draper, Duggan, Ermatinger, Foster, Gowen, Jessup, Macdonald (Cornwall), Macdonald (Kingston), Macdonell (Dundas), McConnell, Moffatt, Monro, Papineau, Petrie, Robinson, Sherwood (Brockville), Smith (Frontenac), Smith (Mis-

sisquoi) Stewart (Bytown), Stewart (Prescott), Taschereau, Viger. — 37.

The 3d and 4th resolutions were then agreed to, and Mr. Cayley brought in a bill in conformity thereto. 2d reading to-morrow.

The bill to provide for the erection of a new Court House in Montreal, was committed, progress reported, to sit again to-morrow.

The bill to repeal the school law of Canada was committed and amended, to be reported to-morrow.

The following bills were agreed to by the Legislative Council, without amendment, viz:—

To amend the act defining the limits of Counties &c., in Upper Canada.

To remove doubts as to the validity of certain deeds, &c., executed before Notaries in L. C.

To enable the Bathurst District to receive the School monies appointed to it in 1845

To amend the ordinance establishing a Police in Quebec and Montreal, and the bill

To authorise the Desjardins Canal company to effect a further loan.

The following bills were returned from the Council with amendments:

To extend the Great Western R. & L. road from Hamilton to Toronto.

To repeal the Ordinances relating to winter roads in so far as regards the districts of Quebec, Gaspé and Portneuf—and the bill

For the relief of ministers of the Associate Presbyterian Synod of North America.

A bill to provide for the appointment of magistrates for the more remote parts of the Province, was sent down from the Council, for concurrence, and it was read a 1st time. 2d reading to-morrow.

Mr Secretary Daly laid before the House, returns to addesses, viz:—

For information respecting the fees of the clerk of the crown, and the number of clerks in his office.

Correspondence with the commissioners of Lunatic Asylums respecting the claim of Dr. Rees.

Correspondence between the Government, the Corporation and the Trinity House of Quebec, respecting the Beaches of the St. Charles.

He also laid before the House the Report of the Assistant Superintendent of Education for Upper Canada for 1844.

On the question for reading Mr Cauchon's Bill relative to Pilots—the House adjourned for want of a quorum.

LEGISLATIVE COUNCIL.

MONDAY, May 18.

Hon. Mr. McGill reported from the committee on the Incorporation bill of the Cobourg Manufacturing Company, with some amendments.

Hon. Mr. Neilson reported from committee on bill to repeal Gas and Water Company Incorporation Act. To be read third time to-morrow.

Hon. Jas. Morris reported from committee on bill to amend the charter of the Great Western Railroad Company, with several amendments.

Hon. Mr. McKay reported from committee on Bytown Incorporation Act. To be taken into consideration to-morrow.

Bills read a third time:—Winter Roads Bill, as amended; Presbyterian Marriage Registry Bill, as amended; Toronto and Hamilton Railroad Bill; Magistrates' Appointment Bill; Desjardins Canal Company Bill.

House adopted the report of the Niagara Suspension Bridge bill; also, the Hamilton Road Allowance Bill; also, the L. C. Registry Offices bill.

The House went into committee on new bill reported from committee respecting Bible Christians.

Hon. Mr. Crooks said that when this bill was before the House on a former occasion, an objection had been taken to it, which he endeavoured to obviate by the insertion of a clause directing that one month after any minister has taken charge of any church or

chap., he shall cause to be filed before the Clerk of the Peace a certificate that he is a regularly ordained minister, to be witnessed by ten of his pew holders. He did not think there could be any objection to this clause, as it appeared to him the most likely to work efficiently.

Hon. Mr. NELSON objected to the phrase "ceremony of marriage" contained in the bill. It struck him that the phrase was incorrect, for marriage was not a mere ceremony, but a civil contract, and he would wish to have it amended by striking out "ceremony," and inserting "solemnisation" instead.

Hon. Mr. CROOKS assented to the suggestion of his hon. friend.

Hon. Mr. MOORE thought that there was not sufficient precaution on this point; some test should be required to show that persons calling themselves Ministers, belonged in reality to an organised church, and were in reality ordained. He did not refer to the sects named in the bill, but to the new sects, the latter day Saints, and New Lights which were constantly springing up in the States. If a proper degree of precaution were not taken, it would be a very cheap way for any idle fellow to call himself a minister, and on the testimony of ten of his pew holders, to be allowed to perform all the functions of that office, but the inevitable consequence would be a vast amount of confusion.

Hon. Mr. FERRIE asked why the hon. gentleman attempted to retard the passage of this bill which did not refer to those new sects at all? If the bill were satisfactory so far as regarded the sects named in it, why oppose it? The Committee then rose and reported the bill to the House.

The bill to enable the Grey Nuns to dispose of their property at Pointe a Calliere was read a second time.

The bill to enforce attendance of Witnesses on Criminal Courts was read a second time.

The Hon. SPEAKER said this bill was intended to provide a remedy for a difficulty which is much felt at present in consequence of the inability of the Court to compel Witnesses, being out of its jurisdiction, to appear before it. The consequence is that justice is frequently defeated, and to prevent this the bill gives the power to Criminal Courts to enforce the attendance of Witnesses living at a distance.

Hon. Mr. MCGILL thought this was likely to be a serious matter, if Witnesses were compelled to go from one end of the Province to the other at their own cost in order to attend Court. If the bill were passed he hoped some provision would be made for that purpose.

Hon. Mr. FERGUSON expressed his concurrence in the opinion of the hon. gentleman who had just taken his seat.

Hon. Mr. CARON did not believe that the Witnesses suffered any great hardships in their attendance on Court, for as he believed they were paid in Lower Canada out of a fund for that purpose. However he hoped there would be no objection to the bill.

Hon. Mr. CROOKS, said that with respect to Lower Canada the Witnesses were well paid in general, sometimes too well, and in Upper Canada a District Assessment was levied for the same purpose, and Witnesses paid by the District Treasurer on receiving an order from the Judge. However as he understood there was a bill before the other House respecting the Administration of Justice in Upper Canada, he hoped the Hon. Receiver General would look to it and endeavour to have a clause inserted respecting the payment of witnesses.

The bill was then referred to a Select Committee.

The Gaspé Marriage bill was read a second time and referred to a Select Committee.

The Hon. Receiver General introduced a bill to reverse the attainder of Peter Mathews, read a first time.

The House then adjourned.

TUESDAY, May 19.

Hon. Mr. FERGUSON in accordance with the notice which he gave yesterday begged to call the attention of the House to the extraordinary state of public business in the populous and wealthy District of Gore, arising solely from the illegal and iniquitous conduct of the individual, who filled the office of Treas. and (he must say also) to the shuffling and dilatory conduct of the Executive Council. For four years the Municipal Council of that District has laboured in vain to obtain some statement of accounts, and for eight months Government had been apprized of the Treasurer's conduct, and redress, on dismissal called for, up to this date, nothing had been done but a pitiful suggestion forsooth to apply to the Court of Queen's Bench for a writ of mandamus. The Warden of the District a gentleman of high talent and honourable bearing, universally and justly beloved and respected, had used every exertion within his reach, both with the individual complained of and with the Government but hitherto, in vain. There could be no doubt whatever, that the Treasurer was a servant of the Municipal Council in all District Council matters and that his disobedience ought to have been visited by prompt correction or dismissal from office; Mr. Fergusson felt it unnecessary to state more, in the present stage of proceedings and would therefore move for copies of correspondence relative to any complaint against Mr. Beasley, the Treasurer of the Gore District.

Bills read a third time—Quebec Gas and Water law repeal bill, Niagara Suspension Bridge bill, Hamilton road allowance bill, Registry Offices regulation bill, Grey Nuns property bill, Huron Territory bill.

Bills read a second time and referred to Select Committees, Cornyall Incorporation bill, Commissioners Evidence bill, Hochelaga Municipality bill, Island of Orleans Registration bill, Montreal Corporation amendment bill.

Matthew's Attainder Reversal bill read a second time, ordered to be read a third time to-morrow.

The Upper Canada Registrar's acts confirmation bill was read a second time.

Hon. RECEIVER GENERAL hoped there would be no objection to allow this bill to be read a third time to-morrow. The Commissions of Registrars are not now held under the great seal and as it will be, some time before those Commissions can be received, this bill was brought in merely for the purpose of legalising their acts during the interim.

Hon. Mr. BRUNEAU wished to be informed whether it interfered in any way with the appointment of Registrars.

Hon. RECEIVER GENERAL.—No it did not meddle in any way with their appointment, they still hold office during good behaviour, but by a bill introduced by him lately, they could be removed on presentation by the Grand Jury.

Ordered to be read a third time to-morrow. House in Committee on report of Select Committee on Bytown Incorporation act.

Hon. RECEIVER GENERAL moved in amendment to one of the clauses which gave a right to tax an unoccupied piece of land belonging to the Crown, that all property appertaining to

Her Majesty whether real or personal should be exempted from taxation. It was true the bill exempted from taxation the Barracks and some other Buildings belonging to Her Majesty, but why was it that this piece of land should be taxed. It was admitted everywhere in U. C. that the property of the Crown should not be taxed, but this clause was directly in opposition to that principle, which he looked upon as sound. It was true that in L. C. it was the custom to tax the property of the Crown, but he hoped it would not long be so, for it struck him as being a very unsound principle. In Montreal where the Imperial Government is at such great expence to provide for the public safety, the Municipal Council taxes even the Barracks of the Soldiers, and he had hoped no attempt would be made to institute such a course in Upper Canada, but as the attempt was made by this bill to tax the property of the Crown, he would be obliged to move his amendment.

Hon. Mr. M'KAY said that the land referred to by the hon. Receiver General had been laid out some years back in building lots, and unless they were taxed would be kept locked up, a bar to the improvement of the town. He believed that the object of the persons interested in this bill was to have these lots thrown open, as that was the only place where buildings could be put up as the town now stands. He had no desire to tax the Crown property, and he was confident the person who drew up the bill had no desire to do so either, but if the officers of the Crown carried on land jobbing, they should be taxed as well as others.

Hon. REC. GENERAL thought it was very strange that while lot letter O, belonging to the Province, was exempt from taxation under this bill, it was proposed to tax a neighbouring lot of land because it belonged to the Crown.—Could they, with any face, assent to such a proposition? And yet it was proposed to tax this property, because people chose to think that the Government did not sell in order to make a profit on it as it rose in value. The value of those two or three lots was a mere drop in the bucket. Did they suppose that it was any consideration to a Government which had spent a million of money there, and thus given rise to the town, which now was anxious to have the power of taxing the property of that Government. He would repeat that the Crown Lands were never taxed in Upper Canada, but if the hon. gentleman and his friends thought they could succeed in doing so by this bill, they were at liberty to try.

Hon. Mr. BRUNEAU thought that if this land was not to be taxed according to the U. C. practice, at least it should not be reserved in order to augment in value. The hon. Receiver General said that the barracks of the soldiers were taxed in Lower Canada. Certainly they were, and it was perfectly right they should be taxed. If barracks were wanted the Province would build them, and then belonging to the Province, they would not be taxed;—[hear, hear];—but if the English wanted barracks, then they should be taxed, as they did not belong to the Province.

Hon. Mr. M'GILL.—You had better pay the troops too.

Hon. Mr. BRUNEAU.—That was all very well, but it should be remembered that there was a great difference between property belonging to the Province and that which belonged to the Empire.

The amendment was then carried. On motion of the hon. Receiver General, the clause to change the name of the town of Bytown was expunged.

The committee then reported the bill.

WEDNESDAY, 20th May, 1846.

Hon. Mr. MOORE presented two petitions praying for the insertion of a clause in all Rail Road acts, to prevent traffic of Rail Roads on the Lord's Day.

Reports of Select Committees. The Montreal Incorporation bill was reported to be taken into consideration on Friday.

Hon. Mr. MASSUE reported from Committee on Lotbinière Registry Offices bill without amendment; also the bill to detach Island of Orleans from Montmorenci for purposes of registration.

Hon. J. MORRIS reported from Committee on Cornwall Incorporation bill with several amendments, report adopted.

Hon. Mr. FERGUSON gave notice of a motion of address to His Excellency, representing the inefficient state of the Council from the non attendance of members and praying that he would take some measures to compel a more regular attendance.

Hon. Mr. MASSUE called the attention of the House to the immense expense incurred annually in printing the statutes. The expense could not be less than £5,000 to £6,000. Some means ought to be taken to diminish this enormous expense, and in order to call attention to the subject, he would move that a statement he held in his hand should be printed.

Hon. J. MORRIS was disposed to believe that there was too great an expenditure in printing but after looking over the statement made by the hon. gentleman he must say that so far as regarded U. Canada he did not think that the printing and distribution of the statutes was more than sufficient.

The amendments reported from the committee of the whole on the incorporation of Bytown Bill were adopted. Adjourned till Friday.

HOUSE OF ASSEMBLY.

TUESDAY, 12th May, 1846.

Sol Gen. SHERWOOD moved for an address to the Queen, on the subject of the Clergy Reserves. He hoped that this subject would be approached free from sectarian views and political purposes. It was a subject which had long agitated this colony. During the last session of the Legislature numerous petitions were received from all quarters, asking that the portion of the Clergy Reserves belonging to the Church of England might be vested in the Church Societies for the dioceses of Quebec and Toronto, they were referred to a select Committee, other petitions were also received and very numerous signed against the prayer of the other petitioners, these were also referred to a select Committee, and a report also obtained; these reports were of opposite characters; no action was however taken on the subject, and it laid over to the present session. This session numerous other petitions were presented on both sides of the question, and these were referred again to separate Committees. This was a course which he believed was unprecedented in the annals of British Legislation or indeed of any other Legislature. He was not aware of the fact till after it had been done, and then he had endeavoured to discharge the Committees and allow the House to appoint a Committee to take the whole of the petition into consideration; in this he however had been defeated, a majority of the House deciding against it. He conceived that it would have been far better to have had the opinion of one Committee chosen by the House than the reports of two one-sided Committees, but it has made him aware of the objections that were made against the prayer of the petitioners for the division of the lands.—

He said that he would go into the history of the Clergy Reserve lands being granted; he believed that almost coeval with our existence, lands were granted for the support of a Protestant Clergy in this Province. And then the Church of England believing that they had a right to them, had made a demand, whether right or wrong, he would not take upon himself to say, as that question had been already settled, and it was useless to revive it. What the opinion of the British Legislature was, it is impossible to say; but as to the opinion of the framers of the bill, as gathered from the debates, there can be no doubt. The decision was acquiesced in, & thus the matter remained for a number of years, till the Kirk of Scotland laid claim to a portion of the lands, as they were also an established Kirk, others also at the same time preferred a claim, and we all knew the excited state of feeling that ensued. The Legislature made many attempts to settle the matter, but they proved abortive, till in 1840, when Lord Sydenham assumed the reins of Government in Upper Canada, a measure was then introduced, by which the matter was settled as it at present remains. By this measure the Church of England did not get that portion which she believed was her just & inalienable right, yet she also acquiesced. In this measure he (Mr. S.) supported the views of the Government, and he believed that he had acted wisely, for it brought about peace and contentment, which we were all highly delighted to find. The object of the measure was to express to the Imperial Government, the views of the Provincial Parliament, and thus bring about a settlement of the question. The Imperial Parliament acquiesced in the suggestions, and the question was thus settled.

The Speaker here announced that owing to the return of the former Speaker Sir Allan McNab, he would withdraw from the Chair. He thanked the House for the support he had received during the time he had the honor to preside over its deliberations, and begged to assure hon. members that if at any time he erred it was not intentionally.

Sir ALLAN MACNAB then assumed his seat, and made the following remarks:

See Routine.

Mr. SHERWOOD then resumed: he had already stated that the act of the local Legislature was passed in 1841, and thought it could not alter the imperial act, yet it expressed the opinion of the country, to the Imperial Parliament and settled it, as it is at present. No sooner had this become law, than the exorbitant charges for expenses, were such that they gave alarm, 40 per cent of the expense of the management of the whole Crown Land Office was paid out of the proceeds of the sale of the Clergy Reserves, Agents were appointed throughout the country and began to speculate in the lands, they valued them lower than they were worth and then purchased them, themselves; was it not reasonable then while this was going on that the Church of England should rouse itself, & endeavour to prevent the property being perverted to purposes for which it was never intended. He would ask if it were not but just that they should wish their portion placed in their own hands so that it might be managed more economically. They did not agitate the question, if agitating it could be called for the purpose of bringing themselves in collision with any other denomination, but that they might have the lands placed in the hands of the Church Societies of Quebec and Toronto. He denied that the Church Society had agitated the subject; they have submitted as peaceable and loyal subjects, to the provisions of the imperial act they do not ask you to alter it, they are willing to abide by it, they

only wish that the control might be placed in their own hands. (Hear, hear, hear.) He said that if the report did not present all the objections against the division then the Committee had not treated the House fairly; in meeting the objections received in the report, he would be supposed to be meeting all the objections that are to be made. He said that the first objection that was raised in the report was the impossibility of dividing the lands; now he thought that the plan proposed would be very easily and justly adopted. He proposed that all the lots should be numbered, and that the numbers should be put in a box, and be drawn by some person appointed by Government, the Church of England was ready to abide by that drawing. He did not think it was any more difficult than the division among co-tenants and co-proprietors. The next objection is that it will be placed in the hands of an irresponsible corporation, but the terms of the address also meet that objection, for they provided that they shall be vested not in a body of ecclesiastics, but in the lay Committees of Quebec and Toronto, of which the hon. member for the North Riding is a member and also the Chief Justice of Upper Canada, to manage it in such a way as to give general satisfaction, but it is further provided, that they shall dispose of them under such regulations and restrictions as the Government may see fit to impose, if this was not an active supervision he did not know what would be such. The next objection that they will create an inferior body of tenantry is all bunkum; they do not ask to be allowed to lease, but to sell under such restrictions as the Government may see fit to impose, and the rights of occupants will also be respected, they are willing to sell them within a limited number of years, and what is remaining will be sold by public auction or otherwise within a year, as the Government may direct. On the whole he thought that the House would have a very active control over the lands, more so than they have at present, for they cannot now interfere at all in the matter. He would be careful that the lands would be placed out of the power of any person or persons to mismanage at all. He would have them placed under the control of persons who had no connection with administering the spiritual affairs of the Church. Under these circumstances he did not think that the Church of England was to be censured for the course she had taken in this matter. They have no desire to get hold of the lands and keep them on hand for a number of years, till they have become valuable, and thus prevent the country from being settled, but as he had already stated over and over again, they were willing to sell within a limited term and under such restrictions as the House may deem fit to appoint, and they did not ask this for themselves only they also asked it for other denominations if they were willing to accept of it. The hon. member for Terrebonne when the address was reported from the Committee by some expression rather gave him [Mr. S.] to understand that he objected to the language of the address now he (Mr. S.) thought that there was not in the language used any thing that would give offence to any of the religious denominations.

Mr. LAFONTAINE, did not so much object to the language used as to the misrepresentation of facts in the address.

Mr. SHERWOOD, if the hon. member thinks any of the facts are wrongly stated let him prove it, but in his opinion he could substantiate all the assertions made in the report. After the cession of Canada the Crown of Great Britain guaranteed to the Church of Rome, all the lands which she had possessed under the French Monarchy, the Roman Catholic faith

being the established religion of Lower Canada. It was a generous act on the part of the British Government, for altho' it is an international understanding that the rights of religious and ecclesiastical bodies are always respected, yet at that time it was oftener departed from than acted upon. This grant has enabled them to do a wonderful deal of good. This fact he said was mentioned in the report, for the sole purpose of showing that the Roman Catholic clergy were enjoying the benefit of their endowments, and that the Church of England asks no more, they ask no more than an act of justice merely that the lands apportioned to them may be placed under their own management, they ask no favour from us, but to be placed on the same footing as the rest of the denominations. He hoped that the refusal was not owing to prejudice. He believed that if the lands were placed in the possession of the Church Societies they would be managed in such a way as to give perfect satisfaction to the country at large. He hoped that the other denominations would be placed on the same footing, and that they may manage their own property. Indeed such is the case now, all denominations have the power of controlling their own property, selling or leasing as they please. The U. S. is referred to in the report, and there it would be found that none of the evils that are anticipated had arisen. He believed that the Church of England would be denied an act of justice, if this address was not passed. In conclusion. 1stly. The lands will not be placed in the hands of an ecclesiastical corporation, on the contrary they will be placed in the hands of lay members of the Church, those who now manage its temporal affairs. 2ndly. The Government and this House will have an active supervision over the proceeding of the Church Societies, indeed they will have more than they have now, for now this House cannot interfere with the management. And lastly it will not as has been said create an inferior and dependent body of tenantry for they are willing that the lands should be sold and not leased.

Mr. GOWAN said he always heard the learned Solicitor General West with pleasure, but he much regretted that in the present instance his (the Sol. General's) fine talents should be so misapplied. He (the Sol. General) had told the House that all the objections in the report of the Committee were answered in the address. If he (Mr. Gowan) thought that, he would gladly vote for the address, but he did not think that the objections of the Committee were met, or could be met. It had been said that agitation of the Clergy Reserve question ceased in the time of Lord Sydenham; this was true; the agitation ceased because of the settlement then come to, and he would ask, do hon. gentlemen desire to disturb that settlement and thereby to revive an agitation that had swept the Upper Province like a whirlwind? (hear, hear.) If hon. members would examine the Library they would not find a journal of the Parliament of Upper Canada during the period of the agitation of the Clergy Reserves, that did not contain report after report against the pretensions of the Church of England, and they would observe that it was not alone by Reform Houses that these reports were adopted but by Reformers and Tories. (Hear, hear.) Was it wise he would ask, for friends of the Church of England to propose a course that was likely to lead them again upon such dangerous ground? The House had been reminded of the first claims of the Church of Scotland for a portion of the Clergy Reserves; the statement made in that regard was correct, and was worthy of the deepest reflection; let it never be forgotten

that when the present Receiver General raised the question in favour of the Church of Scotland he had only five or six supporters, and had justice then been done it would have been wise and well; but the moderate demand of that day not having been met in the proper spirit, agitation spread and ultimately the Church of England lost three-fourths of the land which she contended was all her own; and he would again warn hon. members to take heed lest by a revived agitation the other fourth would also go. It was said that at present the produce of the lands was wasted; he believed that such was the case, but was that a reason to change the tenure; if wrong were committed by the agents of the Government he would go the whole length to remedy that, but he would never consent to give his Church or any other Church a landlord right over the lands, he would never consent to take from the Church one shilling of the value of the lands, but while he sternly and firmly maintained that, he would also maintain that they should not be given up to the Clergy; he would say sell them, place the money at interest and let the Clergy be regularly paid the interest. It had been said that the disposition of the lands might be determined upon by casting lots.

Sol. Gen. SHERWOOD.—“I said that was suggested.”

Mr. GOWAN.—It might be well to speak of so disposing of property in which other parties had not equitable rights, but was it to be supposed that the numerous parties who have equitable rights in the land in question, who have reclaimed them by years of toil, who have laboured on hoping from year to year to obtain a fixed and just tenure, was it to be believed that such people could place those rights upon the casting of a lot, (hear, hear.) The learned Solicitor General had said that it was dreaded that an improper influence on the part of the Church Society over the occupants of the lands would be a consequence of ceding to them the controul sought for. He (Mr. G) not only feared that such an influence would be exercised over the actual occupants, but that it would extend far and near among their relations, and would operate in various ways. It was pretended that the object of the address was not that the lands should be held in perpetuity, but that they should be sold. Now he maintained that more ingenious arguments in favor of granting them to the clergy in perpetuity could not be urged than were to be found in the address. The chief grounds of the present demand as set forth in the address, are the facts that properties have been held in the U. S. by the Church of England from the time of the grant of the English King to the present time, and that similar grants by French Monarchs have been so preserved and protected to the Roman Catholic Church in Lower Canada, and that in both instances the lands have become much more valuable to the possessors than they were originally. Do not those reasons go to show plainly that the desire and design of the Church Society is to shew that the lands should be held in perpetuity until such time as they become valuable like those of New York and Lower Canada. In the close of the address it was stated that the lands might be sold at such time as the Government might deem fit. But he (Mr. Gowan) would ask was it to be supposed that if the right of disposing them were transferred to the Government that they (the Government) would soon fix a period of sale, or that they would direct them to be sold at all; the circular letter of the Church Society furnished much ground of alarm

on that head; from that letter it would appear that the desire was that the lands not yet settled should be leased. (The hon. Member read the letter.)

Sol Gen. SHERWOOD and Mr. BOULTON said the committee repudiated the propositions contained in the letter.

Mr. GOWAN resumed, and said he was opposed to the address, because there had been no expression of public opinion in Upper Canada in favor of it; the petitions that had been presented in support of it were got up by the Church Society, and sent to the clergy, by whom a small portion only of the signatures of the members of the Church were obtained; he was opposed to it because it proposed to give the Church a control over the lands which she would never have obtained under the original tenure; because it would lead to the greatest cruelty, the greatest injustice; being perpetrated against a large portion of the people of Canada, including many worthy members of the Church; it went to destroy the hardy yeomanry of the country, and to introduce the land lord and tenant system; it would lead to a state of disquiet and excitement at all times dangerous, but more especially so at the present time, when harmony and union was so essential; he hoped if the address was not withdrawn, it would be rejected by such a majority as would mark the strong opinion of the House against it, and set the question for ever at rest. The hon. member concluded by strong expressions of attachment to the Church of England, of which he was a member and a communicant; he had never willingly committed an act to injure her, and he still loved her too well to sanction a demand on her part that he knew would set her at war not only with the people generally, but with her own members.

Mr. DUGGAN.—The hon. member for Leeds is one to whom he generally listened with a good deal of pleasure, but in the present case he has entirely failed to adduce argument against the proposition contained in the address, indeed he has only got a thread of one argument and that thread he has subdivided some 17 or 18 times. He has said that this address does not meet with the approbation of the country. He did not wish to pass the address to suit the country, but on account of the justice of the demand. It is a question on which the public mind is and will be divided, and he would not attach any importance to what the public think of the matter. The public are satisfied that the disposition of the lands should remain as it is, now if the petitioners wanted any alteration as to the amount, they might complain, but they only want to have the power to manage their own property. He did not think it was fair to apportion them a property and then squander it away without their obtaining any benefit from it. As he had already said they do not wish to disturb the arrangement, but only to have the land placed so that it might be sold more economically and thus afford them a larger return. The hon. gentleman has said that we ought not to treat the members of our own church as they will be treated if this address passes and that numbers of them were opposed to the division. As to the first objection, he would be sorry to do any thing that would injure any member of his own Church as to the last all he could say was that he had not spoken to one who was not in favor of it, and he had had conversations with a great number on the subject.

Mr. GOWAN, take the numbers who have signed the petition, and then look at the census.

Mr. DUGGAN, the petitions, he said, are signed by persons who would not ask for any infringement on the rights of others. It is generally acknowledged that the expenses are extravagantly high, is it not time then that some steps should be taken by which a larger revenue shall be received by Church? It is unreasonable to suppose that the Government would manage them as economically as the Church Societies, who would have a personal interest in the matter. They do not want to hold the lands in perpetuity, no, on the contrary, they wish to dispose of them, under such restrictions and regulations as the Government may direct. If there is agitation and strife throughout the length and breadth of the land, it can only be brought about by misrepresentation, for if the question was rightly understood, there could be no reasonable objection against the proposition. He wondered that the hon. member for Leeds did not blush while he said that it would be doing a foul injustice to members of our own church. The whole objections that he has against the measure appeared to him to be a phantom of his own imagination.

Mr. PRICE said that of the many questions to which the public mind of Canada had been directed, there was, unhappily, none more calculated to produce angry debate than those of a religious character; and inasmuch as the present question was somewhat connected with religion, he trusted that hon. members would approach it with as much good temper and Christian forbearance as possible.—Whilst he was willing to believe hon. members who differed with him on this important subject sincere in their views, he claimed at their hands the same charity towards himself. He held, then, as he ever had, that religion was best supported by her own members apart altogether from any connection with the Government. This was one of the grounds he had always brought to bear against the demands of the clergy of Upper Canada as involved in the address before the House, and under the influence of this conviction, combined with that arising from his knowledge of the general history of the Clergy Reserves, would he record his vote against the present address. It was known to hon. members from Upper Canada that the subject of the Clergy Reserves had been long and rancorously agitated, more so, perhaps, than any other question that ever engaged the public mind in that part of the Province; but as the subject was only partially known to his hon. friends from Eastern Canada, he felt it his duty to dwell somewhat more fully on the subject than he otherwise would have done. It was, however, fully well known that these lands were originally given by Geo. III. for the support of a Protestant Clergy, and that the clergy of the Church of England contended that they were intended exclusively for their body alone, in contradistinction to the Roman Catholic clergy, who were meant by the words of the Statute, and that consequently they had claimed the exclusive right to one seventh of the lands of Canada as an endowment for their Church. This arrogant assumption on their part had been the cause of all the strife and contention upon the subject, other bodies equally numerous, quite as respectable, and loyal as that Church, had felt themselves called upon to resist such an unjust and unwarrantable claim. Some time in the year 1828, the present Bishop of Toronto, then Rector of York, had brought before the Home Government a statement of the various bodies of Christians of the Province, and at the time presented a chart of

their respective numbers, and in a letter accompanying that chart, had attempted to shew that the Church of England was the only body which made any thing like a respectable stand in the country, that whilst that Church had 39 Clergymen, and 58 places of regular or occasional worship; the teachers of the other denominations were from the United States, with the exception of 2 Ministers of the Church of Scotland, 4 Congregationalists, and a respectable English Missionary who presided over a Wesleyan Methodist Meeting at Kingston. This letter and chart becoming public, created an immense sensation in the Province, the whole religious community became agitated at the gross and palpable misrepresentations which this letter and chart exhibited, and at length in the year 1828, it was brought before a committee of the House of Assembly, and thoroughly sifted. Gentlemen of all religious persuasions from all parts of the Province were examined fully, and their united testimony gave the amplest and plainest contradiction to the palpable misrepresentations of the learned Doctor and his chart. The result of this investigation was that whilst the Episcopalians had 31 Clergymen—the Methodists 4 had 117—the Baptists 45—Presbyterians 16—Kirk of Scotland 6—Menonists and Tunkards 20—Wesleyan Methodists 1. Thus by this investigation was it shewn to the world that the greatest injustice had been done by the Archdeacon to all the Christian bodies of Canada except the Reverend Doctor's own Church. (Hear, hear.) and that the Clergy Reserves would continue to be as they had been a subject of the most awful contention, unless some equitable settlement of that perplexing question were quickly adopted. The Parliament of that day as well as the Parliaments of all subsequent years, were fully alive to the importance of a speedy and final settlement of the question, and had by resolution after resolution decided upon giving the whole for the sole purpose of education, and of at once wresting them from the hands of the contending parties. This was the opinion of good and wise men of past days. I have Mr. Speaker, looked through the Journals of the House from that period to the final settlement of the question by Lord Sydenham in 1840, and have found those Journals to contain one uniform opinion upon the subject, that of taking them from the Clergy and devoting them to education. I will not trouble the House by a reference to the whole of those Journals, but simply to the resolutions of some Tory Parliaments upon the subject. In the Tory Parliament of 1831, I find in a resolution passed with a large majority the following words, "That it is unjust as well as impolitic to appropriate the said lands to the support of any one Church exclusively, and it is extremely difficult if not altogether impracticable to apportion or divide the same amongst the Clergy of all denominations of christians, that therefore it is deemed desirable to sell the same and apply the proceeds to education." This resolution was carried by a vote of 21 to 16, many of the majority being members of the Church of England. (Mr. Price read the Yeas and Nays, and when he mentioned Mr. Roblin's name he said he did not see him in his place. Mr. Robinson said, "he is gone to his place.") He (Mr. P.) fully agreed with the principle of that resolution. Educate the children of the country, enlighten them, and they will then be able to appreciate good preaching and avoid bad. He would repeat, and was anxious that hon. members on his side of the House should bear the fact in mind, that from the year 1828 down to the time of Lord Sydenham, when the ques-

tion was as it was thought, finally settled upon, each and every Parliament of Upper Canada was opposed to the exclusive demands of the Church of England; some were for appropriating the lands to general education, others for applying the proceeds of them to the improvement of the country; but all refused to the Episcopal Church her selfish, her unjust demands.—In 1838 immediately after the Rebellion the Tory Parliament of Sir F. B. Head recognized the same principle and by a vote of 25 to 16 carried the following resolution, viz. "That it is highly expedient and desirable that the long pending controversy respecting the Clergy Reserve Lands should be finally settled in such a manner that a just and equitable distribution may be made of the proceeds of the said lands, that as the discussion of the subject by this House is likely to engender unchristian feelings, the said Lands, in the opinion of this House should be reinvested in the Crown to be sold in the same manner as other Crown Lands are, or may be, for the support and maintenance of the christian religion within the province, and that the proceeds of the Lands already sold be appropriated and disposed of in like manner." To this Resolution Mr. Rykert seconded by Mr. Bockus, two Church men, moved in amendment, that the proceeds of the Lands should be paid into the public chest for general purposes. (Hear, hear, hear.) He (Mr. Price) had always considered the Clergy Reserves as one of the greatest curses that could have been inflicted on the land; he agreed with the wish, once expressed, that it would have been a blessing to the country had they been consigned to the bottom of the Lake; he regarded them as the chief means by which the late unfortunate Rebellion was brought about, and he sincerely believed that the Church of England would be far more flourishing, more useful, and respectable, if she had never had that unhappy question with its numberless difficulties to contend with. That the settlement under Lord Sydenham had been considered final, that peace had succeeded the long and fierce conflict, and the country was settling down in the hope that agitation on that subject was at an end. Although three-fourths of the people believed that the arrangement was made in injustice and partiality, they quietly submitted, as the only means of restoring peace to the land; proportionate to that hope would be the grief and excitement produced by the re-opening of the question in the manner proposed by the Resolution now before the Chair. That of vesting the lands in the Ecclesiastical bodies, an infliction which the country could not and would not bear, a course the evil consequences of which no man could foresee, but all good men dreaded, and all would have hereafter deeply to deplore; such a course would cause fierce agitation, open up the whole question, and finally end in the wresting of the whole endowment from the Clergy altogether. He would therefore, entreat hon. members to let the question rest; leave it to the ministers of the Crown to dispose of the lands according to the law, and if extravagance have hitherto existed in the management, let it by all means be corrected so that the Clergy may have the fullest possible advantage to which they are entitled; but let not the ministers of the gospel be again thrown into the ignoble contest of mercenary strife forfeiting their highest functions in their eagerness for earthly gain; peace was wanted in the land,—let it not be said that the clergy were the cause of that blessing being withheld; let them not be the agitators, and especially for their own mere pecuniary advantage to the injury of others; and above

all put it not in the power of the sceptic and the infidel to fling in the face of the clergy of the Province that they are the prime and sole movers in the revived work of strife, contention and discord. He (Mr. Price) had endeavoured to shew—That these lands were originally intended for the clergy of all religious denominations; that the Church of England had laid claim to the whole endowment, and had pertinaciously adhered to her selfish claim; that she had, in consequence, caused all the agitation upon the subject; that the Parliaments of Upper Canada, of all complexions and parties, had devoted the whole of them either to education or general improvement; that from 1828 to 1840, when they were reinvested in the Crown by the influence of Lord Sydenham, every Parliament, and four-fifths of the people, had invariably urged that mode of settlement; that the rebellion of 1837 had, in a great measure, been promoted by this fruitful source of agitation; that even Dr. Strachan had recommended, in his celebrated letter of 1823, the sale of a portion of them in order to remove obstacles to the settlement of the country; that the sooner these lands changed hands the better, as they were a source of much excitement amongst the people. He, therefore, implored honorable members on the other side of the House not to support the resolution of the hon. member for Toronto;—to yield up a little of their sectarian spirit to the peace of the country by investing these lands in no religious body whatever, but to allow them to be dealt with in accordance with the provisions of the Imperial Act; and one great source of heartburning and mutual recriminations among the religious bodies will be at once, and for ever, lost in the oblivion of the past.

Mr. ROBINSON.—This question is one of great importance and interest to the people of Upper Canada. The change that is proposed in this address, is one that has been asked for by 8000 individuals, who recorded their votes, during the last election, for the supporters of the present administration, and therefore deserve some consideration from them. He trusted that he would not be left alone on the present occasion but that a majority of this House would support the address. It would have been desirable that the discussion on this question, had been postponed until the report of the Commission, which had been appointed to enquire into the state of the Crown Lands Department, had been printed, as several facts are recorded in this report, which might have an influence on the minds of many members. (He read several extracts from this report.) He considered the members of the Church of England had a right to complain of the manner, in which the Clergy Reserves had been managed, and to demand an alteration in the mode of management. There is now the sum of £3000 or £4000 in the hands of the Resident land agents, mostly for Clergy Reserves, and he considered that if this money is lost it ought to fall upon the Crown Lands. The inspection of the Clergy Reserves cost in Upper Canada alone the sum of £6000. These Clergy Reserves have been divided by the Imperial Statute so that one half is given to the Church of England and the other half to other denominations. He believed that nothing had been done to apportion the latter half among these denominations. And he would now ask the Executive whether there had been any application from these bodies for their share of the reserves? He believed there had not been any such application and all the agitation they had made on this subject, was only for the purpose of keeping the Church of England out of their just

rights. He was well aware that those who vote for the address will be held up, as enemies to the country, by wishing to impede its settlement, but no one would take more care than he would, that it should not have this effect. He had no objection that these lands should be taxed the same as other lands so that they should not be in the way of the improvement of the country.

Mr. BOULTON was quite prepared to see the present proposition opposed by land jobbers and agitators, the former since they have seen the restrictions and conditions that are to be imposed, are quite willing that these lands should be managed by the Church Society. But the latter, such as the hon. member for the South Riding of York, of whom it was stated by a certain paper, with respect to a speech delivered by the hon. gentleman on a subject similar to the present one, "that he made a highly creditable appearance," do not wish to agree to it, for they desire to make *bunkum* out of it. They might, if they pleased, place the subject in such a light before the country, that the granting of the prayer of the Church of England, would give no offence to any portion of the population. He considered that none of the gentlemen who had spoken in opposition to the address, had disproved one of the statements that had been made, by those who spoke in favor of it, some of them had not said a word to the question, but had spoken about matters that had occurred long ago. After one half of the clergy reserves had been appropriated by an Imperial Statute to the Church of England, the members of this Church did not wish to see these lands squandered and devoured by expenses; therefore, 8000 of them, at least one half of those who could sign their names, had petitioned this House, that the management of these lands should be given to those denominations who were entitled to them. And in the conclusion of their petitions, they pray that provisions may be made, so that the just rights of all the occupants may be protected. If a person had property in the hands of an agent who squandered and mismanaged this property, would he not be perfectly justified in taking the management from him? So the Church is quite right in trying to get possession of these lands, considering that they can manage them more economically than the Government. The Government, in charging so much for the expense of managing these lands, desired to lessen the general expenses of the country. He had enquired about the number of petitions that had been presented to this House against the proposition of the Church Society, and found that from among the numerous sects who are opposed to the Church of England, only 7000 individuals have signed these petitions. They were no doubt actuated by the same motives that had influenced a member of the Government, who had a seat in another branch of the Legislature, in his successful agitation against the Church of England. This hon. gentleman had risen by this agitation, and most of the evils that arose in consequence of it, may be attributed to him. (Hear, hear, from Mr. McDonald, of Kingston.) He (Mr. B) read the conclusion of one of these petitions, and said that their fears were only imaginary; and that their proposition that these lands should be devoted to general education could not be entertained for a moment. He did not desire that the Church Society should be allowed to keep possession of these lands for an indefinite period, but that they should be obliged to sell them all within a certain time, say ten or twenty years. They claimed a privilege that they were not willing to allow to others; the

other denominations could take their lands also.

Mr. McDONALD, of Kingston, we did not want them.

Mr. BOLTON, well, don't take them, do not prevent us from what we desire. He considered that the administration ought not to be silent on this question, that they ought to throw their weight on one side or the other, and if they were opposed to his views, they ought to offer such arguments as might induce him, and those who thought with him, to change their opinions.

Mr. ERMATINGER would support the address. He had listed to the manner in which many speak of the church to which he belonged with regret and indignation. He considered that the Church of England was only asking for what they had a right to. They had, in his opinion, a right to the whole of these lands, and to prove this he quoted an extract from a speech of Mr Pitt. A part of these lands, however, had been taken from them, and he had no desire to see this settlement disturbed; but he wished to see these lands that had been granted for the religious education and instruction of the people properly and economically managed. His remarks were addressed to the Church of England in this House, for it does not become them to oppose any act of justice to the church to which they belong. Every means have been adopted to prejudice the rights of the church of England; the lands have been valued by persons who had no regard to the interests of this church. It has been said that no public meetings have been held by those who are favourable to the division of these lands. In his own district he hardly knew of the existence of these petitions, and if greater exertions had been made, he was confident that from among the 100,000 members of the church more signatures might have been obtained. It has not been the custom of the church to agitate the public mind on any question; they leave that to their opponents. [Hear, hear.]

Mr. BALDWIN said it was to him a source of the deepest regret that it was found necessary to bring the question under discussion once more before Parliament; he regretted it on account of the Church whose name was associated with it, and of which he was an humble member; he regretted it on account of the Province at large, but more especially that part of it which had suffered so much from former agitation, and which, because of its more extended connection with the subject, was more susceptible of injurious excitement. The origin of the question had been fully and clearly gone into by the speakers who preceded him; and although such an exposition was not necessary for the information of members from Upper Canada, who were, unhappily, too familiar with it, it was highly necessary that the fullest details should be given, in order that the members on his (Mr. Baldwin's) side of the House who, happily for themselves and their part of the Province, had not had the like bitter experience, might see the deep seated necessity which existed of not, from any fancied connection between the question now before the House; and that of certain properties in Lower Canada, the existence of which connection he (Mr. B) most emphatically denied, of not from that or any other cause, being induced to touch by their votes the act which disposed of the old and vexed question of the Clergy Reserves. Neither were hon. members to be in any way affected by the statement they had heard, that it was considered in England that it was for the Clergy of the Church of England alone the

original grant was intended; in reference to that it should be remembered that a contrary opinion was solemnly enunciated by the 12 Judges of England. With regard to the agitation of the question of the Clergy Reserves, it had been shewn that it first originated with the Church of Scotland; her claims having been refused, the ball gathered as it rolled, until at length all the Protestant denominations advanced claims; then in consequence of the difficulties arising out of these numerous demands, parties arose, some of whom urged that the lands should be applied to education, and others contended that they should be applied to the improvement of the country; and at length when Lord Sydenham undertook the settlement of the question, it was difficult to find a majority to support any given proposition; there were the advocates of the Church of England who claimed all the lands, others who maintained the right of each denomination to its regular share, others who would apply them to public improvement, others to education, and the building of Churches, and others to education alone. (Hear, hear.) Such was the diversity of opinion in Upper Canada until at last, and in consequence of the whole weight of the Government being turned towards it, parties were induced to support the bill of Mr. Draper which although it was not sanctioned at Home, led to a final disposal of the question by the Imperial Parliament. It was known that this settlement did not please all parties in Canada, that some positively refused to recognize it; now, he (Mr. B.) called upon hon. members to mark his words that if the question be re-opened former fierce agitation will be resumed and may end in the total discomfiture of the Church; he would again warn them to that effect. So much did he (Mr. B.) dread the revival of agitation that he had in every instance, and *in toto*, discountenanced such a course, and he could appeal to his hon. friend beside him (Mr. Price) to say if such were not the fact. The hon. member here reverted to the former difficulties arising out of the question, and cited the opinions and statements of the various Governors to that effect, and especially these of Lord Sydenham in his letters to Lord John Russell. He, therefore, pressed upon both sides of the House to forbear reviving the question; he sincerely deprecated further agitation on either side, and had done all in his power to discourage it among those with whom he usually acted. At the same time he perfectly agreed with the hon. member for Toronto that this was not a question that ought to lie like a log upon the waters taking its course from every wind that blew, it was pre-eminently one that called for conservative action, he did not use the word "conservative" in a party but in an attributive sense, the Government ought, therefore, to assume a proper position in the matter, and at once; they should throw their weight into one scale or the other, and thereby give the question a tangible aspect. In reference to the mode of management of the lands suggested by the address it had been said that the Church Society was merely a lay tribunal, but he (Mr. B.) contended that for all practical purposes it would be ecclesiastical; neither could he believe that it was the mere possession of the lands that was sought for, a tenantry, virtually subject to the Clergy, would follow; and here he would remark that the genius of the country was opposed to the system of tenantry; they had but to look to the recent results of that system in the neighboring States to see that it was necessary not only for the peace of this country but for the stability of property in it, to guard against the introduction of such an

order of society. Again he would observe upon the danger to the Church herself of being so circumstanced towards her own members; the moment a body of people were her tenants she became an object of distrust, became obnoxious to them, was placed in a false position, and consequently her usefulness impaired if not destroyed.

Mr. BOULTON denied that a tenantry was contemplated.

Mr. BALDWIN.—Does the hon. member remember when the agitation was first raised, the proposition then was absolute unconditional possession, and that, too, at a time when a large portion of the land was under actual sale; it was rue that alarm was taken, and that parties discovered that they had signed petitions for the unconditional investment of property actually held under contract by themselves, the Clergy then stated that they were willing to respect the rights of occupants and he (Mr. B.) would not attribute any other intention to them. In the present instance a letter from the Church Society had been read which seemed to provide for a tenantry, which said that the unclaimed lands should not remain in waste, but should be leased; from this, and other reasons, he (Mr. B.) feared that the steady object of the Church was to acquire the lands in perpetuity. It was true the Committee spoke of the lands being disposed of whenever the Government might direct, but he would ask what control would they have over the Government whereby to cause a sale in a given time; would it not be easy for the Church Society to go before the British Parliament and say the lands cannot now be sold to any advantage, we pray for 10 years more, and then renew that application again under the same plea; difficulties might, too, arise in the way of sales which would warrant delay; but once establish the principle of delay and every one knew how easy it would be to carry it out; once invest the Government with a discretionary power of that kind and there was no security as to how far it might extend; he was therefore not to be deluded by the proposition in the address respecting the selling of the lands in a given term; if 10 years were first allowed there was a right to conclude that 10 more might be obtained; let there then be a prompt disposition of them; he had no desire that they should be sacrificed; at the same time he thought that those who settled upon the lands when they were a wilderness ought not to be pressed for a large price; when he (Mr. B.) and his friends were in office they adopted a plan of valuation which he still thought the best, and it was remarkable that it was the very means recommended as far back as 1825 and '26 by the then authorities of the Church; they [the late Ministers] endeavoured in the appointment of appraisers to select one of each of the political parties in the country, and his (Mr. B.'s) own opinion was that the valuations gave general satisfaction; he should like to know from such hon. members of those of Lenox and Addington, Hastings &c. what were the opinions in their counties.

Mr. MURNEY.—In my county (Hastings) the lands were fairly valued.

Mr. BALDWIN was thankful for the prompt testimony of the hon. member, and had no doubt that such would be found to be the general result of the plan of the late Government. No doubt instances of undervaluation occurred; he had heard of a lot worth forty shillings being valued at twenty shillings, such cases should be attended to and the land valued again; so with regard to heavy expenses, let them be reduced, it was a mere question between the Government and their agents, and ought not to delay

justice being done to the people by an early and final settlement of the main question. He (Mr. Baldwin) feared he had occupied the House too long, and would conclude by declaring his determined opposition to the address; and in doing so believed he was best serving the interests of the Church of which he was an unworthy member.

Mr. LAFONTAINE.—Even if he felt disposed to vote for this address, he could not vote for it in its present form. There is one paragraph which he wished to strike out, as it was not correct; he referred to that part of the address which stated that the Roman Catholics of Lower Canada, like the Episcopalians of New York, had large funds in their possession which had been given to them by the piety of British monarchs. He moved that that part of the address be struck out.

Sol. Gen. SHERWOOD supposed from the manner in which the hon. member for Terrebonne, had spoken that he intends to record his vote against this address. He had no objection to alter it in any way to make it more agreeable to the House; but he considered that the hon. member for Terrebonne had misconstrued the sentence he had referred to; the meaning evidently was that the British Government, when they had the power to take away the property of the Roman Catholic priesthood, secured it to them. He knew perfectly well that it was different French monarchs and private individuals that had given this property. The hon. member for the North Riding of York has appealed entirely and alone to the members from Lower Canada, for he felt that their sense of justice would induce them to vote for this address; he attempted therefore to raise a bugbear, so that they might be frightened from according an act of justice to the Church of England, by saying that if this address was carried a flame of discord would rage throughout the Province. He for one did not wish to have this question re-opened, for he had taken an active part in the discussion on former occasions and he knew the evil passions that it had excited, setting friend against friend and brother against brother. But there is no intention on the part of the Church of England to re-open the question—their share of the land has been allotted to them, and they only wish to have the management of their own share. He considered therefore, there had been a want of candour in the manner in which the hon. members for the North and South Ridings of York had treated this subject. They had given us the whole history of this question, instead of confining themselves to the address. The hon. member for the North Riding of York, with a great deal of disingenuousness, referred to the demands of the Church Society, and endeavoured to prejudice the minds of hon. members by stating that these were the unreasonable demands that were sought for by him and those who acted with them on this question. But suppose that the Society asked for perpetual possession of these lands, and the committee reported that they ought not to have this request granted.—Would they be responsible for the unreasonable demands of the Society? The committee repudiate all such requests, and desire that all necessary restrictions may be placed upon this Society, by the home or provincial governments, in the management or disposal of these lands. The opponents of this address have not stated one fact, which should lead any fair minded man to vote against this address. (Oh! oh!) The Church of England will not submit to have their lands squandered; and if their reasonable request is rejected, they will come before this House session after session until they obtain

their wishes, for it will create a strong feeling of dissatisfaction in the minds of the members of that Church; they will consider that they have been denied a common act of justice.— He entreated, therefore, the Lower Canada members to ponder this question well, and vote for this address; and he could assure them that not a single Church of England member would vote against them when a similar question which interested them came up for discussion. [Signs of dissent on the ministerial side.] He had presented a petition from the Roman Catholic Bishops respecting certain estates that they claim without any promised support, since that time he had studied the question and was prepared to lay several facts before the House that might influence many. He was surprised at the course that many of the ministerial members had adopted, and at seeing the hon. members for Leeds and the North Riding of York united together against the interests of the Church of England, and to refuse them their just rights.

Mr. DRAPER said that he did not wish to be held responsible either for the introduction of the motion or the manner in which it was made, but he hoped he would be excused for giving his reasons for the vote he was about to give. He felt as much as any one the great difficulty of dealing with this question, but yet as he had never been backward in expressing his opinions when he felt called on to do so, he hoped he would not be found so on the present occasion, contenting himself merely with making some observations on the leading features of the motion. If he could look on the motion in the same light as the hon. member for the Fourth Riding he would at once vote against it, for he perfectly agreed with him that nothing could be more dangerous than re-opening the door of discussion on a question which he had long considered as finally settled. If, he repeated, he could take that view of it, if he could believe that in a new shape it was opening the door for discussion and agitation on that subject, he would without hesitation give it his most determined opposition, for he was fully satisfied by his experience as a member of the Upper Canada Legislature, that it would be an act of folly which he could not characterize in too strong language. However it appeared to him that the Solicitor General had misunderstood the hon. member for the Fourth Riding on that point. If he (Mr. D.) understood the argument of that hon. gentleman rightly, he intended to shew that the Church of England in applying to the Legislature at all was setting an example which other sects would follow, and consequently the agitation of that question would be recommenced. (Mr. Baldwin—Yes.) He understood him to make no charge against the Church, but to oppose this motion as one likely to lead to agitation and thus shake the settlement which had taken place. So far he thought the hon. member for Toronto had misunderstood his hon. friend, but he must say that he was struck by the tone in which this discussion was carried on, and if one thing more than another could convince him that the settlement they had arrived at was satisfactory it was the tone which hon. members had assumed. There was none of that recrimination, none of those charges of insincerity, none of that vindictiveness, he might almost say, which we formerly had and which turned sincere friends into enemies. He was glad of it, for it led him to believe that that settlement which he had urged, and concerning which he had not been very considerably treated at the time, had given rise to a more kindly feeling and that they could now debate this question without

any of that spirit with which its discussions were formerly attended, and he hoped that in spite of the observations frequently repeated, that any question in which religious differences were involved, could scarcely be discussed without a display of something more than religious feeling, he hoped such would not be on the present occasion. In this Province it has been practically established that there is no connection between Church and State as it is understood in the mother country, and that no sect should be obliged to contribute towards the support of any other. But there is another principle admitted; that some provision must be made for the support or rather the education of the youth of all religious denominations. The latter is effected by the division of the Clergy Reserves, but he would ask if there is to be no connection between Church and State, how did it come to be the duty of the Government to administer the funds of the Church? Was it the most efficient means of carrying out that principle to make it the duty of the Government to administer funds set apart for the purposes of religion? He held that it was not the duty of the Government, so far from that in the position of this colony, it would impose on them the most serious difficulties. Looking at this question then on the broad ground that the support of the different religious bodies is an admitted principle, he would ask on what ground was the Government called on to become the trustee of those funds? He must say he could see none, and the less the Government has to do with the affairs of any Church so much the better; in that therefore he differed from the hon. member for the Fourth Riding in the conclusion that he came to. With respect to another point, he regretted to hear the question of providing instruction resolving itself into a question of per centage. He could assure hon. members if there had been no other question started he should not have risen to discuss that one, but as he was up he would make one or two observations on it, and in the first place he would remark that some of the statements made by hon. members were likely to occasion misapprehension in the public mind relative to the per centage on the sales and other transactions connected with the Clergy Reserves. That subject had been anxiously considered by the Government whose desire it was to collect information respecting these transactions, and to confirm which, he might appeal to the hon. member for Ottawa who had devoted to it his most anxious attention, and although he could not speak as accurately as he could wish, he could not believe they could be managed so much more cheaply by the societies themselves than by the Government as some hon. gentlemen would make it appear. Forty per cent had been mentioned, by an hon. gentleman in speaking of this matter, and although he was confident that hon. gentleman did not wish to make it appear that was the percentage on the sales of the Clergy Reserves yet it had a very large sound, and it might happen that the public would believe that to be the case, but the fact was that forty per cent of the defeat mental expenses might be less than five per cent on actual sales. If he understood the demand of the Church rightly, they asked to have these lands put into their hands to dispose of them as they please, and the whole of this question resolved itself into this, should these lands be at the disposal of an ecclesiastical corporation in England, or be sold by the Government, and the proceeds distributed in the province for the benefit of the people for whose use they were intended. Apart from that however, it was proposed to bind the Society to sell these lands within a certain space of time, in order to

prevent their being kept up for the purpose of increasing their value. That however was a mere delusion, for the hon. member for Ottawa, could tell them that lands could not be sold quite so fast, and consequently the Society would come before the House for a further extension of time which could not well be refused. For it was not to be expected that these lands would be sold sooner than the Crown lands, merely because they were placed under the control of the Church Society. In fact the first argument used against this demand is that they would hold the lands at a lower rate than the immediate value, in order to allow that of increase, and as that was the strongest argument that he had heard on that side he would proceed to examine it. He had heard it rumoured that all support was to be withdrawn from the Churches in this colony and that they were to be left dependent on their own resources. Now if that were the case, it became a mere question of interest whether by selling these lands or withholding them the Church was likely to be most benefited, and he conceived there could be no doubt on the subject. Those lands in their present state yield nothing, they are of great value, but excepting the annual sales it was impossible to derive any profit from them, whereas by their immediate sale, the proceeds could be disposed of in such a manner as to yield an immediate return for the support of the Church.

The Hon. Speaker was here obliged to leave the chair from sudden indisposition

ROUTINE BUSINESS.

FRIDAY, 23rd May, 1846.

Mr. Secretary Daly laid before the House the following messages.

CATHCART.

The Governor General recommends to the consideration of the Legislative Assembly, that authority should be given to apply the sum of £19,000 loaned under the provisions of Acts 10 and 11, Geo. 4th, chap. 28 and 1st Vic. chap. 24, to the Montreal Harbor Commissioners, to the erection of Light Houses and Refuge Stations in the Gulf of St. Lawrence, as the same may be repaid.

CATHCART.

The Governor General transmits for the information of the Legislative Assembly, the fourth, fifth and special Reports of the Commission of indemnification, appointed under 1st Vic. chap. 7, and 2nd Vic. chap. 35, and recommends for their consideration, that provision should be made to discharge the amount awarded to the claimants which still remains unpaid.

Government House, 19th May 1846.

Petitions read.

Several from the Townships of Pickering, King and Scarborough in the House District, that the College endowment may not be divided, and several from the same Townships, that the Clergy Reserves may not be divided.

Of inhabitants of Dunnville, that a portion of the Clergy Reserves be vested in the Church Society.

Of R. F. Gourlay for compensation for expenses incurred by him in defence of his rights as a British subject, during the last five years.

Of Major Richardson, complaining of his sudden dismissal from the charge of the Police Force on the Welland Canal, and praying compensation.

And another petition of R. F. Gourlay setting forth that he rendered certain services to the Government during the rebellion and praying compensation for losses consequent thereon.

Petitions referred to special committees—
Of Geo. Lount, et al to committee on petition of R. A. Gapper, et al.

Of Major Richardson.
Secretary Daly laid before the House returns to addresses, viz., information respecting plans, &c., for rebuilding the Montreal Court House.

Instructions to Agents of Crown Lands Department, to suspend sales of Clergy Reserves.

Statement of amount expended in maintaining the Police Force in 1843, 1844, and 1845.

Statement of amount expended on the different Canals on the St. Lawrence, viz., men employed, amount of salaries, and amount of Tolls received.

Mr. Smith, of Frontenac, from the committee on expiring Laws, presented a report, recommending that such of the Laws expiring at the close of the present session as may not have been already amended or continued, be continued for one year, and from thence to the end of the next succeeding session.

The said report was adopted, and Mr. Smith brought in a bill in conformity thereto. 2nd reading on Tuesday next.

Ordered that the House do meet at 11 o'clock to-morrow, and that it do adjourn from to-morrow to Thursday next.

LEGISLATIVE COUNCIL.

FRIDAY, May 22nd, 1846.

The House went into Committee of the whole on Montreal Incorporation bill.

Hon. Mr. DEBOUCHERVILLE said that in order to prevent the city of Montreal being again subjected to a difficulty in the election of Mayor he would propose an amendment to this bill, which he hoped would prevent a recurrence of it. In the election for Mayor, the Clerk should take the chair as in the election for Speaker of the Lower House, but he considered the power of giving a casting vote to the Clerk by the bill as altogether irrelevant. The Clerk should not have that power. How then will they proceed in case of an equal division of votes? Recur to a new election? There would be obstinacy, and a new election would not change the result. It was necessary to adopt some remedy, and that remedy he held in his hand. He had consulted with an hon. member of another House, and by his advice had drawn up the resolution he held in his hand, and which he would transfer to the Chairman of the select Committee if he saw him in his place, but he was not, and he (Mr. DeB.) took an interest in Montreal, for he had resided in it twenty-six years although not a resident now, he took on himself to bring forward this amendment by which he proposed in the absence of the Clerk, the Councillor, who paid the largest amount of taxes on real estate should take the chair, at the election of a Mayor, but if the Clerk were present, then in case of an equality of votes the Councillor who paid the largest amount of Assessment on his property should give the casting vote. That was a correct principle, for if one individual paid taxes to the amount of £100 and another paid only £25, would not the former have a greater interest in the city than the latter and be entitled to give the casting vote. He would move for the adoption of this amendment, if approved of they might adopt it, otherwise they could throw it out.

Hon. Mr. MCGILL was not aware of the intention of the hon. gentleman to move any amendment, and as this was a matter of considerable importance, would wish to have a few minutes to reflect on it.

Hon. Rec. GENERAL would suggest that in fairness to the hon. gentleman who had just taken his seat, and had not been present when the House went into Committee, that the Committee should rise, report progress and ask leave to sit again, in order to give him time to consider this subject—concurrent in.

Hon. Mr. FERGUSON would call the attention of the House to the notice which he had given upon Wednesday relative to a most important subject; and in moving for an address upon the state of attendance in this House, he disclaim-

ed all personal or party motives—nay, he acted upon the repeated remarks made by all in attendance upon the House this session as regarded the absence of members of the Council,—and he trusted that in moving for a respectful address upon this subject, his hon. friend, H. M. Receiver General, would not charge him with presumptuous dictation to the Crown. It appeared to him [Mr. F.] that the members of this House were placed in a somewhat false position. It was perfectly true that the Legislative Council formed a third estate of the Constitution, quite as important as either of the other two. It was equally correct to say, that as a third estate, the Council supplied the place of the House of Peers, and followed the Parliamentary rules and practice of that august body. Here, however, in his [Mr. F.'s] opinion, the analogy must be said to cease; and, without any derogatory comparison whatever, all must readily admit that the Peers of Great Britain and the Peers of Canada were sufficiently distinguished from each other in almost every respect. What he [Mr. F.] desired most anxiously to see was a reasonably numerous Council appointed by the Crown for life, as at present, but composed of fit and proper individuals taken from all parts of the Province, and composed of men known and looked up to in their several Districts from which they shall be selected. No man could entertain more respect than he [Mr. F.] did for wealthy traders, or for gentlemen who had realized fortunes by honest professional labours and skill; but it would not satisfy the country, nor would it give that confidence in the acts of the Council which it was most desirable should pervade the whole length and breadth of the land, if it is to be composed largely of those whose mere wealth and local convenience constitute leading grounds for their selection. It was a subject altogether, he must admit, of some delicacy and difficulty, but it appeared to him [Mr. F.] to be one which demanded most serious consideration, and he sincerely hoped would not be overlooked by the Government. He would content himself with these remarks, and move that an address be presented to His Excellency, praying that some means might be adopted either by the Provincial or Imperial Government of enforcing a more regular attendance in the House.

Hon. RECEIVER GENERAL, said this question brought so fairly before the House by the hon. mover was one of paramount importance, but the difficulty would be to find a remedy for the evil, and he must confess he did not know of any which the Government could apply to make the attendance of hon. gentlemen more regular. Out of thirty four names on the list, he believed the average attendance was no more than fifteen during the present Session and although the absence of two or three might be satisfactorily accounted for, he could not understand how the remainder, after binding themselves by their oaths to a uniform attendance, could reconcile it to themselves to be so frequently absent. If they did not choose to perform their duty honorably they should resign and make room for those who would do so. It frequently happened, that in reply to the regular call of the House, shortly after the opening of the Session, many hon. gentlemen instead of attending sent excuses, and many of them were excused in consequence of the state of the roads, and other occasions which made it dangerous for men advanced in years to come from a distance, but this Session some hon. gentlemen had not sent excuses, nor attended in their places, but he had no doubt would come down next Session a few days in order to save their seats, which they would other-

wise forfeit by law. This they were able to do from the unfortunate state of the law, and he did not see how it could be remedied, but he could not imagine how they could reconcile themselves to neglect their duty and throw the whole weight on those few hon. gentlemen who did attend regularly.

Hon. Mr. MOORE said, when they looked round, it would be seen that Lower Canada was very miserably represented in that House. The number of members from each section of the Province was equal under the Union Act in the Lower House, and he supposed it was intended to apply the same rule to both Houses, but instead of being fairly represented, Lower Canada was in a minority of three. If the Union Act were laid aside, then instead of being in a minority, Lower Canada ought to be represented by a larger number of members than the other section of the Province, on account of its larger population; at all events, the Eastern Townships, containing one third of the territory and population, ought to be represented by more than two members. That was a matter that had been often the subject of complaint, and he would advise the Government to direct their attention to it. If they did so, and increased the number of Councillors, even if they swelled the number to forty, the limit set by the Union Act, they would have the remedy in some measure in their hands, and would add to the respectability of the House by adding members to it, who would bring with them local knowledge. He therefore hoped the address would pass.

Hon. Mr. IRVING, considered there might be cases of exception, but concurred in the necessity there was for some better understanding to secure a greater attendance of hon. members, for some indeed never attended. He (Mr. I.) considered hon. members were bound in honour to give some reasonable share of their time; as a general rule if they would make a point of attending for half the period each Session, there would be a greater number and the labours more equally divided. It was a rule he, (Mr. I.) had prescribed for himself, and since he had been a member of the Legislature had rather exceeded in attending in that proportion, than otherwise. He (Mr. I.) would protest against any address where it implied that hon. members were to receive pecuniary compensation with the view to secure their attendance. He considered one of the great distinguishing features between a democratic and monarchical form of Government was that the members of the Legislative Council were not paid. It would be an innovation on the constitution of the country, republican in character, for the moment its members were paid that moment would the people have a right to elect them, and the claim could not be denied. He (Mr. I.) even considered it derogatory to the House that the Hon. Speaker should be paid any more than the members; it should be a political appointment to go out with a party, and held jointly with one in the Executive, the President of the Council as had been alluded to, or the Hon. the Receiver General, by which a great expence would be saved to the Province; a similar course was adopted at the Union he (Mr. I.) would like to see it persevered in.

Hon. J. MORRIS concurred entirely in the remarks of the hon. mover, but it struck him that the motion conveyed more than it expressed, and if so the hon. gentleman ought to come forward boldly and state at once what remedy he would suggest. He would advise him to do so because the hint was not taken where it was intended, the Hon. Receiver General not understanding its drift. If he

(Mr. Morris) understood the object of this motion correctly he would tell the hon. gentleman that he could never consent to vote for it, for he would not feel so independent if indebted either to the Executive or the people as he now does, and he was confident the majority of the members of the House were of the same opinion.

Hon. Mr. FERGUSON, in reply to the hon. gentleman would tell him in very plain language, that where the shoe pinched was in the inability of hon. gentlemen to attend from private reasons. The hon. gentleman and all hon. gentlemen must be aware that in order to enable many of the Peers of Britain to support their dignity provision was made for them by the Cabinet, and was it to be supposed that hon. gentlm. would be less independent, if some provision were made in order to enable them to attend in their places without injury to their private fortunes? He was confident they would not, and until that was done they would never see a full attendance in the House.

Hon. Mr. FERRIE said something should be done to fill the empty chairs, for he was sure that those hon. gentlemen who did their duty, would not always bear the continued absence of others. The consequence would be that the House would be broken up for want of a quorum. And with respect to another point, many hon. gentlemen were precluded from attending, in consequence of having accepted situations since they first took their seats. (Hear, hear.) Was it right they should be kept on the list? If they could not attend, they should resign, and the vacancy would be filled up by others who could do so. In order to remedy this state of things, he would be glad to see the address pass, that the Government might have their attention called to it, and devise some means of procuring a more regular and constant attendance.

Hon. Mr. M'GILL said, that unfortunately it was not in the power of the Government to compel the attendance of hon. gentlemen. The only thing they could be expected to do was to cast their eyes round and pick out a few individuals of ability and property, of whom a reasonable expectation might be formed, that they would perform their duty. It would be an easy matter to find gentlemen in the Eastern Townships qualified to take their seats in that House. And he would be happy to see more than two gentlemen from the E. Townships as was the case in the L. C. Council. If the Government would look round Upper Canada also, and even in the District of Montreal, they would find men of education and ability well qualified to fill the seats of the House with respectability. That was the only remedy he could discover, for so far as he was concerned, he would never consent that the members of that House should be paid. Instead of adding to the dignity of the House, it would be the most effectual means of diminishing it by placing them in a state of dependence on the other branch of the Legislature.

Hon. Mr. IRVING would vote against the address if it were to be made the means of an application for payment. The non-payment of hon. gentlemen was one of the distinguishing marks of the House, and added to its dignity. Whereas if they were paid, they would not only be dependent on the other branch of the Legislature, but the people would even demand the right of election. (Hear, hear.) It was a republican innovation on the constitution of the Colony, and he would most strenuously oppose it, he was even opposed to the Speaker being paid, he was sure if he were not the House would be more respectable.

Hon. Mr. DEBOUCHERVILLE was proud to call himself the friend of the hon. mover. That

hon. gentleman had pledged himself last Session to bring this question before the House, and he had now redeemed his pledge. His hon. friend was right in bringing this subject under discussion, for how could it be expected that hon. gentlemen would attend here for months without any remuneration. In Europe that might be done certainly where men had incomes of thousands yearly, but in this colony it is a different matter when people had to make fortunes either by tillage or commerce, and to whom it was necessary to remain with their families in order to prevent the waste of their property. It would be cruel to send a call of the House to his hon. friend to come hundreds of miles to attend in his place, it would be cruel to send for another hon. gentleman who had lost thousands of pounds by a fire last year, it would be cruel to send even for him although his residence was not at a great distance, if his family or his affairs required his attendance. It might be said "then let them resign," but he said no! Hon. gentlemen who had the honour to be selected by the Crown to take seats in that House, would not resign. It did not follow that because they could not be present this Session, they would not take their seats next Session. No! A seat in that House was the most honourable in the Province, and he felt certain they would not resign. It had been said that if they were paid they would be hanging on the other branch of the Legislature, or would be dependent on the Executive. (Hear, hear.) That would not be the case, they would be independent of both and as he had voted for this proposition last Session so he would do now also, for he felt how necessary it was that they should keep up the dignity of the House. It was not to be expected that a Councillor should walk from his boarding house on foot or through the rain. No they should keep their carriages, and take boarding at the best Hotels in town, and not put up at a petty boarding house at a \$1 a day. They should be above that. But how could it be expected that a man with an income of £200 a year should remain in Montreal for months spending the greater part of it there and leaving his family without any support; whereas if they were allowed, he would not say thousands, but a few hundreds a year, they might devote their own incomes to the support of their families, and keep their carriage in Montreal; then also it would be possible to force them to come from their homes at any distance which cannot be done at present. Allusion had been made to the Peers of Britain, but there was no resemblance between them and this House. They were not created by the Cabinet (hear, hear) but traced their origin back to the Saxons, Normans and these noble people who called Wallace countryman. But this Council was created by the action of the Government, and means should be taken to render it dignified and independent.

Hon. Mr. KNOWLTON said it was asserted that they held their seats by appointment of the Crown, but after all what were they but representatives, not of numbers, he would admit, but of territory, and they might talk of the House of Lords or whatever they chose, but they constituted in fact nothing else than a Senate, and he could not see anything republican in being indemnified for the time consumed in attending on the House. One hon. gentleman had even gone so far as to express a wish to stop the payment of the Hon. Speaker. Certainly, he would regret that very much, as the hon. gentleman could not be expected to regale them with such good dinners at his own expense, as his salary now enables him to give. Indeed he could not consent to vote away the Speaker's salary, when that hon. gentleman was ob-

liged to sit there during the entire session, sometimes even when in ill health. With respect to what his hon. friend opposite said respecting Lower Canada and the Eastern Townships in particular not being properly represented, he looked upon it as an act of injustice to Lower Canada, possessing a much larger population, to put in on the same footing as Upper Canada in the Assembly. Nevertheless, he would remain satisfied if, when an hon. gentleman were named to this House from Upper Canada, he was balanced by another from Lower Canada, as it was only by a perfect reciprocity of benefit that this Union, which he called an unholy alliance, could be made to work satisfactorily. [Hear.]—If that reciprocity did not exist, they would have bloody noses, and that before they were well aware of it. The arguments made use of by the hon. gentlemen on the other side were quite uncomprehensible, for instance he could not understand why hon. gentlemen should not be remunerated for the time spent by them in attending this House, when the members of the other House were paid. If by that means hon. gentlemen could be induced to attend more regularly, he was most anxious that the address should pass, for although he was sensible of the honor of holding a seat in the House, as any other hon. gentleman, yet his time was valuable to him, and he would much rather be at home than in Montreal, and he could not leave the House in order to attend to his private concerns from a fear of breaking up the quorum. He could assure hon. members that his attendance in the House was at great personal inconvenience, he did not mean to say that he could not pay his town bill, but during the last eighteen months he had only been at his home one month and a half, and when he did leave for a few days, it was with a dread that a reproach would be cast on him for breaking up the House by his absence.

Hon. Mr. IRVING.—An hon. gentleman opposite assumes as a matter of course that by paying members a larger attendance would be secured. He, entirely dissented from such an assumption. It would make no difference. In his (Mr. I.) individual case he was sure it would not. Some hon. gentlemen would continue to consult their ease. With other business would be equally urgent. He would vote against the address, and considered it uncalled for as the attendance this Session was larger than usual, and business had not been retarded. All Lord Sydenham's great measures were carried by mere quorums. The hon. gentleman had alluded to the Speaker's dinners. He (Mr. I.) conceived so useless a custom had been discontinued and most certainly the enormous expense could be easily saved to the country.

Hon. RECEIVER GENERAL said that he was somewhat surprised when his hon. friend on the left had hinted that he [Receiver General] did not understand the drift of this motion, and when another hon. gentleman said that it was the redemption of a pledge given last session, that the hon. member would bring the subject of compensation before the House.—He must confess that he did not see the drift of it, that was the word, before and was in favour of the address not imagining in his unsophisticated innocence that it contained any hidden meaning, but since he had discovered its drift, he would strenuously oppose it, and could assure the hon. gentleman who introduced the motion, that even if it did pass there was very little probability of his being gratified by the Government. He believed however that he could say it was the intention of Government to increase the number of

Councillors and in that way perhaps it would be possible to have a larger attendance.

Hon. Mr. FERGUSON regretted that the hon. Receiver General should imagine that it was his intention to practice unwarily on his [Rec. Gen.] innocence, for he could assure him that he was not afraid to state his views boldly and openly.

Hon. Mr. NEILSON heard it generally remarked that the Executive had not taken sufficient care to appoint gentlemen to the Council, fitted to take an active part in the business. For his own part he was astonished at there not being a single Lawyer in the House. ("The Hon. Speaker."—"The late President of the Executive."—"The Law Clerk.") The Speaker was a Lawyer certainly but he could not be expected to enter into every debate. Mr. Sullivan did not attend during the whole Session and as for the Law Clerk, why the best thing they could do would be to go home and leave the business to him to manage. He was sure the Law Clerk would do it better than they could, they came there to make Laws and not one Lawyer among them. With respect to the motion itself he was opposed to it altogether, it was directly contrary to the spirit of the constitution to desire pay for their services. If they could not attend, they should resign and make room for those who could. And he would advise the Government to appoint men of wealth to give weight to the Council and not care whether they were from Upper Canada or Lower Canada. They wanted men of honour and conscience who would attend to their duties. Certainly at present there is very little resemblance to the Lords but if there be not, it should be their endeavour to be what they ought. There must be no senate, no representation of different sections, nothing of that sort, they should try to adhere closely to the constitution, but if they could not then let it be repealed, and such a constitution given to the Province as it is fitted for.

The motion was then put from the chair and lost.

Against the Address—Messrs. W. Morris, McGill, Roy, Irving, J. Morris & Nelson.—6.

For the Address—Messrs. Fergusson, Knowlton, Ferris, Moore & DeBoucherville.—5.

Hon. Mr. FERGUSON would avail himself of the earliest opportunity in his power, to trespass for a few moments upon the time of the House, in reference to a communication received upon Wednesday, from the Rev. Dr. M'Cauley, of King's College, Toronto. It would possibly be in the recollection of hon. gentlemen, that he [Mr. F.] had some time ago felt it his duty to move for certain papers connected with the College; in so doing, he had occasion to advert to certain charges against Dr. M'Cauley, set forth in a Pamphlet, published [he believed] about two years ago in Toronto, and which he [Mr. F.] had expressed surprise, should have remained to this hour unanswered. The communication now in his hand from Dr. M'Cauley was intended to explain, not only the reason for having left the pamphlet unnoticed, but also to justify Dr. M'Cauley and the other members of King's College Counsel in the management of that Institution. No man would be more ready than he [Mr. F.] would be, to acknowledge error, or to correct mistake; he felt himself to be incapable of wilfully doing injustice to any man, more especially under the shield of Parliamentary privilege, and he felt bound to assure this House upon this occasion, that the communication from Dr. M. paid all due deference to the rights of Parliament. Dr. M. states his reason for never having met the charges contained in the pamphlet, to have been the

anonymous character assumed by the author. Now he [Mr. F.] had no objections whatever to concede this point. It was not, [strictly speaking] incumbent upon Dr. M'Cauley to enter the lists, with a writer, who concealed his name. That was a sound general principle, there could be no doubt of it. At the same time he [Mr. F.] must be allowed to remark that the name of the able and respectable gentleman who wrote the pamphlet was notorious, and perfectly well known in Toronto. As regards the merits of the charge, he [Mr. F.] was willing to believe that some degree of mistake or misapprehension may have existed, on the part of the author, as regards the alleged changes made upon certain statutes passed by the Council. This might very well happen in a matter what was not intended for vulgar eyes to pry into, but whether wholly correct, or only so, in part, he [Mr. F.] felt sincere pleasure in the reflection, that early in next Session of Parliament, a full and fair investigation of the College affairs, would probably take place, when Dr. M'Cauley and all connected with the institution would enjoy an ample opportunity of explaining and defending their management as a Council. Mr. F. felt it right to add, that the communication which had called him up, was merely one of personal nature from Dr. M'Cauley and to add that the papers moved for some weeks ago, had not, to this hour, been received. Mr. F. begged to apologize for having detained the House with a matter so much of a personal nature, and would only repeat his readiness and high satisfaction in doing justice to his fellow men, on all occasions, whether of a public or of a private nature.

The Hon. SPEAKER would not allow any discussion to take place, there being no question before the Chair.

The Hon. RECEIVER GENERAL having announced that His Excellency will meet the House at 3 o'clock P. M., to-morrow.

The House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, May 22.

Mr. CHRISTIE moved for an address to the Queen on the subject of the Boundary Line between Canada and New Brunswick.

On the Speaker being about to put the question,

Mr. BALDWIN rose, and stated that he was surprised that on a question like this in which the territorial boundaries of Canada were concerned, the administration should remain silent, not a word being uttered by either of them.

Mr. DRAPER said that the administration had done every thing that could be done, on their part, and he would with the greatest pleasure concur in an address to Her Majesty, on the subject of the disputed boundary.

Mr. BALDWIN, it appeared to him that some explanation was to be expected from the Ministry other than that conveyed in the papers laid before the House. It is a question in which not only private right but public property was concerned. He understood that the expectation of the Attorney General was a failure. It was then proper that this House should know what steps had been taken to bring the matter under the consideration of the Home Government.

Mr. DRAPER, they have claimed lands which he conceived they had no right to. To substantiate the claims of Canada, all papers and documents have been submitted by the Home Government; and he could state that the matter was now under the serious consideration of the Home Government; and he believed that a speedy settlement of the question might be expected; more he could not say at present

than that it was in the hands of the Home Government for there may be despatches which it would not be convenient for the present to lay before the House. If the hon. member would consent to withdraw the motion for the present, he would join with him in drawing an address.

The motion was then withdrawn.

Mr. BALDWIN moved for an address for papers connected with the road from Lake Scugog to a place called the Narrows. He said that he had referred to this road some seven or eight times since the commencement of the session, and had always expected that some minister in his place would have answered him. He said that in the report of the Chairman of the Board of Works, it was stated that the line of this road was left for the consideration of the Legislature, and when he turned to the accounts he saw the sum of £532 13s. 9d. charged against the grant of £2000.

Mr. CAYLEY would only say, that he supposed that money had been drawn from that particular grant, which ought properly to belong to another grant, but this was owing to the construction of the act constituting the Board of Works.

Mr. ROBINSON, from a return which he had moved for, it appeared that the sum of £54 10s 2d only was charged against that grant, but was surprised to see a large sum charged against it in the public accounts.

Mr. BALDWIN, the subject is one that ought to be answered by a minister in his place, but as it appears that he was not to get that answer, he would have to wait till the return is made to the address.

Mr. DRAPER, it is perfectly clear that something is wanted. There ought to be a person in Parliament who is connected with the Board of Works, and who would be capable of answering such questions; it was perfectly impossible, with his other duties to give his attention to that subject. He was glad that the address had been moved for, for if an answer had been given, it would have been *visa voce*, and would not therefore have appeared in our journals. He conceived that the answer ought to be tangible.

Oxford Election Committee.

Upon the motion of Mr. CHAUVEAU that Messrs. Roblin and Lacoste, be ordered to appear in their places to answer for their absence from the Oxford Election Committee, being put,

Mr. SMITH of Frontenac, wished to know from the Ministry if it were not true that one of the members, Mr. Roblin, was in a position to prevent his return to the House, if he had not accepted office? After a considerable pause and no answer being given,

Mr. SMITH again rose and said it was usual to put such questions to the Government.

Mr. DALY then moved that a new writ do issue for the election of a member for Prince Edward in the place of Mr. Roblin who was appointed Collector of Customs for Picton.

Mr. BALDWIN asked how many offices was Mr. Roblin really considered to be worth; there was a good deal of rumour as to the extent of the arrangement that had taken place between that gentleman and the Administration.

Mr. DRAPER said, that Mr. Roblin had always been so warm a supporter of the hon. member for the Fourth Riding, that hon. gentleman ought to be best acquainted with his true value, but this he could say, that if Mr. Roblin only fulfilled his official duties with the same zeal that he had always attended in Parliament, the country would have no reason to regret his appointment.

Mr. PRICE could not allow the opportunity to pass, without expressing his astonishment that Government should have given an office to a member of Parliament engaged on an Election Committee, the merits of which he had sworn to decide, and upon which he had actually been engaged for two Sessions.

Mr. SMITH said, that if any precedent were required, it would be found in the case of a gentleman who had been appointed, while sitting upon the Committee appointed to try the merits of the petition of his hon. friend for the Second Riding of York. That appointment caused the Committee to be broken up, and cost his hon. friend his seat; it was made by the late Administration, of which the hon. gentleman who spoke last was a warm supporter.

Mr. BALDWIN at first denied that the case referred to by Mr. Smith occurred under his Administration, but upon Mr. Aylwin being named as the person who was appointed, he (Mr. B.) admitted his mistake and explained that he had been thinking of the appointment of the late Inspector General which took place under the Administration of Mr. Draper.

Court of Chancery, U. C.

Mr. McDONALD of Dundas, considered that a change is very much required in the Judiciary of Upper Canada, and this seemed also to be the opinion of the hon. member for the North Riding of York, for he, at the beginning of the session asked the Ministry if it was their intention to make any alteration in the judicature of Upper Canada. This change must have referred to the Court of Chancery, for there are no complaints about other Courts. His intention was merely to induce the House to consent to certain resolutions approving of the abolition of the Court of Chancery, and giving equity jurisdiction to the Court of Queen's Bench. He did not consider himself competent to introduce a measure on such an important subject, but he supposed if these resolutions were passed, the Ministry would be obliged to prepare such a measure as would meet the wishes of the Country. Two good reasons might be given in favour of the abolition of this Court, the first was, that Upper Canada flourished for 50 or 60 years without it, and secondly, that the costs in this Court were enormous and not in accordance with the circumstances of the country. The Court also admits of too much delay—suits are before it since its erection and not yet decided. It is said that this Court was established to provide for the head of it. He considered that instead of reconstructing it, it should be done away altogether, and thus the country would be saved a great unnecessary expense. It has struck the minds of Juriconsults of England, that the Courts of equity and common Law ought to be amalgamated, and therefore the views he advocated were not un-British. In Pennsylvania the Courts of common Law have an equity jurisdiction. He moved that the House do now go into Committee of the whole to consider the propriety of abolishing the Court of Chancery in Upper Canada.

Mr. DRAPER.—Thought it would be useless to waste the time of the House by going into Committee to consider a proposition, which contains no well digested plan to meet the admitted defects that exist, and especially when the hon. member for Dundas, has stated that he does not intend to proceed further on this subject, but intends to throw the burthen upon other shoulders of preparing and digesting a plan. This he considered as not quite proper. He [Mr. D.] was not in favour of giving the Court of Queen's Bench equity jurisdiction, and this was the opinion of the wisest and most learned lawyers of England. The commission

of the ablest advocates of England appointed a few years ago to reverse and consolidate part of the Laws of England, recommended that Courts of equity and common Law should be kept quite distinct; and this recommendation was adopted by the Parliament of Great Britain; for they took away the equity jurisdiction from the Court of exchequer; and even before this the Court of exchequer had separate officers when sitting as a Court of common Law or equity and in the latter case the Chief Justice of this Court sat alone. In England the Judges have never sat together in the equity Courts, and it is proper that it should be so, as they would only embarrass each other, unless we could find two minds exactly constructed alike. The Courts of common Law are obliged to enforce the rule of Law rigidly while the Court of equity moulds the rule to meet all the circumstances of the case; and therefore in the latter case more is left to the discretion of the Judge. He granted to the opponents of this Court that the proceedings before it could not be so quick, as before the other Courts, as all the parties interested or that could be affected by a case, were obliged to be summoned before the Court; but in nine cases out of ten the delays that are complained of take place before the cause is brought before the Judge. If you destroy the Court of Chancery you cannot have a court of appeals, without a very great expense. The object of a satisfactory Court of appeals had engaged his attention and after a great deal of consideration, he found that an independent and proper Court of appeals could not be established, except at an expense, that the funds of the Province would not warrant. We have not the advantage as in England, of having in the other branch of the Legislature retired Chancellors and other eminent lawyers; here we must create an entirely new Court, and give the Judges large salaries so that men of the first talent may be obtained for it. The system of jurisprudence ought to be meddled with very cautiously and not be altered every year, as it shakes confidence in the existing state of things. He considered therefore it would be better to allow this question to stand over until the next session, as nothing could now be done during this session.

Mr. McDONALD of Glengarry, could readily understand the zeal of the hon. member for Dundas in invoking an expression of feeling against the Court of Chancery; that Court did not possess the confidence of either the suitor or the lawyer; the public suffered greatly from it, such was the delay and expense attendant upon its proceedings; he (Mr. McD.) was himself one of the sufferers; it was known that eminent lawyers had left the Civil Courts altogether to practise in the Court of Chancery, so lucrative did the constant delays render the practice there; he would also say that there was a diversity of opinion as to whether such a tribunal was suited to the circumstances of the country; when it was first established many thought the country was yet too new; he certainly thought it too much calculated to induce litigation; a party fancying he had a case went into it, and such were the facilities of protracting that it ordinarily took two or three years before a decision was arrived at; he (Mr. McD.) knew a case in which a man who was found too poor to execute a judgment of the Civil Court against him contrived, by the advice of a cunning lawyer, to file a bill in Chancery and thereby held a farm for three years, and put the proprietor to £180 expense. He thought it would be better to pension the person now at the head of the Chancery Court and to abolish the Court for two or three years, in which time some better arrangement might

be come to respecting equity proceedings, or a suitable person found to conduct the present establishment; it was really distressing to see that a person of the learned Attorney General West's talent and ingenuity had not ere this, found a remedy for the great evil complained of; he (Mr. McD.) would support the motion with the hope that it would arouse the Administration, and that by the next meeting of Parliament something would be prepared for the relief of the country.

A division then took place and the motion was carried by 27 to 20. After the House went into Committee, Mr. Duggan in the chair,

Mr. McDONALD of Dundas, said he only desired to obtain an expression of feeling from the House, and that he thought, would be sufficiently given by the adoption of the resolutions he was about to submit; he had sufficient confidence in the Ministry to rely upon their bringing forward a remedial measure at an early period.

Mr. BALDWIN could not have believed after hearing the excellent reasoning of the hon. and learned Attorney General West that the motion to go into Committee would be carried, but now that the House was in Committee he should like to know what measure of redress the hon. and learned mover had to submit; he (Mr. B.) took it that the adoption of the motion amounted to a vote of want of confidence in the honesty or industry of the Ministry, and therefore should those who carried that vote be prepared with the remedy which they pronounced the Government unfit or unwilling to introduce he would recommend that the hon. member for Dundas be allowed to try his hand at the duties of the Attorney General West; (laughter) he (the hon. member for Dundas) had heard reasons against the course he proposed which ought to be satisfactory to any one understanding the subject; and yet did he press, and carry, his motion, which certainly looked like the declaration towards the leader of the administration. "I am more fit than you for the place you hold;" the hon. and learned member should, then, take the Government into his own hands, he had a majority of seven, which was not to be despised as things go, and the country should forthwith have the benefit of his length, breadth, and depth (much laughter). Seriously, however, he thought parties underrated the importance of a Court of Chancery; too much had been said of delay and expense; it had been clearly shewn by the learned Attorney General West that a suit in Chancery must necessarily be more tedious than one in a Court of Civil Law from the necessity which so often arises of bringing up additional parties and amending the bill; this caused what was called delay, but which was really a necessary and unavoidable extension of time. With regard to expense he admitted there was much room for improvement, but it was not possible to reduce it to that of proceedings in the Courts of Law; a suit in equity embraced as much as two or three suits at Law, the rights of a variety of parties were decided upon, whereas in a Court of law each of these parties should institute a separate suit; it was therefore not to be expected that equity suits could be disposed of with the same expedition or at the same cost as those of the Law Courts. At the same time a great deal might be done towards improving the practice and lessening the expense in such proceedings as bills to foreclose, bills to redeem, and bills of discovery, but with regard to business involving a complication of interests, whether in one Court or the other, delay and heavy expense could not be avoided. After some further remarks upon the judiciary generally of

Upper Canada, and especially upon a change in the Court of appeals the hon. member concluded by expressing a hope that between this and next Session something would be done to remedy the several evils complained of.

Mr. McDONALD of Dundas said the hon. member for the Fourth Riding had affected to be greatly surprised that he (Mr. McD.) should press his views in that House independently of the wish of the Hon. Attorney General West; he (Mr. McD.) thought it equally surprising that the hon. and learned member for the Fourth Riding should, all at once, exhibit such a change of feeling towards his hon. and learned opponent on the Treasury Benches; but he (Mr. McD.) supposed that some further secret correspondence would soon explain the nature and extent of the startling alliance. (Laughter.) He had been twitted with assuming to be fit for the place of Attorney General West, but he would tell the hon. member for the Fourth Riding that if he [Mr. McD.] were not fit for the place others in the country were, of whom, perhaps, the people were then thinking; the present holder of the office had no lease of it, nor did it follow that the hon. member for the Fourth Riding would be his successor. The hon. member said that he thought sufficient had been attained for the present in the strong feeling against the Court, that had been evinced on both sides of the House. He moved that the committee rise, report progress, and ask leave to sit again on Wednesday next.

Solicitor General SHERWOOD was opposed to the question being brought before the House again in the time proposed in the last motion, he gave the hon. mover credit for the best intentions but the question was really too important to be treated in such a way; a Committee of enquiry should be appointed and some well matured plan submitted; it was the first time he had ever heard of an attempt to sweep away an institution by a mere vote without enquiry or deliberation.

Mr. McDONALD of Dundas, wished to give the Committee time to consider the resolutions; it was evident from the expression of feeling that had been obtained that the Committee was favorable to some action against the Court, and his object in moving a postponement was that the course to be pursued might be duly considered.

Mr. PRICE had not had the benefit of hearing either the speech of the hon. member for Dundas in moving the House into Committee, or that of the Hon. Attorney General West in resisting the motion, and his [Mr. P.'s] impression in voting in favour of the motion was that it merely invoked an expression of opinion respecting the Court of Chancery so that the Government would see the necessity of taking early action towards correcting the abuses of that Court which really amounted to a crying evil; the proceedings had in it were satisfactory neither to the plaintiff nor the defendant, to lawyer or litigant.

Mr. BALDWIN objected to the House pledging itself to general resolutions of the details of which nothing was yet known.

Mr. BOUTON considered the Court of Chancery a nuisance to the country and would be prepared at the proper time to assist in placing it on a proper footing, but he thought it was then too late in the Session to consider the subject.

Attorney General DRAPER did not see how the House would be better prepared to consider the resolutions on Wednesday next than it was then, if hon. members intended to press the resolutions this Session they ought to act at once; if the Committee agreed to rise without further proceeding he would not know how to

view the matter, he would certainly feel embarrassed.

Mr. McDONALD of Glengarry, believed his hon. and learned friend from Dundas had gained his present object in obtaining from both sides of the House a strong declaration of opinion against the Court; and he thought it would be proper to grant further time to introduce the present or other resolutions as might be determined upon.

Mr. HALL was prepared to abolish the Court of Chancery and to justify his vote before any portion of the people of the country; he considered the Court a curse to the country; why, if Upper Canada were not chained to old customs and usages, could she not have the advantage of the mode of proceeding in the Courts of Lower Canada, where an object was attained in a few days and by the most simple means which, in Upper Canada, required the writing of volumes before it could be put in course of decision. He was aware of the difficulty of amending the Court, and thought it would be better to abolish it for two or three years, in which time some proper arrangement might be determined upon.

Mr. ERMATINGER thought that what had been done was enough for the present; it would be too much to abolish the Court at once.

After some two or three divisions upon the question of the Committee rising, and amendments thereto,

Mr. MONRO moved to the effect that abolishing the Court would be satisfactory to the country.

Atty. Gen. DRAPER warmly appealed to the House against that motion, and warned hon. members on his side, that if it were carried, they should take the consequences.

Mr. McDONALD, of Dundas, "We will press it, we want to wake you up." A division then took place, when the motion was lost by 25 to 19. The committee then rose.

Debate on Clergy Reserves continued.

Mr. DRAPER would resume as briefly as possible the observations he had commenced some days ago, contenting himself with replying to some of the arguments made use of by hon. mem. who were opposed to the address. It had been remarked incidentally, that if the Church Society got the management of these lands in their own hands, they would establish a tenantry on them, instead of selling them to free holders. Well, even if that were the case, he could see no material objection to it; as far as the public was concerned, all that was required from the Society was, that these lands should be occupied, and the revenue increased by the occupants. It was a matter of the most perfect indifference whether the lands were held in fee simple or otherwise, so that no impediment was offered to the advance of local interests. However, as that was a minor point, he would leave it in order to make some observations as to the extent of these Clergy Reserves. At present there are not more than fourteen hundred thousand acres of these Reserves in Upper Canada, not in a block, but scattered over every part of that section of the Province, and as the portion claimed by the Church Society amounted to four hundred thousand acres, he could not see that even supposing they did not sell them, any great evil would arise, and for this reason, that the lands were not in block, but scattered over every part of the Province, and consequently even if they were held back, the advancement of local interests would not be in any degree retarded. He would not go at length into the question, but would say that as long as these Reserves were in the management of the Government they would cause a great deal of difficulty and

inconvenience, and considered that it was for the advantage of the Church itself to have the management of its funds in its own hands. He did not mean to assert, nor even imagine that they would be better managed, or worse managed by the Government, but by the constitution of the Province, there being no connection between the Church and State, he would wish to see the Government relieved entirely from the inconvenience of managing these Reserves. With regard to the address itself, he objected to several points in it, and would be very sorry to vote for this motion, if by doing so, he pledged himself to every proposition that the address contained. But he would vote for it on these grounds; first because he considered it necessary to give every church such support, either in lands or money as to put it out of the necessity of mere voluntary subscription; and secondly, in order to divest the Provincial Government of the ungrateful task of managing these lands and placing them in the hands of the church for whose support they were intended under such restrictions as the Government thought fit to impose.

Mr. ROBINSON was about to explain during the speech of the hon. Attorney General, but at his desire he had postponed it, at his request till he had finished. He (Mr. Robinson) did not mean to say that the charges did in reality amount to 40 per cent, it was bad enough that they amounted to 25 per cent. He would most solemnly protest against the sales being conducted in the manner that they were now. He was aware of cases in which the lands were valued and sold for 18s 9d, when they were worth at least 25s. It was against that that he protested. But the Church of England is not the only loser, the Kirk of Scotland are as much interested. The hon. member for Kingston, has asked for a grant, which has been refused, if he had asked for a portion of the unappropriated lands he would have got it. In Toronto alone he was aware that one agent got a sum of £400 in three months, which was more than any merchant could give to a collector when all the debts were good, and yet those who complain of this state of things are set down, as bigots. It was to prevent a spoliation year after year that this address was introduced.

Mr. HALL, the hon. member got up to make an explanation, but he has managed to make a speech. The learned Attorney General stated that he did not vote for it on the question of £ s. d.; in that he differs from the hon. mover of the address and his supporters, for he moved and they supported it, simply as a matter of £ s. and d., and it was for this reason solely that the question was mooted. The learned Attorney General deemed this an unworthy motive, and has repudiated in a speech of about two hours in length, and has in the end left us in a state of suspense, not knowing how he intends to vote on the question. The only argument that had any force in it was that there was no Church and State here, and that therefore the Government ought not to have the controul of the funds belonging to the Church. But still it was unwise to allow lands like these to go into the hands of any corporation, especially a clerical one. If the expense of management was too much, why not adopt some measures for having it lowered? He thought that the Government ought to be able to sell the lands at as little expense as any corporation could. It was said that such restrictions might be imposed on them, as this House thought fit; that might be well enough, but he thought that it would be far easier for the Government to manage the lands while in their own hands, than to

watch them while in the hands of the Church Society. The hon. member for Leeds gave in his opinion very correct reasons for the opposition made to the address. First, in reference to the division; in answer to this, it had been said that lots would be drawn, he would ask whether this was consistent with the Reverend gentlemen, he thought that they might as well take up the dice box, and let the division of the lands depend on a throw of the dice. Was this a way to dispose of lands? He conceived that even this plan would never give satisfaction. The second objection was that the lands would not be sold, and thus create an inferior body of yeomanry. So this address answered that the lands would be sold within such a limited number of years as the Government might direct. But as had been well said, would any Government refuse to lengthen the time if they were asked, he was sure that they would not, so that in truth not one acre would ever be sold. He was sure that if this address was passed, it would be the most unpoplar measure that ever was adopted, and one that in Upper Canada at least would be most fatal to the popularity of hon. members.

Mr. GOWAN proposed an amendment to the address, to the effect that the Clergy Reserves Lands should be sold with as little delay as possible, and at the least possible expense.—This amendment saves all the rights mentioned by the hon. member for Simcoe, so that the Clergy Reserves will be held sacred to the purposes for which they were given. If the House wish to establish a system of tenantry, they will vote against the amendment. The hon. member for Simcoe complained of the amount that was given to the agent for the collecting of the rents of the lands; he [Mr. G.] would state that the Lord Bishop and the Clergy Corporation were alone responsible for this, for they allowed this to him when he was their agent.

Mr. MOFFATT considered that he ought not to give a silent vote. He considered that some of the members have imagined difficulties that will not occur. The valuations of these lands have been unsatisfactorily made, and the suspension of the sales proves that the Government were of that opinion. If he thought that the passing of this address would reopen the question he would not vote for it, but he did not think it would have that effect; and if an agitation is got up, it will not be the fault of the Church of England. They did not call a single public meeting on this subject. [From several of the members—"They dare not, as they knew they would be out-voted."] He considered that there would be no necessity for the Legislature to interfere, as the Governor in council could make the necessary regulations.

Attorney General SMITH said he must oppose the address as he considered it was opening up the question of the Clergy Reserves, and likely to renew an agitation, if pursued in that had happily died away. Under other circumstances he might have voted for it, but he was convinced that it would create as great an agitation as he had referred to, in short if for no other reason he would oppose it, because no scheme for the partition of these reserves would give satisfaction to the public, because it would be contrary to the settlement made by the Imperial Government, because it would prevent the settlement of the Province, at least so far as regarded these lands, and place that Church in a position to evade any restrictions the Government might impose. The address went on to say that if those reserves were placed in the hands of the Church, they would consent to any restrictions the Government might choose

to impose. Now he was of opinion that no enactments they might pass would be of any avail. What redress could a poor farmer or squatter obtain against that? Would they tell him that he would obtain redress in the Court of Chancery? Or would it be supposed that any poor man would dare to contest a point with the Church? Some hon. members pretend to say that the expenses of managing these Reserves by the Government are very great, and that if sent into the hands of the Church Society those expenses would be diminished. But it was not on such grounds that he would ever support an address of that nature, and he would say at once that he would oppose it in order to prevent the reopening of a question that had caused the most alarming agitation in Canada, and which, if now agitated, afresh would be felt still more severely.

Mr. McCONNELL was in favour of the amendment, and opposed to the address. And he considered that nineteen-twentieths of the people of the Eastern Townships were of the same opinion. He was opposed to the system of tenantry that the Church Society sought to introduce; it is not suitable to this country.

Mr. BOULTON considered that the management of these lands ought to be taken out of the hands of the Government, as they might use them for political purposes, and make political capital out of them, as the late Ministry did. [No, no, from the opposition.]

Mr. McDONALD, of Glengarry.—The passing of this address will cause more agitation than anything that has occurred since the rebellion. He [Mr. McD.] was in favour of applying the proceeds of these lands for education. Why is it that the Church of England is the only denomination that is applying for these lands? Is it because they find themselves unable to compete on fair terms with the other bodies? In his county there is a good deal of these lands, and if they go into the hands of the Church Society, he would tell them that their agents had better not appear in his county, as there would be a sort of rebellion, and they would be treated in a manner that would not be agreeable.

The amendment was carried. Yeas, 37; Nays, 14.

Mr. SHERWOOD.—Since the address has passed he would desire to make it as perfect as possible. He found in the report of a member of the Government, the Receiver General and of Mr. Henderson, a person whose business capabilities no one could deny, that they considered six per centum on the amount of the sales amply sufficient to pay the expenses. He would ask hon. members since they refused to allow the Church of England to have the management of the property, to limit at least the amount of the expense to six per per cent. He believed that it could be done for two and a half per cent.

Mr. BALDWIN had no particular objection to the motion, but it appeared to be an indirect mode to get done what he could not get done directly. He believed that the Government would sell the property at as little expense as they possibly could, it was no interest of theirs to squander the property in the sales and expense of collecting. But suppose that it cost more, from what source is the balance to come; he thought that the matter could only produce embarrassment; he hoped that the Government would not be cramped in such a manner.

Mr. MOFFATT.—This motion is made for the purpose of preventing agitation. If you could show him what the real cost was, he would place it at that; but as it could not be done, and as he believed that the sales could

be conducted for six per cent he would vote for the motion.

Mr. HALL.—The person who has moved this motion, and the supporters of it, ought to be able to produce evidence to support it. We ought not to be called on to support a negative proposition. Supposing that the expenses should amount to more than six per cent, from what fund is the balance to be made up. Is the Province to bear it?

Mr. SHERWOOD did not make this motion with any desire to obstruct the Government, he was sure his hon. friends could acquit him of any such desire. This was merely an address to the head of the Government, and if the expenses cannot be brought within six per cent, they will come down to this House and state the fact. This House cannot legislate, but we can request them. He said that as the question was now finally settled, he for one, would never disturb it again. He would again state that he did not do it with any intention to censure the Government, but as had been stated, they had not a lease of their seats for life, their seats may be occupied by another Government who have already proved themselves to be extravagant.

Mr. CAUCHON then spoke in French.

The motion was lost on a division of Yeas 13, Nays 31.

Board of Works.

The House went into Committee, on the bill to amend the Board of Works.

Mr. CAYLEY.—The Board of Works was constituted before the Union. After the Union it was remodelled by Lord Sydenham. Executive Councillors were appointed to constitute part of the Board for the reason he supposed that deriving a large salary from their other offices, no further remuneration would be required. The act as amended went into operation in 1844. A sum of £1,500,000 was then borrowed, and expended on the public works of the Province, and had been of the greatest benefit. The only clause that was any protection to the Province was the 15th by which no contract was to be entered into, unless it was known that it be executed for the sum proposed. The Board of Works went into full and active operation and the Province had a right to suppose that the provisions of that clause were attended to. Things continued in this state till the close of 1844, when an enquiry was moved for. This, however, was over ruled by the Government, and they undertook the enquiry, and it was commenced in the month of August. In the month of June or July previously, Mr. Power the Engineer on the Welland Canal stated that the sum of £220,000 more was required. The appropriation was at this time expended. The Government called upon the Board of Works for an explanation. None was given, it was received and it turned out that the clause above referred to had not been attended to. No precaution however had been taken and they have thus got into debt. He believed that the whole error was in the constitution of the Board. The appointing of Executive Councillors was a useless experiment, as from their other duties, they were unable to give that attention to the concerns of the board which was required, and thus the whole management came into the hands of the Chairman and he had to see with his eyes. He did not however intend to impugn the motives which may have led him to adopt the measure which he did. The bill provides for the expunging of the members of the Executive being part of the Board, and to appoint a Board of Commissioners under the control of the Executive.

Mr. BALDWIN asked if any of the commis-

sioners were to have a seat in this House. If not there would still be no person to answer any questions that might be put in the House.

Mr. CAYLEY stated that one was to have a seat in this House, but that he was not to be a minister. He then referred to Mr. Killaly not being allowed to retain a seat in the House.

Mr. BALDWIN, the difficulty then was, that he was the scientific man, and his attendance was required elsewhere. He conceived that the person who was to have a seat in this House ought to be the political man, and not the scientific or practical man.

Mr. DRUMMOND regretted that a measure of this importance had been brought forward at this late period of the session, and at a time when that consideration could not be given to it that it deserved, he thought that it ought to lay over to the next session. (No! no!) It ought to be before the public. One objection that struck him very forcibly was that its corporate powers were destroyed, what then becomes of its liabilities, what will then become of the law proceedings in which the board is engaged both as plaintiff and defendant, the act does not provide for them. He did not think that its character as a corporation ought to be destroyed, it was that as much as any thing that kept them in check, he could like to hear the reasons why that it to be destroyed perhaps the framer of the bill would inform the House.

Mr. DRAPER thought that that was one of the very evils of the system. What was the use of bringing suits, the public works would not be seized, and taken in execution of judgment, nor would the monies in their hands be seized. He had made that objection in court, and although the case was not as yet decided, yet he spoke advisedly when he said that he would be sustained.

Mr. MORFATT, considered that one half of the difficulties that have occurred in connection with the Board of Works, have arisen in consequence of the Chairman of that Board having had formerly, a seat in this House.—He (Mr. M.) was in 1842 a member of the committee which was appointed to examine into the reasons that induced the Board of Works to place the Beauharnois Canal to the south instead of the north shore of the St. Lawrence, and when they examined the Chairman they were surprised to find that there was no Board in reality; that there never had been any formal meeting of this Board and that there was no minute of its proceedings. If this Board is not sufficiently under the control of the Executive, he considered it was the duty of the Executive, to have brought the subject before the House, and to have passed a bill giving them the control that was necessary, but he protested against bringing the Chairman into this House, and thereby forcing him to waste his time here, instead of attending to his appropriate duties. The case brought before the House, by the hon. member opposite, is certainly a most extraordinary one, and ought to be examined.

Mr. G. W. AN, entirely concurred in all the remarks of the hon. member for Montreal, except those that referred to the Chairman being in this House: he (Mr. G.) considered that he ought to be in this House, in order that he might answer immediately and satisfactorily such questions in relation to the public works, as might be propounded to him by the members. The Ministers are seriously to blame for not having made an alteration in the constitution of the Board of Works before, when there had been so many heavy and serious charges made against this Board. And no charge could be greater than that mentioned by the hon. mem-

bers for Montreal; that they kept regular no re minutes of their proceedings.

Mr. ROBINSON.—They do now.

Mr. BALDWIN entirely concurred with the Attorney General West, that the chairman of the Board ought to be a member of the House, so that he might be able to answer all questions concerning the public Works with despatch. The practical man of the Board, the Engineer, certainly ought not to be in this House. The proposition to amend the Board of Works act had been considered by the late Ministry in 1843, and had it not been for their resignation they would have come before the House, in two or three weeks with a bill to amend this act. He stated this to prove that this important subject had not escaped their attention.

Mr. ROBINSON, was sorry that his hon. friend from North Lincoln was not present, this was a subject in which he took great interest. He thought that a great deal of the errors, was in the appointment of incompetent persons to have charge of the works. The engineer on the Welland Canal, had never had charge of any work before being placed there, and although he believed him to be honest, and to do the best he was able, yet he had not confidence in his own abilities. He thought that the plan pursued in the State of New York might be advantageously introduced here, placing one Commissioner on each section of the work, who had the sole control and management, and not to refer to the Commissioners before anything could be done. Here not the smallest job could be done, without a reference first to Montreal. As to the corporate powers, unless they could be made available they were useless. He knew of cases in which extra work had been done, over and above what was contracted for, and the engineers then gave their own price, and the Board could not be sued, because there had been no contract under the seal of the Board.

Mr. ERMATINGER could not see any difference between the proposed Commissioners and the present Board, unless one was to have a seat in this House. He thought that there ought to be a responsible Minister in this House belonging to the Board of Works, and he should not be the practical and efficient man.

Mr. DEWITT, the cry from one end of the country to the other, was about the Board of Works, that they were expending money where it was never granted and not expending it where it was granted, and are we with this fact before us, and on the very verge of Bankruptcy about to appoint another Board?

A conversation here ensued in which Messrs. Gowan, Lafontaine, Drummond, Aylwin, Smith, Moffatt, Solicitor General Sherwood, and Mr. Laterrriere took part.

Several clauses were then passed and the Committee rose.

The House then adjourned.

LEGISLATIVE COUNCIL.

SATURDAY, May 23, 1846

This day at three o'clock, His Excellency the Governor General proceeded in state to the Legislative Council Chamber, where being seated upon the Throne he commanded the attendance of the Legislative Assembly, and in the presence of both Houses of Parliament, gave his assent in the Queen's name to the following Bills:—

An Act to allow the formation of more than one Agricultural Society in a County in Lower Canada, and for the relief of the society for the County of Montreal.

An Act to amend the Act amending certain provisions of the Ordinance for establishing an efficient system of Police in the cities of Quebec and Montreal.

An Act to repeal the Act incorporating the Quebec Gas Light and Water Company.

An Act to attach certain territory therein described, to the District of Huron, for certain purposes.

An Act to amend the laws incorporating the City of Montreal and to facilitate the decision of cases wherein the right of any party to any office in the Corporation may be called in question.

An Act further to amend the Ordinance incorporating the City of Quebec, and for other purposes.

An Act to require Slides of certain dimensions to be erected upon the several Mill-dams in the River Moira and its tributaries in the District of Victoria.

An Act to amend an Act entitled "An Act to extend the charter of the Commercial Bank of the Midland District, and to increase its capital stock."

An Act to authorise the Desjardins Canal Company to borrow a further sum of money to complete the Desjardins Canal.

An Act to remove all doubts as to the validity of certain Deeds, Instruments and Documents, executed before Notaries in Lower Canada, and to secure the rights, titles, and interests, of all persons concerned therein.

An Act to convey a part of the concession line between the 3rd and 4th concessions of the Township of Barton in the Gore District, to Robert Jarvis Hamilton.

An Act to enable the District of Bathurst to receive the school monies apportioned to it, in the year 1845, notwithstanding the failure of the District Council to levy an equal sum.

An Act to amend an Act, intitled "An Act to extend the Charter of the Bank of Upper Canada, and to increase the capital stock thereof."

An Act to authorize the Community of the Sisters of Charity of the General Hospital, Montreal, (Grey Nuns) to sell or alienate their property, situated at the Pointe a Calliere, in the city of Montreal, and to invest the capital price or prices thereof in other real and immovable property.

An Act to amend the Act for defining the limits of Counties and districts in Upper Canada.

An Act to incorporate the Huntingdon Plank Road Company,

An Act for the better establishment and maintenance of Common Schools in Upper Canada.

An Act to provide for the removal of the place of holding the Circuit Court of Lotbinière, and of the Registry Office of the said County, from the place where it is now held, to St. Croix.

The Bill for legalising certain marriages in Upper Canada, and to make provision for the solemnisation of matrimony in that province, was read a third time and passed.

The Great Western Railroad Bill was read a third time and passed.

HOUSE OF ASSEMBLY.

SATURDAY, May 23rd.

The House went into Committee on the amended bill for securing the peaceable elections of Councillors in the city of Montreal, and went through the bill. The bill was ordered to be engrossed.

The Committee on Railroads made their final report, containing an address to the Queen praying that she will not withhold her consent to the various bills passed this Session, which was adopted.

Mr. BOUTRON moved that counsel be heard at the bar on Thursday next, on the several bills relating to King's College.

Mr. MACDONALD of Kingston, asked the Ministry whether it was the intention of the Government to make any appropriation for the road from Kingston to the Ottawa, referred to in the speech from the throne on the opening of the last Session.

Mr. CAYLEY after some delay, stated that it was not the intention of the Government to make any appropriation.

Mr. MACDONALD then asked if they intended to lay before the House this Session, the report of the Surveyor in reference to that road.

No answer was returned to this question.

The first order of the day was, the order requiring the attendance of Messrs. Chauveau, Lantier and Lacoste, the two first named appeared and were excused, as Thursday last was a *fete d'obligation* in the Church at Rome.

The bill to repeal the School law of Lower Canada was re-committed, and the 30th clause amended by exempting Churches, Charitable Institutions, and Hospitals incorporated by Act of Parliament, from paying any tax for the support of Common Schools, on division of Yeas 38, Nays 5.—The Nays being Messrs. Draper, Smith, Papineau, Taschereau and Viger.

Mr. LANTIER then moved that the bill be again re-committed for the purpose of erasing the proviso to the 30th clause, and inserting in room thereof the following:—"Provided that unceded lands (that is to say, unceded lands in the possession of the seignors) in seigniors shall be free from assessment under this act."

Mr. TASCHEREAU was in favour of the principle, but he did not think that its working would be just, for it would tell hardly on those seigniors who had but a small quantity of land unceded, while those who had a large quantity would let be easily off.

Mr. DEBLEURY was in favour of the principle, and he would vote for it.

Mr. LATERRIERE spoke in French, we understood him to say that the principle was unjust.

Mr. PAPINEAU also spoke in French, and objected to the amendment.

The motion was then withdrawn, on a question of order, and was moved when the clause was brought before the House for concurrence and carried.

Mr. LAURIN moved that the 11th section of the 22nd clause be erased and another clause substituted.

"To cause to be levied by assessment and rate, in the manner hereinafter provided by this act, or by voluntary subscriptions in each Parish or township, a sum equal to that allowed of the Common School fund for each Parish or township and to report their proceedings in this respect to the superintendent and to enable the school commissioners to receive from the superintendent of education their share of the Common School fund, they shall furnish him with a declaration from the Secretary & Treasurer, that he has actually and *bona fide*, received and has in his possession for the purposes of this act, a sum equal to the said share accruing to such commissioners, and stating whether the same has been levied by assessment and rate or by voluntary subscriptions."

"Provided nevertheless, that if in any Parish or Township any school District or Districts shall refuse to contribute voluntarily to the amount of their respective portions, of the sum granted out of the public monies, arising from the Common School fund, such school District or Districts, may be assessed for the same, in the manner provided by this act, altho' the other school Districts in the same Parish or Township may not be liable to such assessment."

Mr. SARRA, objected to the amendment as it would interfere with the principle of the bill.

This was the only distinctive feature from the bill of last year, and it was then found to be totally inoperative. He conceived that it would inevitably lead to litigations.

Mr. VIGER addressed the House at some length in French objecting to the amendment.

Mr. PAPINEAU, would it not be far better to have one uniform system, instead of different systems throughout the country. It was found to be inoperative last session, and it would be far better not to adopt the principle again.

The motion was then lost on a division, Yeas, 6; Nays, 33.

Mr. CAUCHON moved that in the 20th clause the word "thirty" be struck out, and the word "twenty" inserted, which was passed.

Mr. METHOT moved that the 14th section of the 22nd clause be expunged, and the following inserted, "That any person may be exempted on account of indigence or such other cause, or fix a time for the payment thereof."

Mr. SMITH was opposed to it, as it struck at the root of the bill. To place such power in the hands of the Superintendent, is allowing him to levy the rate. It was a power that was not even placed in the hands of the Executive. He [Mr S] stated that he would add idiots or lunatics after indigent persons.

The motion was then withdrawn. Mr. CAUCHON moved that a proviso be added the end of section of the 22nd clause, to the effect that the commissioners may remove a school master, and that they must send a copy of their reasons to the superintendent of education.

The motion was lost.

ROUTINE BUSINESS.

FRIDAY, May 22, 1846.

The Library Committee reported. The Committee on the Bankrupt Laws bill, reported the same amended.

Mr. GOWAN moved that Committees be allowed to present reports in their places, without going to the Bar.—Carried.

Messrs. Chauveau, Roblin, Lacoste and Lantier were reported absent from the Oxford contested Election Committee.

A new Writ was ordered for Prince Edward in room of John P. Roblin, Esquire, who has accepted office.

The message of His Excellency on Quebec and Halifax Rail Road, was referred to Committee of the whole on Tuesday.

The petitions of R. F. Gourlay were ordered to be printed.

Also, the petition of L. E. Pacaud, Esquire.

The Committee on private bills reported the bill to incorporate the British and Canadian School Society of Quebec, without amendment—to be engrossed.

The message respecting the erection of a Lunatic Asylum at Toronto, was referred to Committee on supply.

The report of the Committee on the state of the Legislative and Judicial Records, was ordered to be printed.

Leave of absence was granted to Messrs. LeBoutillier and Brooks.

Mr. BALDWIN moved an address to be informed whether the Government had decided on the line of road on which the £2000 voted last year, for the road from Scougog Lake to the Narrows Bridge, is to be laid out.

The following bills were returned as passed by the Legislative Council.

To amend the Act Incorporating Montreal, and to provide for a settlement of claims to office in the Corporation.

To remove the District Court and Registry Office of Lotbiniere.

The following were passed with amendments. To amend the Act detaching the Island of Orleans from Montserrat.

To incorporate the Cobourg Manufacturing Company.

And the bill to amend the Act Incorporating Cornwall.

The following were passed by the Council, and the concurrence of this House requested, to reverse the attainder of Peter Matthews—second reading to-morrow.

Mr. PETRIE moved an address for the chart of the road from Cornwall to L'Original, and the reports of survey of Messrs. West and Keefer.

Mr. MACDONELL, of Dundas, moved that the House resolve itself into committee, to consider the expediency of repealing the act establishing a Court of Chancery in Upper Canada, which was carried on division.

YEAS.—Messrs. Cauchon, Chabot, Chauveau, Cummings, DeWitt, Drummond, Foster, Guillet, Hall, Jessup, Lantier, Leslie, McDonnell, (Glengarry,) McDonald, (Kingston,) McDonnell, (Dundas,) McDonnell, (Stormont,) McConnell, Methot, Monro, Nelson, Price, Sherwood, (Brockville,) Smith, (Frontenac,) Smith, (Wentworth,) Stewart, (Bytown,) Watts, Williams.—29.

NAYS.—Messrs. Baldwin, Berthelot, Boulton, Cayley, DeBleury, Draper, Duggan, Ermatinger, Gowan, LeMoine, Moffatt, Morin, Papineau, Petrie, Sherwood, (Toronto,) Smith, (Mississquoi,) Tache, Taschereau, Viger.—20.

The House went into committee accordingly. The consideration of Mr. Sherwood's motion of Tuesday last, for concurring in the address to Her Majesty respecting the Clergy Reserves—and of Mr. Lafontaine's amendment.

The amendment was agreed to.

Mr. GOWAN moved that the main motion be amended by expunging all after "that," and inserting the following: "An humble address be presented to His Excellency, representing the great expense and delays which have hitherto occurred in the sale and management of the Clergy Reserve Lands, and expressing the anxious desire of the House, that the said lands should be disposed of to such settlers as desire to become the purchasers thereof, at the fair and reasonable value, and at the least possible delay compatible with the equitable rights of the occupants, and the interest of the trust, and that in such sale and management, the lowest possible expense should be incurred."

Which was carried on division. YEAS.—Baldwin, Boutillier, Cauchon, Chabot, Chauveau, Christie, Cummings, Daly, Desautier, DeWitt, Drummond, Gowan, Guillet, Hall, Jessup, LaFontaine, LaTerrière, Leslie, Macdonald (Glengarry,) Macdonald (Kingston,) Macdonell (Stormont,) McConnell, Methot, Morin, Nelson, Papineau, Petrie, Price, Seymour, Smith (Frontenac,) Smith (Mississquoi,) Smith (Wentworth,) Stewart (Bytown,) Tache, Taschereau, Viger, Williams.—37.

NAYS.—Boulton, Cayley, DeBleury, Draper, Duggan, Ermatinger, Foster, McDonnell (Dundas,) Moffatt, Monro, Robison, Sherwood (Brockville,) Sherwood (Toronto,) Watts.—14.

Mr. SHERWOOD, of Toronto, moved that the address just adopted be amended by adding "not exceeding 6 per cent in the amount of sales or rents."

Which was lost, Yeas 19, Nays 31.

Mr. Secretary Daly presented the following returns to addresses—

Correspondence respecting the sale of St. Maurice Forges.

Information respecting expenditure in Lake St. Peter

The bill to amend the act establishing the Board of Works, was committed, progress reported, to sit again to-morrow.

Adjourned till 11 o'clock, a. m. to-morrow.

SATURDAY, 23rd May.

A Bill to Incorporate the British and Canadian School Society of the District of Quebec, was read the third time and passed.

Mr. LESLIE, from the Committee on the Bill to provide for voting by ballot in Municipal Elections in Montreal, reported the same, amended;

it was committed, reported without amendment and ordered to be engrossed.

Mr. Robinson, from the Committee on Railroad Bills, presented a Final Report and an Address to Her Majesty, praying for a re-consideration of that portion of the instructions relative to Railway Bills, which requires that 10 per cent of the Capital shall have been paid up, prior to any action on the Bill. The Report was adopted and the Address ordered to be engrossed.

The Message respecting the Arrears of Salary due Mr. Speaker Papineau, was referred to Committee of Supply.

Mr. Draper laid before the House certain returns and statements relative to King's College.—Ordered to be printed.

The amendments of the Legislative Council to the Bill relating to the Island of Orleans, and the Bill to extend the Great Western Railroad to Toronto, were concurred in.

Mr. McDonnell of Stormont, moved an Address for the report of the Board of Works, on which was founded the grant of last session for improving the Cornwall and L'Original Road.

Mr. Chauveau moved an Address for copies of all reports and correspondence between E. S. de Rotermund, formerly chemist to the Provincial Geological Department, and the said Department or the Government.—Ordered that Counsel be heard on the Bills relating to King's College, on Thursday next.

On motion of Mr. McDonald (Kingston) that part of the speech from the throne at the opening of last session, which relates to the construction of a road through the inland territory to the Ottawa, was read.

The Education Bill of Lower Canada, as amended on Monday last, was reported; and on the question for concurring in the amendments, Mr. Boutilier moved that the Bill be re-committed, which was carried.—Yeas, 35; Nays—Messrs Atty Gen Draper, Papineau, Atty Gen Smith, Sol Gen Taschereau, and Viger—5.

The Bill was accordingly re-committed and further amended.

Mr. Lantier moved an amendment to the 22d clause (relative to assessments) which was lost—Yeas, 6; Nays, 33.

Several further amendments were proposed and agreed to, and the Bill was ordered to be engrossed.

A Bill to provide for the licensing a certain class of persons as Pilots, was read a second time and ordered to be engrossed.

On the question for the second reading of the Bill for relief of Julien Vanزند,

Mr. McDonald (Dundas) moved that it be postponed for six months, which was carried.

The question for the second reading of the Bill to incorporate the Trustees of the Toronto Hospital was negatived.

At three o'clock, the House waited on His Excellency at the Bar of the Legislative Council Chamber, when His Excellency gave the Royal assent to several Bills.

The Bill to regulate Sheriffs' poundage was committed and amended. To be reported on Tuesday.

The Bill to incorporate *La Banque des Marchands* was ordered to be engrossed.

LEGISLATIVE COUNCIL.

TUESDAY, 26th May, 1846.

Hon. Mr. FERGULSON called the attention of the Receiver General to the petitions presented respecting railway travelling on the Sabbath. He wished to know if the Government had any intention of introducing a general measure.

Hon. REC. GENERAL replied that a general measure had been introduced into the lower House for the regulation of railways, but he did not know whether any restrictions were made as to travelling on the Sabbath.

The British and Canadian School bill was read a second time and referred to a select Committee.

The Bytown Incorporation Act was read a third time.—The House then adjourned.

HOUSE OF ASSEMBLY.

TUESDAY MORNING, May 26.

Mr. VIGER moved the third reading of the bill to make better provision for Elementary Education in Lower Canada.

Mr. MOFFATT moved a rider to enable dissentients, being the majority in any School District, and having possession of the School House, to retain the same so long as they have the number of scholars required by law, and that the amount of money contributed by such dissentients should be paid to the Trustees of such schools, together with their proportion of the Building Fund.

Mr. Attorney General SMITH opposed the motion as interfering with the very principle of the bill—joint contribution for educational purposes. It would enable the rich to become dissentients, and to take possession of their own contributions, and thus deprive the poor of the benefit which the common School system was intended to give that of numerical participation in a common fund.

Mr. WILLIAMS was in favour of the motion, because he considered that if the dissentients were the majority, they were no longer dissentients, but transferred that character to the minority.

Mr. PETRIE said there was a misunderstanding of the meaning of the clause; why allow dissentients, if they were not allowed the privileges of dissent?

Mr. PAPINEAU opposed the motion. On a division it was carried. Ayes, 23; Nays, 22.

Quebec and Halifax Railroad.

Atty. Gen. SMITH rose to propose the 1st part of the series of resolutions on the subject of the Quebec and Halifax Rail Road. He said that this was a scheme which had been a long time before the public, and therefore the members would be acquainted with both the merits and demerits of the scheme; that it was important that there should be a route to the sea at all times of the year, without depending on another country was clear; if such a route was not constructed, we would have to depend on a foreign power for our access to the sea during one-half of the year; and in case of war, would be altogether cut off; that such an object was desirable he thought there could be no doubt, and as the first resolution embodied simply a statement of the fact, he would now move it. It was seconded by Mr. DeBleury.

1. Resolved.—That this House is fully sensible of the value and importance in a political point of view, of improving the Inland Route between Quebec and Halifax, by the construction of a Rail-road, thereby shortening the time within which communications can take place between this Province and the Mother Country, and facilitating the defence of the British Possessions, on this Continent, in the event of a War.

It was carried unanimously. Mr. SMITH then moved 2nd by Mr. DeBleury, the 2nd Resolution viz.

2. Resolved.—That in the opinion of this House, a Survey and Estimate should be made for the purpose of ascertaining the best Route for, and the cost of constructing such Rail-road from Quebec to the Southeastern Boundary, of this Province, to unite with a Rail-road to be constructed onwards to Halifax, and that a Report should also be obtained of the nature of the Country, through which the first mentioned Rail-road will pass—the Population, Resources, Trade and other statistical information, as will enable this House to judge of the Commercial value and importance of the projected improvement, and to decide on the extent to which it may be for the interest of this Province, to co-operate with the Imperial Government and the Sister Colonies, in encouraging and assisting the completion of this undertaking.

He would now advert to the question of pledging the House to any course. He thought that it would be premature to pledge the House to carry out any project, which it might hereafter turn out to be impracticable; that the project now before us was desirable, he had already said, there could be no doubt, if it was possible to be carried; and he believed it would also be for the interests of the country.

Mr. CHAUVEAU addressed the House in French, urging the necessity of a more distinct pledge to carry out the route, provided there was a favourable report.

Mr. SMITH in answer to Mr. C. said that this was not to be considered a pledge, but it might be taken as indicative of the intention of the Government.

Mr. ROBINSON thought that it would be unreasonable to expect this House to pledge itself to the construction of the work before it was found to be practicable or before the cost was ascertained; how would this House feel if they were to carry it out and the cost amounted to £10,000,000 instead of £3,000,000. He thought that the road was expedient, but it was well known that every thing that was expedient was not practicable.

Mr. CHAUVEAU.—If the Government have any reserve, they will do ten times more harm to the undertaking than if they had never broached the subject.

Mr. ERMATINGER wanted to know why this House was to be pledged to this work; if we had an inexhaustible Treasury we might favour it, but when our treasury is dry, and when we are already plunged far enough in debt, he thought that it was madness to countenance such an insane project; he thought that it was far better to stop on the threshold, for if after the survey it may be at all practicable, this House will consider itself in a manner pledged to carry it on to a termination. He would ask if the Imperial Government encouraged in any way the project, no! they did what we ought to do. There are no statistics before us that it will pay, nor is it known what it would cost, he would tell the House that it would cost at least £10,000 per mile, and it must be if carried out 1,200 miles long, that was £12,000,000, in the United States it cost from £4,000 to 5,000 per mile. The House ought to reflect on such insane projects, and not plunge head long into them.

Mr. CHALMERS was in favour of the resolution the only question then before the House was, whether they should have the expense of the survey, he for one would willingly do so.

Mr. MORIN.—Spoke in French in favour of the resolutions.

Mr. MOFFATT, thought that it was couched in language that would not have induced any remarks. The Railroad was certainly most desirable but what was desirable was not always attainable, and he thought that no premature pledge ought to be given.

Mr. DRAPER, thought from the way in which the resolution had been framed, there could have been no doubt of the intentions and opinions of the framer. He thought it was not enough to know that it was desirable but that it would be of a commercial value, as well as of political importance; instead of the Home Government discouraging the project as has been said, they have sent out instructions that the military engineers should be employed; and so that we shall only have to bear the expenses attendant on their survey, without remunerating the engineers. He thought that this was conveying a tacit pledge, that if it was found practicable it should be carried out.

The resolution was then carried unanimously.

The third resolution as follows, was then moved and passed viz :

3. *Resolved*.—That an humble Address be presented to His Excellency, the Governor General, praying that his Excellency will be pleased to take the necessary measures to procure such Survey, Estimate, Report and information, assuring His Excellency that this House will make good the expense attending the same.

Hon. Messrs. Morin, DeBligny and Smith were appointed a Committee to draft an address.

The Speaker then by the desire of the House left the Chair till half past three.

Board of Works Act.

Upon the question of the adoption of the 8th clause being put.

Mr. DRUMMOND said, he thought the bill must have been drawn up by some one wholly ignorant of the laws of Lower Canada; he did not mean to reproach the Ministry generally but he thought those of them who belonged to the Eastern Section of the Province should have condescended to inform themselves whether or not the bill was in any way inconsistent with the civil law of which they were supposed to be the competent guardians. As the 8th clause then stood there was no security for parties who might hold mortgages on the lands that would pass into the hands of the Board of Works, there was no protection for the rights of Seigneurs, those of Churches, or any hypothecary rights whatever; a party might even sell land that did not belong to him and the rightful one would have no recourse against the Board. He (Mr. D.) thought the bill generally so defective, so ill digested, that he would recommend the Ministry to refer it to a special Committee; if they did not do so he would move the Committee to rise.

Atty. Gen. SMITH contended that monies could be seized in the hands of the Commissioners, and said the present bill differed from that of 1841 only as regarded the power of suing the Board. Under the new organization, the Board could not be sued; he thought it was no principle to place such a body as the Board of Works in the same position as a private individual, and led, as the hon. member for Portneuf well knew, to a great deal of money being unjustly exacted from the Board by means of suits of law; he did not mean to impugn the judgments of the Court which compelled the payment of these monies—they were, of course, founded upon evidence.

After some further discussion, in the course of which Mr. Drummond reiterated his objections, Mr. Cayley agreed to reserve the 8th clause for the next sitting of the committee.

On the 14th clause being read which enacts, that previous to any application for the appropriation of public money for any improvement, proper surveys shall be made at the expense of the parties applying;

Mr. LAFONTAINE objected to this clause, and did not see any reason why these surveys ought not to be done by the Commissioners.

Mr. DRAPER.—This clause is to prevent the Province being put to expense by applications for mere local improvements.

Mr. DRUMMOND considered that this clause would be an injustice to Lower Canada, as very few public improvements have heretofore been carried on in that part of the Province, and now the expense of the surveys are to be born by private individuals.

Mr. CAYLEY added this proviso, that all reasonable expenses will be refunded to the parties making these surveys, if the Legislature make an appropriation for the work.

The clause as amended was carried. On the 22nd clause being read, which enacts that

three arbitrators shall be appointed for Upper Canada and three for Lower Canada, to value all property taken for public works, and all damages done by these works.

Mr. DRUMMOND considered this to be the most important clause in the bill, and it was certainly a most extraordinary one. It creates a species of Court, a nondescript tribunal, and the word arbitrators is only used for the purpose of throwing dust into the eyes of the people. These arbitrators will be the paid servants of the Commissioners; and the continuance in their situation will depend upon giving satisfaction to the Commissioners; under the Civil Law, servants could not be heard on behalf of their masters. He considered that these arbitrators would not do justice to the people whose properties were taken. The present permanent arbitrators have not given satisfaction. He would affirm that if this clause is carried, it will be such an act of spoliation as has never been passed in any country. He proposed an amendment to the effect, that each party should be allowed to appoint an arbitrator, and these to appoint the third in case of a difference of opinion, and that the Commissioners should, before taking any land, offer what they consider the value of it; and if the arbitrators do not allow more than this sum, the costs of the arbitration to be paid by the person applying for it.

Mr. ROBINSON and Mr. McDONALD of Cornwall stated that this system had been adopted when the Welland Canal was constructed, and that it had worked well, the awards made by these arbitrators had been generally satisfactory.

Mr. McDONALD of Dundas protested against this clause, and stated that there could be no arbitration when the arbitrators are not appointed by the free choice of the parties. The people would not be satisfied with the awards of these arbitrators. Mr. William Freeland had been appointed on behalf of the Government as such an arbitrator, to value the damages on the Dundas Canal, and there has been great dissatisfaction expressed by the people on account of the amounts that he has awarded them; they consider that he has been too favourable to the Government.

Mr. GOWAN, Mr. Freeland's integrity in private life is well known, and though he (Mr. F) was a political opponent of him (Mr. Gowan) yet he must bear testimony to Mr. Freeland's intimate knowledge of all subjects connected with agriculture, and that he considered him to be the most proper person to decide on the amount of the damage that had been referred to. The principle of naming arbitrators either in the bill or by the government had been acted upon in Upper Canada; with respect to almost every public work. He mentioned the turnpike road from Brockville to Perth, as an instance of this. The persons in the neighbourhood of the place where the works are going on, are the last individuals who ought to be called upon to estimate the damage done by these works, as they are all more or less interested; and there is always a feeling to estimate the damages at a higher rate, when the Government have to pay these damages, than if it was a private individual who had to pay them.

Mr. HALL considered that when we trust our lives and property to our neighbours, we need not be afraid to allow them to estimate these damages.

Mr. SHEERWOOD, in almost all cases the damages given are too great, and therefore the expense of constructing public works is considerably increased.

Mr. McDONALD, of Glengary, thought that the general feeling of the country would be

against this clause, for these arbitrators would act in such a way that they might have further claims to promotion from the powers that be, and though this clause allows an appeal to the Court of Queen's Bench, yet we know that the Judges always lean to the side of the Government.

Mr. DRAPER, this is not a new principle, but it has been adopted in Upper Canada, with respect to a number of public works, and has always given general satisfaction. The administration had no personal interest in the matter, they only wish to protect the public treasury; from the extravagant awards that are often given by arbitrators. He mentioned several instances of these awards, such as giving £10 for an apple tree, and £5 for a thorn bush, and as much for an old house as would have bought the fee simple of the whole farm. There is a natural leaning when the arbitrators are chosen from the neighbourhood, on behalf of their neighbours; they say we give £200 or £300 more than the amount of the damage to our neighbour, and it would do him a great deal of good, and do the Government very little harm. They forget that they will have to pay their share out of the taxes. The decision of these arbitrators is not to be final, but there is allowed a right to appeal from their awards to the Court of Queen's Bench. There will be a great advantage in having a settled body of this kind, so that they will become acquainted with their duties, and be enabled to perform them more satisfactorily to individuals and to the Government.

The amendment was then put and carried, Yeas 24, Nays 23.

Mr. McDONALD, of Dundas, Watts, & Robinson, voted for the amendment.

The committee then divided on the main motion as amended, Yeas 25, Nays 23.

Militia Bill.

House in Committee on report of Select Committee on Militia Bill.

Mr. DRAPER, said that this bill had been so long before the House and the Committee, that its details must be well known to hon. members, consequently he would not enter into any explanations now but would point out some alterations which he proposed to make when they came to them.

Mr. GOWAN had strong objections to the clause which made it necessary for Officers of Militia to live within the regimental limits. Some of the most effective Officers were denizens of the towns and by this bill they would be absolutely deprived of their commissions.

Mr. MACDONALD of Stormont thought it most important that such a rule should be established. The Captains at least should reside within the limits of their regiments.

Mr. SMITH of Frontenac said that was one of the best clauses in the bill, and he could assure the hon. member for Leeds that great dissatisfaction was caused by Officers not living within the regimental limits. And he would tell the hon. gentleman of a regiment that he was well acquainted with, the third regiment of Frontenac, which was officered entirely by young gentlemen of Kingston, while there were plenty of Farmers sons who were quite as capable of performing their duties and felt disappointed at not receiving commissions.

Dr. NELSON was very much pleased with the observations of the hon. gentleman who had just taken his seat. He had lived long in the country, and he could assure hon. gentlemen that the greatest abuse, he would say more the greatest insult that could be offered to the inhabitants of the country, was to give commis-

sions to gentlemen who did not live within the regimental limits. As the hon. member for Frontenac had said there were numbers of Farmers Sons who were worthy of commissions, it was true they were not great gentlemen, but they were the men who had influence in the country and enjoyed the confidence of their neighbours, as would be found in the time of need. He would direct the attention of hon. gentlemen to what had happened in 1812 when four small parishes turned out nine hundred and sixty fighting men. They did not go then to the towns to look for Officers, whom the people did not know. No they turned out with Officers in whom they had confidence, and the effect of it was this, there was no necessity for coercion, no necessity for sending round the bailiff, they looked upon it as the greatest happiness to defend their country from a foreign foe and they did it manfully. It was not those who like the hero of Hudibras, ran away and lived to fight another day, who enjoyed the confidence of their neighbours and would be most readily followed to the field, and as it was impossible to say how soon Canadians may be called on to defend their homes, it was important to have Officers commissioned in whom confidence could be placed. And he would here remark that no invidious distinctions should be made in giving out these commissions for those who were the most strenuous in defending their political rights at home were the most ardent in defending their homes from foreign aggression when they had something to fight for.

Mr. McDONALD, of Cornwall, said that this is in reality the bill of the session, and he did not think it should be proceeded with at such a late hour of the night; he would, therefore, move that the committee rise, report progress, and adjourn.

Motion lost.

Mr. SMITH, of Frontenac, did not apprehend any great injury to the service, if by the operation of that clause some of the officers who now held commissions were laid on the shelf. It would be a benefit rather than an injury.—He hoped, however, that some discretion would be exercised in future in choosing officers for promotion, as it was well known that many were promoted at once from subaltern to Lieut. Colonel, as for instance his hon. friend from Glengarry. If such a promotion had been made in his (Mr. S.'s) regiment, in which he had the honour to be captain, he would, without throwing any aspersions on the gallantry or martial qualities of his hon. friend, have resigned his commission at once.

Mr. MACDONALD, of Glengarry, said that the hon. member for Frontenac had singled him out, as he must suppose, in order to make him appear contemptible. He would tell that hon. gentleman that his promotion had received the sanction of all those whom he was appointed to command.

Mr. MACDONNELL, of Dundas, thought that if there were officers in the Militia whom it would be advisable to lay on the shelf, that remark could only apply to the Midland District, and so far it might be true, but he would tell him that in the Eastern District the regiments were commanded by gentlemen, whom the people would follow to death. They were soldiers who had seen service, and of whom the hon. member for Stormont might be taken as an example. With regard to the hon. member for Glengarry, he did not stand up to defend him, as he was able to do that himself, but he would remark that the commission of Colonel was not conferred on him because he had smelt so much powder burnt (hear, hear) in his military days, but on account of his station.—

A new regiment was raised, and he, as the representative of the county, was considered the most fitting person to whom the command could be offered; and he could bear testimony, being his hon. friend's Major, (hear, hear) to the warm reception that he received from the regiment.

After going through the first twenty-five clauses, the committee rose, and the House adjourned until 11, A. M., to-morrow.

ROUTINE BUSINESS.

TUESDAY, May 26, 1846.

A bill to make better provision for education in Lower Canada, was read the third time.

Mr. Moffatt moved that the following be added to the 27th clause: "Provided always that whenever the majority of the children attending any school, now in operation, and the school house shall belong to, or be occupied by such dissentients, the said school house shall continue to be occupied by them so long as the number of children taught in such school shall amount to the number required by this act, to form a school district, and the entire amount of monies raised by assessment on such dissentients shall be paid to the trustees of such school, together with a due proportion of the building fund."

On which the Yeas and Nays were taken:

YEAS.—Messrs. Berthelot, Boatiller, Chalmers, Christie, DeBligny, Duggan, Ermatinger, Foster, Go van, Jessup, Lanier, Leslie, Macdonell (Stormont), McConnell, Moffatt, Pettit, Robinson, Seymour, Smith (Frontenac), Smith (Westworth), Stewart (Bytown), Watts, Williams.—23.

NAYS.—Messrs. Armstrong, Baldwin, Cayley, Chauveau, Daly, De Vab, Dickson, Drummond, Guilet, Lacoste, LaFontaine, LaFertière, Laurin, LeMoine, Méhu, Moine, Papineau, Rousseau, Scott, Smith (Missisquoi), Taschereau, Viger.—22.

And the bill was passed.

Bills read the third time and passed:

To incorporate *La Banque des Marchands*.

To extend the provisions of the Laws relative to the Turnpikes in the neighbourhood of Montreal.

To authorise the Quebec Trinity House to license certain persons as pilots. And the Bill

To make better provisions for the election of Councillors and Assessors in the City of Montreal. Several petitions were read and referred to Special Committees.

Mr. Christie presented a report from the Committee on the Bill relative to municipalities in Gaspe.

Also, a Report and Bill to facilitate the commutation of Seigniorial Tenures of Lands. Report ordered to be printed, and Bill for a second reading this day three weeks.

Mr. Pree was added to the Committee on the petitions against Judge Acler.

Mr. Attorney General, seconded by Mr. DeBligny, moved the following Resolutions, which were adopted, viz:—

1. *Resolved*,—That this House is fully sensible of the value and importance in a political point of view, of improving the Inland Route between Quebec and Halifax, by the construction of a Railroad, thereby shortening the time within which communications can take place between this Province and the Mother Country, and facilitating the defence of the British Possessions, on this Continent in the event of a War.

2. *Resolved*,—That in the opinion of this House, Survey and Estimate should be made for the purpose of ascertaining the best Route for, and the cost of constructing such Railroad from Quebec to the Southeastern Boundary of this Province, to unite with a Railroad to be constructed onwards to Halifax, and that a Report should also be obtained of the nature of the Country, through which the first mentioned Railroad will pass—the Population, Resources, Trade and other statistical information, as will enable this House to judge of the Commercial value and importance of the projected improvement, and to decide on the extent to which it may be for the interest of this Province, to co-operate with the Imperial Government and the Sister Colonies, in encouraging and assisting, the completion of this undertaking.

3. *Resolved*,—That an humble Address be pre-

sent to His Excellency, the Governor General, praying that His Excellency will be pleased to take the necessary measures to procure such Survey, Estimate, Report and information, assuring His Excellency that this House will make good the expense attending the same.

A select committee was appointed to draft an address pursuant to the foregoing resolutions.

The amendments of the Council to the Bill to repeal the ordinances respecting winter roads, so far as they relate to Quebec, Gaspe and Port Neuf—to the bill for the relief of the Presbyterian Synod—and to the bill incorporating Cornwall, were severally concurred in.

Mr. Baldwin moved that it be an instruction to the committee of the whole on the Board of Works Bill, so to amend schedule B, 4, as to protect those from paying double toll, who having paid for one use of the road, may be unable to make their return trip within 24 hours of their first passing, such power not to affect present leases.

Mr. Moffatt moved in amendment, that the following be added, "or to provide a reasonable toll going and returning," which was carried.

The motion as amended was then passed.

The bill to revise and amend the Coburg Rail Road Act, and the bill to incorporate Bytown were returned from the Council with amendments.

The bill to regulate Sheriff's Pounds, as amended on Saturday, was agreed to, and ordered to be engrossed.

The Bill to regulate the Board of Works, was again committed—progress reported—to sit again to-morrow.

The House in committee on the Militia Bill—Progress reported—to sit again to-morrow.

Adjourned.

LEGISLATIVE COUNCIL.

WEDNESDAY, May 27.

The Elementary Education bill for Lower Canada was read a second time, and referred to a select Committee.

The Montreal Election bill was read a second time and referred to a select Committee.

The Pilots License bill was read a second time and referred to a select Committee.

The Montreal Turnpike bill was read a second time.

Hon. Mr. MCGILL.—This bill was a very good one, it was to extend the powers of the trust. The bill authorised the borrowing the further sum of £27,000 to be paid out of the income of the road. The Province was not responsible for the payment of this loan.

Hon. Mr. FERRIE thought that they would have no difficulty in the borrowing of the money, as the income exceeded the expense of management, interest &c., by the sum of £2,500, thus shewing that they were in a very flourishing state.

The bill was then referred to a select Committee.

Hon. Mr. FERGUSON held in his hand a report from the Superintendent of Education for Lower Canada, and he must say that it was a very valuable document, but the Superintendent of education for Upper Canada, has been receiving a large salary for a number of years, and we have not yet received a report from him. Last year when he asked that question, he was told that he was too early, but this Session had nearly come to a close, and he supposed he was not now too early. This Superintendent had been travelling over the greater part of the continent of Europe—at nobody's expense he supposed—and it was expected that a very learned document would be laid before us, but he would say that he would far sooner see a report like that from Lower Canada, than any document that could be produced founded on the gentleman's travels. The appointment of this person was one of the earliest instances of the opinion held by the present Ministry of constitutional Go-

vernment, who was notoriously without any Parliamentary influence.

Hon. W. MORRIS supposed that the intention of the speech was to ask if there was a report.

Hon. Mr. FERGUSON.—No! Why is there not a report.

Hon. W. MORRIS would answer it to-morrow. The House then adjourned during pleasure.

HOUSE OF ASSEMBLY.

WEDNESDAY—MORNING SITTING.

Mr. DRUMMOND enquired of the ministry if it was their intention to grant any salary to the Commissioner of Bankrupts for the District of Three Rivers.

Att. Gen. SMITH replied that it was not their intention to grant any salary, but said there had been some hard-ships in the case of Mr. Pacaud, and when the Bankrupt bill comes under discussion, some relief may perhaps be devised for him.

The House went into committee on supply, and Mr. Cayley proposed the following resolution. See routine business.

Mr. MORIN contended at some length, in the French language, that the funds arising from the Jesuit Estates ought to be applied to Education conducted under the Auspices of the Catholic clergy. He pointed out that the Jesuit estates had been given for the support of Catholic teachers, and that even the argument that they had been given by the Government of the day for the advantage of the Province, and ought therefore to be applied for the general advantage thereof, could not hold good because a considerable portion of the lands had been given not by the government, but by individuals. He remarked that though it was desired that the Catholic part of the population should have the control of this property, there was no reason whatever, to imagine that Protestants would be excluded from a participation in the advantages derived from them. The past history of the educational Establishments in Lower Canada he said, sufficiently showed that there was no reason to fear any exclusiveness. All sects were admitted to the classes without distinction or constraints upon their peculiar sentiments, and it was known that many protestants were proud of having received their education in the Colleges. Such he contended would be the case in the Colleges which would be established with this property.

The hon. gentleman concluded by moving an amendment having for its object the declaration that these estates should be invested in the Catholic Church.

Mr. VIGER spoke for some time in French in favour of the ministerial plan.

Mr. CAYLEY wished, with the leave of the House to substitute another resolution for the one which he had laid on the table, the change being that instead of saying "now vested in the crown," to say "now vested in the Legislature for educational purposes." He said that he did not intend to take any prominent part in this debate, as he believed it would be ably treated by others in the House who were better acquainted with the subject than he was. One remark however he would make, and that was that he could not see on what the hon. member who had moved the amendment, had taken his position, if on the intention of the donors, then it ought to be remembered that the Province was then one and that the Roman Catholics of Lower Canada ought to be included, if on the act of 1832 that he saw by a subsequent part of the act that part of it was granted for the support of Grammar Schools of Quebec and Montreal, thus

showing that it was the intention of the Government to bestow it on other denominations.—He said that he calculated that the revenue from it would be for this year about £5,500, of which £4,250 were derived from the estates, and £1,250 from other funds leaving the sum of £20,000 not invested which sum was however intended to be invested within two weeks of the revenue for this year two thirds was given to Roman Catholics, and the other one third to other denominations; this arrangement was not to be considered as a final one but only for the year 1846.

Mr. MORIN, stated that he did not intend to withdraw his amendment, but would leave it as a amendment to the resolution now laid on the table.

Mr. LAFONTAINE, spoke in French in support of the amendment proposed by Mr. Morin.

Mr. VIGER made a few remarks in French in reply to Mr. Lafontaine.

The committee then rose and the speaker left the Chair till half past 3 P. M.

WEDNESDAY, May 27, 1846.

Mr. DRUMMOND, regretted that circumstances prevented him from looking into this question more closely, but he thought he might be excused for not being prepared to discuss it as he could wish, when an hon. gentleman on the Treasury Benches who had formerly taken a very active part in the discussion of this question, a question so important to the people of Lower Canada, and to the Church which they both belonged, had declined doing so, on the plea that he was not prepared. Nevertheless he (Mr. D.) would perform his duty as ably as he could. The fact was that he had been absent from the House for seven or eight days, and during this absence, these estimates were submitted to the House, however he was not altogether ignorant of the history of these Jesuits Estates, which the resolutions now before the House, intended to affect. He would then call on hon. gentlemen to consider what was the purpose for which these Estates were employed previous to the conquest of this Colony, how they were affected by that conquest, and by the act of 1832. Now the Jesuits were sent to this Colony by the Crown of France for the purpose of instructing the Colonists and to effect the conversion of the Indians, and in order to carry out these objects it was thought necessary to endow them with certain lands, not for their own benefit, because by the rules of their order, the Jesuits, could not hold property but for the objects he had already mentioned, the conversion of the Indians, and the education of the Colonists. But that was not all, if hon. members would look into this matter they would find that these Estates were acquired in three different modes. First by grants of the Crown for the purposes already mentioned. Secondly, grants made by pious individuals for the the same purposes, and thirdly by purchase, property acquired in that manner being held under the rule of the order for educational purposes. It would thus be seen that the Jesuits held a great amount of property when this Colony was conquered by the arms of England. [Hear, hear, hear.] What followed that event? When Quebec was taken, articles of capitulation were signed, which conceded to the Church of Canada the full enjoyments of their rights, and not only that, but acknowledged its right to the property it then held, and the capitulation signed at Montreal was even more explicit on that head; it was true that one article was reserved, but subsequently all doubt was removed. He would maintain that it was unnecessary to make such stipulations in the articles of capi-

tulation, as by the laws of nations, the right of conquest did not extend to the properties of individuals or corporations, but solely to the property appertaining to the Crown. Did these estates belong to the Crown of France? He contended they did not. The King of France had made a surrender of it for certain purposes, appointing the Jesuits as the holders or trustees. Therefore it would have been an act of spoliation to wrest that property from them, but no attempt of the kind was made, for to the honor of the English Crown, it protected the people of Lower Canada in the full enjoyment of all their rights, and until the year 1800, in fact as long as a single Jesuit remained not a single sixpence of the estates of that order was touched by the Government. It was clear then to every one, that at that time it was admitted this property was legally held by the Jesuits. But it was said that the Jesuits having been suppressed by an order signed from Rome, they could not continue to hold property in England, in Ireland, and in other countries, even after the issue of the brief for their suppression. But leaving that aside, he would ask how could it be shewn that that property vested to the crown on the suppression of the order? The King of France had made a surrender of those estates for the benefit of the Catholic Church, appointing the Jesuits as the holders, and would any one say the condition of that gift was not fulfilled? Certainly not, every one must admit that the conduct of the Jesuits in this colony formed one of the brightest pages in their history. And it would be found that one order in that brief directed the estates in the possession of the Jesuits, should be appropriated for the benefit of the Church as might best suit the circumstances of the case, and the intentions of the donors. Now he would ask in what manner could those estates be appropriated, in order to fulfil the wishes of the donors? The answer could be very easily found, for not only from all the conditions under which they were granted, but by the titles under which they were originally granted, every one must admit that they were set apart for the benefit of the Catholic communities in this Province. It was however, asserted, that by the Act of 1832 of the Lower Canada Assembly, the destination of those estates as originally pointed out, was set aside. He contended that such was not the effect of that Act, as any hon. member would see who gave the subject any attention. If that brief had been issued whilst the colony was still under the Government of France, the King of France, according to the laws of that country would, as the donor have taken these estates into his controul, although their original destination could not be changed, the conditions of the gift being performed, but according to the principles of the British constitution, the Legislature and not the Sovereign became the administrators of those estates, their object could not be changed, and they remained, according to the original terms of the grant, under the administration of the Legislature for the benefit of the Catholic communities of Lower Canada. (Hear, hear.) It therefore became the bounden duty of the Canadians to be the *gerants*, as they always were of those Estates. Hon. gentlemen who supported the resolution before the House said that in future those Estates shall be devoted to educational purposes. Did they mean by that, that the act of 1832 diverted them from their original destination? Or was there any thing in that act that in the slightest degree affected the original grant? He could see nothing in it, that could warrant such an

assertion. He could see nothing in that it changed the destination of those Estates, which as well before as after the conquest, were looked upon by all as intended exclusively for the benefit of the Catholic population of the Colony. But even assuming that it could be contended that the Province generally was entitled to a share in these benefits, he would ask hon. members representing Lower Canadian constituencies of a different religion from that which he professed—he regretted being obliged to mention any differences in religious opinion, but he merely put the question as a lawyer and a legislator—he would ask them, were they satisfied with the mode in which it was proposed to deal with this question? Were they satisfied that the charges made for educational purposes, charged hitherto on the consolidated Revenue, as in U. C., should be struck off and the Jesuits Estates employed for that purpose? He looked on it as a mere deceit to induce the people of Lower Canada to believe that the charges for educational purposes were made on the public revenue, when in reality they were made on private estates. And yet the Government coming down with a proposition to make an equal distribution between both sections of the Province, gave the Lower Canadians, in reality a sum for that purpose out of the funds of the Jesuit Estates. And even admitting that all denominations had an equal right to share in these estates, his own opinion was that they had not, it must be admitted the proposed division was most unfair. He believed that the Catholic population of Lower Canada was in proportion to the other denominations, as six to one, and yet if his estimate was correct it was proposed to give to the Protestants £1,799, and to the Catholics only £3,201, out of the funds of these Jesuit Estates, under these circumstances he felt bound to oppose the resolutions.

Attorney General SMITH said it was assumed by hon. members who supported the amendment that the question of the Jesuits Estates as it originally stood was still open, whereas it was finally settled by the act of 1832, passed by the Parliament of Lower Canada. The only question to be then considered was had the Ministry departed in any way from the intentions of the law of 1842, in the appropriations they had made; he thought it was only necessary to refer to the act to see that they had acted in strict conformity with its meaning and provisions; it would be seen that by the statute itself appropriations were made to Protestant institutions, two Grammar Schools, which shewed that the object of the Parliament was to devote the lands to education generally. With regard to the original grants by the Crown of France he thought they were more of an absolute than a specific nature, they were not what lawyers understood by grants in trust; and he thought there was nothing in them to warrant the conclusion that they were intended for education according to the Catholic faith exclusively (hear, hear.) But that question, as well as the right of the Crown arising from the Conquest, had been set at rest by the act of 1832 and ought not again to be ripped up, and it was only by a direct repeal of that act that any other mode of appropriation than that adopted by the Government could be considered.

Mr. LAFONTAINE said that before the Union, all the items for educational purposes were charged on the revenue in Lower Canada, and similar charges were made on the revenue in Upper Canada, and that system prevailed until the present day, when it was proposed to make an alteration as respects Lower Canada, but to leave Upper Canada in its old position. Was that just or right? And those funds that the

Government wished to appropriate in that manner, did they belong to the Province? No, but so Lower Canada exclusively, and for the greater part were produced by grants from private individuals. For the last twenty years these charges have been borne by the revenue in both sections of the Province, and the Government now wished to make an alteration prejudicial to Lower Canada. When the question of the Administration of justice was brought on the other day, what argument was used except the single one that they desired to place the Province on an equal footing in every respect? There was some kind of pretext for that charge, and what did the Lower Canadians now ask but that the two sections of the Province should be put on the same footing in this respect; that the items for education should be equally charged on the revenue? (Hear, hear.) What became then of the argument of the other day? Were the Lower Canadian—he did not speak of the Roman Catholic portion of the community alone, but of the whole—were they to be treated in this outrageous manner constantly? He called on the hon. members from Upper Canada to remember the wish they had expressed to see both parts of the Province put on the same footing and not to give their sanction to these resolutions, which had a contrary effect. There was nothing new in what he asked, nothing that had not been already sanctioned. He asked merely that the same measure which was granted to Upper Canada should be granted to Lower Canada also, and if the Revenue could not bear these charges, let them be struck off equally on both sides. If that resolution was carried, he knew well what would be the next demand and wish the present mode of proceeding he did not feel secure of his own Estate.

Mr. CAYLEY would ask hon. members who are in favour of the amendment upon what principle they excluded the Roman Catholics of Upper Canada from a participation in these funds?

Mr. LAFONTAINE.—The resolution is the best answer to that question, for it excludes both the Protestants and Roman Catholics of Upper Canada.

Mr. CAYLEY was perfectly satisfied with the answer. The hon. gentlemen opposite seem to be willing to let the Roman Catholics of Upper Canada take care of themselves. In the estimates for the present year, the appropriation for charities in Lower Canada amount to £11,000, to charities in Upper Canada, £4,000. The grants for education in Upper Canada amount to £2000, and this may be said to be paid out of the Marriage License fund; for most of this fund is paid by the people, of Upper Canada. The interest of these estates has been allowed to accumulate, while the appropriations for these Colleges and Schools of Lower Canada have been taken out of the general revenue of the Province.

Mr. ERMATINGER.—The hon. member for the county of Quebec has appealed to the members from Canada West to vote on this question with the majority of Lower Canada. He repudiated such a principle and would vote on every question according to its own merits. (Hear, hear.) He did not come here to do injustice to Lower Canada or any other part of the Province. It has been stated that the University question is similar to the present one; he (Mr. E.) did not think so, for King's College is not an exclusive institution, all denominations may receive the benefits of this College. It is more like the Clergy Reserves. And the country in this case did not consider that these lands belonged to one Church. He

(Mr. E.) considered that these Estates ought to be appropriated to general education.

Solicitor General SIMMONS.—Had listened with pleasure to the debate on this question, for from the statements that had been made and the documents he had read, he had been able to form a more correct judgment of the merits of this subject. The proposition before the House is, how the proceeds arising from these estates, which had been given at the time of the early settlement of the country for the education of the people and the proselytising of the Indians; but which in consequence of the order of Jesuits having become extinct in 1800 had escheated to the Crown, should be appropriated. He (Mr. S.) read an extract from the report of a Committee of the House of Assembly of Lower Canada in 1824, in which the opinion of the Crown Officers with respect to these estates, is given. Upon this report the House passed an address to His Majesty praying that these lands might be appropriated for the purposes of general education, a different purpose from which they were originally granted. In consequence of a despatch from the Colonial Secretary—the Legislature of Lower Canada passed an act in 1832 appropriating these Estates to general education and in this very act a portion of these funds was given to Protestant Institutions. [Hear, hear, hear.]—He (Mr. S.) had read over attentively all the documents connected with his question, and in no part of them could he discover that these estates had been claimed for Catholic education merely; under these circumstances he could not doubt that the proposition of the Administration was correct. He (Mr. S.) thought the Government would have acted wrong if they had endeavoured to appropriate the proceeds of the estates for education in Upper Canada, as it was evident from the Act of 1832, that this was a special Lower Canada fund. But if the original intention of the donors were to be carried out, the people of the whole Province were entitled to receive benefit from it, as it was given for the proselytising of the Indians who resided from one end of the Province to the other, as far as Sault St. Marie. The hon. gentlemen opposite are acting very inconsistently; they desire to give the management of these estates into the hands of their own church, when a few days ago, they unanimously refused to allow the members of the Church of England to manage their own part of the Clergy Reserves, property which clearly belonged to them, while these estates do not belong to the Roman Catholic Church. This is an inconsistency in legislation that he could not comprehend; it was making fish of one and flesh of another, (hear, hear.) He desired that a proper understanding should exist among all denominations, and that all should get their just rights. We ought not to calculate whether one part of the Province gets six pence or one shilling more than another, but vote money according to the necessities of each case. He (Mr. S.) never looked over the estimates to see whether Lower Canada gets more than Upper Canada or vice versa. He was opposed to the amendment, for it confines the benefits to one denomination of christians, of those estates, which the Government and Legislature of Lower Canada evidently meant for the general education of all sects in Lower Canada.

Mr. BALDWIN said that viewing the history of the question of the Jesuit Estates from 1793 down to 1832, it appeared to him that the intention throughout was, that they should be applied to education generally; the de-patch of Lord Goderich, which led to the passing of the Act of 1832, spoke of maintaining the then Scholastic establishments among which were

Protestant Grammar Schools. It appeared to him that the true construction of the Act of 1832 was in favour of general education, and he could not therefore support the amendment of the hon. member for Bellechasse. He however, complained that sufficient information had not been laid before the House respecting the proportions in which the properties in question had been derived from their several sources; he should like to know the quantity that emanated from private charity; he had the greatest respect for such endowments, especially when the objects for which they were granted still exist, as is the case in Lower Canada, and he felt much difficulty upon that point. He also thought that the appropriation of the Jesuit fund ought to be for strictly Lower Canada objects, and that the ministerial proposition was not founded on justice. These were the difficulties he felt in supporting the Government proposition, but he had no hesitation in opposing the amendment; he would however, reserve his intention of submitting an amendment according to his own views until the present was disposed of.

Mr. MORIN remarked that the act of 1832 was a consequence of the long struggle by the Legislature of the country to obtain justice from the Government which had, previously to that year, pretended to the absolute property in these lands. The Act merely declared that this was not the case, and it was rather an assertion of right than a declaration of the manner in which it was considered that the property should be applied. If however the original destination of that property had been unjustly overlooked in 1832 that did not afford any sufficient reason why the injustice should not now be rectified. He knew that religious persecutions and cruelties had occurred in all countries; he did not refer to any one nation or sect, but there was no disposition for anything of that sort now, and if his motion carried there would be nothing exclusive in the system, to be adopted. All classes would have an equal opportunity of availing themselves of the education afforded. As to what had been said by some member on the subject of the Jesuits themselves, he might remark, that if all that had been written on that point could be collected the books could not be contained in that room, and it would be found that the opinions were pretty equally balanced. He thought that the judgment of the learned was undergoing a great change on that subject, at any rate there was no reason to fear anything from Jesuits in Canada. Those who were here pretended to no temporal power, and were occupied in nothing but doing good.

Mr. MOFFATT.—It is an unfortunate circumstance that the proceeds of these estates were not appropriated before; but we have only the Legislature of Lower Canada to blame for that, as they ought to have appropriated them when they passed the Act of 1832. The Crown would never have conceded these estates for the education of Catholics alone, and therefore the appropriation was postponed with the evident intention of bringing forward the proposition of the hon. member for Bellechasse at a future occasion, and if it had not been for the Union of the Provinces, there is no doubt but what this amendment would have been carried by the House of Assembly of Lower Canada, as the great majority of the members would have been Catholics. He (Mr. M.) did not wish the subject to be deferred any longer; as if it was, the people of Upper Canada may lay claim to a share of these estates. He considered, however, that they had no right to any portion of them, because at the time these estates fell into the possession of the crown, and during all the

discussions on this subject between the House of Assembly and the Crown, there was no mention made of Upper Canada. It had been stated that the British Government had neglected the education of the people of Lower Canada. He considered this assertion to be correct, for while the education of the inhabitants of the other Colonies had been attended, nothing had been done, except by private individuals for education in Lower Canada. A large number of acres had been promised in 1801, to be set apart for school and college purposes, but this was not done. And now the application for assistance from McGill College and High School is treated with neglect. The amendment was lost, Yeas 23, Nays 36.

Mr. LAFONTAINE agreed with the hon. member for Toronto (Mr. Sherwood,) that we should not quarrel about £ s. and d.; but when a general principle is involved, in which one part of the Province is to be placed on a different footing from the other, it ought to be discussed, and the attempt to make this distinction resisted; at the time of the Union certain grants for Colleges, &c., were paid out of the general revenue of the Province, but now it is sought to pay these out of a special Lower Canada fund, when the same charges for Upper Canada are paid out of the consolidated revenue. This is not doing equal justice to both sections of the Province. When the question about the payment of the administration of justice expenses in U. C. was discussed, both the learned Attorney General and the hon. member for the North Riding of York, stated that Upper Canada had no claims for the payment of these expenses, but on account of high political considerations they voted for the measure. Now he asked for Lower Canada nothing more or less than was demanded by and granted to Upper Canada on that occasion; that no charge should be paid out of the consolidated revenue for one section of the Province, which was not paid for the other. He would therefore move an amendment, seconded by Mr. Moffatt, to strike out all the words which refer to these estates, being appropriated to the objects mentioned in the schedule annexed, so that the ministry may be compelled to place these charges upon the general revenue.

The question was put and lost.—Yeas 23, Nays 36.

The original motion was then carried, and the committee rose.

ROUTINE BUSINESS.

WEDNESDAY, 27th May.

Mr. Jobin, from the special committee on various petitions relating to roads in the neighbourhood of Montreal, presented a final report.

Mr. Christie moved an address to Her Majesty in relation to the boundary line between Canada and New Brunswick, which was concurred in and ordered to be engrossed, and is as follows:

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN.

We your Majesty's dutiful and loyal subjects, the Legislative Council and Commons of Canada in Parliament assembled, beg leave humbly to approach your Majesty with the renewed expression of our loyalty and attachment to Your Majesty's Person and Government, and at the same time, our unfeigned concern at the misunderstanding that has arisen between the Government of this Province, and that of Her Majesty's Province of New Brunswick, respecting the Boundary Line between the two Provinces, and Tract of Country including that known as the Madawaska Territory appertaining to this Province, to which a claim has been set up by the Government of New Brunswick, and an appeal made to Your Majesty by the two Houses of the Legislature thereof at its last Session.

We also beg leave to represent to your Majesty that Your Majesty's faithful subjects, the Legislative Council and Commons of Canada, waiving the claim that might fairly be set up by the Government of Canada to certain territory, south of an adjacent to the Ristigouche emptying into the Bay Chaleurs, over which, as part of New Brunswick, the Legislature and Laws thereof have heretofore exercised jurisdiction without interference on the part of Your Majesty's Canadian Government, nevertheless humbly claim, as appertaining to this Province, the whole Tract of Country or Territory adjacent to and north of the Ristigouche (forming part of the Country of Bonaventure) from the head or western extremity of the Bay Chaleurs upwards, to where the line prolonged due north from the source of the St. Croix, intersects that River, together with the entire Tract or Country adjacent to and westward of the said line of intersection, including the aforesaid Madawaska Territory, bounded on the south by that part of the northern frontier of the United States, situated between the said line of intersection, and the point where the line of the said Northern Frontier as settled by the late Treaty of Washington, touches the forty-fifth parallel of north latitude, over all which the Government and Legislature of Lower Canada formerly have exercised jurisdiction and authority, and in the possession whereof, as part of this Province, Your Majesty's faithful subjects, the Legislative Council and Commons thereof, pray, Your Majesty will graciously be pleased to maintain Your Canadian Government, in justice to Your Majesty's subjects in Canada,—and that Your Majesty in adjusting the matter will also be pleased to secure to Your Majesty's dutiful subjects in this Province, and others conveying to Sea the products thereof by the River St. John, the free navigation of the same, without being subjected or liable to any impost or duties therefor by or on the part of the Government and Legislature of New Brunswick.

Mr. Gowan moved an address to Her Majesty in relation to the appointment of the principal officers in the Post Office Department by the Head of the Provincial Government—the high rates on letters, newspapers, pamphlets, &c.—the emoluments of Post Masters.

The address was referred to the committee on the Post Office.

Mr. Chauveau reported the following resolution from the Oxford Election Committee:—

Resolved.—That Robert Riddell Esq., sitting member for the County of Oxford is duly elected for the said county during the present Parliament.

Resolved.—That the petition of Francis Hincks Esq., against the return of the said Robert Riddell Esq., is not frivolous or vexatious.

Resolved.—That the defence of the sitting member is not frivolous or vexatious.

A bill to amend the Ordinance concerning the erection of Parishes, Churches, Parsonage-Houses and Church Yards, was introduced by Mr. Drummond. 2d reading on Friday.

House again in committee of supply—a resolution was agreed to—to be reported to-morrow.

A message was received from the Legislative Council requesting to be furnished with the proofs and documents on which was founded the bill relating to marriages, &c., in Gaspé.

The House again in committee on the Militia Bill. Reported amended—amendments to be received to-morrow.

The bill incorporating the Montreal and Kingston Rail Road company; the bill to incorporate the Lachine Rail Road company, and the bill to incorporate Hamilton as a city, were severally committed—amended. To be reported to-morrow.

Adjourned.

LEGISLATIVE COUNCIL.

THURSDAY, May 28, 1846.

Hon. Mr. NEILSON reported from committee on bill for licensing certain pilots, without amendment. To be read a third time to-morrow.

Hon. Mr. FERRIE reported from committee on Montreal Municipal Council Bill, with one

amendment. Report adopted and ordered that the amendments should be engrossed and read to-morrow.

Hon. REC. GENERAL said he was prepared to answer the question put to him yesterday by his hon. friend opposite, (Hon. Mr. Ferguson,) who had asked him, if he remembered right, why the Report of the Superintendent of Education in Upper Canada was not laid on the table. His reply was, that the report for the last year had been sent by the Government to the other House, and had been placed in the hands of the printers by their orders. It was true that it had not been sent to this House in consequence of the immense difficulty felt by the Government in preparing the great quantity of information required by both Houses, but it would soon be laid before them in a printed form.

Hon. Mr. FERGUSON thanked the Hon. Receiver General for the courteous answer he had given to his question, but he must be permitted to remark that this was too late a period of the session for the introduction of this report. It would be impossible to take any action on it now, if any objection should be made to its contents on the part of hon. gentlemen.

Hon. Mr. FERRIE reported from bill relative to Turnpike Roads near Montreal without amendment. Ordered to be read a third time to-morrow.

The British and Canadian Society School bill was read a third time.

A message came from the lower House with the bill to incorporate La Banque des Marchands.

Hon. J. MORRIS moved that the fifty-eighth rule of the House relating to private bills be dispensed with, and the bill read a first time.

Hon. Mr. BRUNEAU would like to know the reason for making this motion. (Hear, hear.)

Hon. Mr. MCGILL did not know for what purpose the fifty-eighth rule was framed, not being present at the time, and would wish to have some explanation from hon. gentlemen who had taken part in drawing it up, as he was quite undetermined what course to take. He had been told by some hon. friends that this rule ought not to affect bills brought in from the lower House, but that it was intended to check the introduction of bills for the first time, and that a rule had been established in the lower House to effect the same object. He was informed also by an hon. gentleman who was a good authority on such subjects, that there was no rule of a similar nature in existence in the House of Lords, and he should be sorry that they would do any thing here for which they could not find a precedent in that body. In the Council of Lower Canada it had happened several times, that towards the close of the Session they were inundated with bills which they were obliged to pass without examination or else throw them out, and his hon. friend the member for Montreal and himself, induced the Council to take a stand, and not paying any attention to the notice of prorogation to go through the bills deliberately; they did that for several Sessions, until on one occasion it happened that after going through all the bills, it was found there was no quorum in the lower House to hear that the bills were assented to or amended. He suspected that this rule was drawn up to prevent the recurrence of these inundations of bills, but he repeated that he could not determine how he should vote until he had heard some explanation given.

Hon. Mr. BRUNEAU said this was a good rule, and he hoped it would be maintained, but when there was no great press of business, he would have no objection to its suspension, and

that being the case at the present moment, he was quite willing to allow this bill to be read a first time, if the motion bore on its face some good reason for making the suspension appear justifiable. He was on the committee by whom this fifty eighth rule was drawn up, and they had done it with good reason, in order to prevent the House being overwhelmed on the last two or three days of the session by a number of private bills, every one of which contained some objectionable clauses, and every one of which required to be closely investigated. What was the case last session? Thirty seven bills were thrown on the table in three days, which they were required to get through with. Was it possible to examine those bills and give them that degree of attention which they required? No, they were obliged to pass them hurriedly, and the consequence was that they came back to be amended this session. That had always been the case, and it would always be so if the rule was not put in force.

Hon. Mr. FERGUSON would intrude on the time of the House for a few moments, in consequence of hearing from the Hon. Mr. McGill, that they should frame no rule for themselves if they did not find a precedent in the House of Lords. He disclaimed such a principle altogether. That House formed a constitutional and independent body, and he insisted it had a perfect right to frame any rules for its own guidance that were thought necessary.

Hon. Mr. MCGILL begged to set his hon. friend right. He had been misunderstood by his hon. friend, what he wished to assert was that they would do well to follow the practice of the House of Lords as much as possible.

Hon. J. MORRIS would remark that there were bills still on the list of orders of the other House, which had been introduced on the 6th of April; and would hon. gentlemen reject those bills if brought up? From the great amount of business in the other House, it was impossible to have those private bills pushed in the forty days allotted by the rules of this House. It was not the fault of hon. members of the other House that their bills did not come up sooner, and when this House had nothing to do, he thought it would be decidedly wrong to adhere rigidly to this rule, and thus reject these bills. It would be much better instead of spending time in discussing the propriety of granting a suspension, and asking for reasons for moving a suspension to rescind the rule altogether.

The debate was continued at much length, the Hon. Speaker, and Hon'bles Jas. Morris A. Ferrie, Mr. DeBocherville, John Neilson and P. McGill having addressed the House, after which,

The Hon'ble Receiver General moved in amendment that the 58th rule be suspended. It was carried by the casting vote of the Speaker. The House then adjourned.

HOUSE OF ASSEMBLY.

THURSDAY.—MORNING SITTING.

On the order of the day being called for the receiving the report of the Committee of the whole on supply.

Mr. MORIN moved the resolution in amendment, which he moved yesterday in Committee, to place the Jesuit Estates under the Catholic Clergy, and for which see yesterday's report; it was lost on a division of yeas 17, nays 39.

Mr. LAFONTAINE, then moved the amendment, which he had moved yesterday, and for which see also yesterday's report. It was lost on a division of yeas 20, nays 38.

The report was then received on a division of yeas 37, nays 10.

Mr. CAYLEY introduced a bill founded on the resolution to be read a second time to-morrow.

The order of the day being for the receiving of the report of the Committee of the whole on the Militia bill. It was on motion recommitted for the purpose of striking out from the seventh line of the 24th clause.

Mr. GOWAN thought that it would be extremely hard for persons, who had volunteered to be forced if they should be ballotted, to be called out again, while those who had been compelled to go out were exempted.

Mr. BERTHELOT, addressed the House in French, he said that he did not think much of volunteers, they answered very well for a holiday dressed out in their finery, but would not answer to be brought within the smell of powder.

Mr. DRAPER thought that the hon. gentleman had done injustice to some of his friends who sat near him, who had volunteered, and had not only gone within the smell of gunpowder, but within the reach of what is propelled by the powder, and in Upper Canada we need not go further than the Hon. Speaker, who had turned out in the time of need, not with the finery spoken of by the hon. member for Kamouraska, and with only such weapons as they could lay their hands upon.

The motion then passed.

Mr. McDonald of Cornwall moved 2nd by Mr. Gowan, that the bill be recommitted for the purpose of inserting the 4th of June in the 26th clause instead of the 29th of June. He said that in Upper Canada they had from time immemorial been accustomed to drill on the 4th of June it was the birth day of George the 4th of blessed memory. It was revered by the inhabitants of Upper Canada.

Mr. GOWAN, thought they might have chosen some other day than the 29th; it was Saint Peter's day and might appear to be a favouring of one part of the Province at the expense of the other.

Mr. BALDWIN suggested that it should be changed to the 24th which was St John's day.

Mr. Gowan, was willing.

Mr. DRAPER stated that the reason of the change was that the 4th was considered too early, farmers not having finished their spring work.

Dr. TACHE, if there was any design of having it on a fête day in Lower Canada they would have chosen the very day which has been agreed to by the hon. member for Leeds as Saint Jean Baptiste is the patron Saint of Lower Canada.

The motion was then lost. The Speaker then left the chair till the afternoon Session.

Montreal Court House.

The House went into Committee on the bill for the erection of a Court House and to enable the Government to acquire land for that purpose.

Mr. SMITH said that he thought that it would be advisable to secure the property consisting of the site of the old Court House and the Champ de Mars, he thought so, on account of the rapid increase in the value of property in Montreal, but for the present it was advisable only to erect the Court House.

Mr. LAFONTAINE spoke against Government being empowered to erect the public buildings on any other land than that already possessed, he meant the site of the late Court House, and the Champ-de-Mars; were it permitted him he would prove from the plans and calculations of the best Architects that buildings might be erected there, embracing Parliament House and all the public offices, which by means of shops on the base

ment story would in time liquidate the whole original cost.

Mr. MOFFATT was favourable to the public buildings being collected in one place and centrally situated; he was somewhat favourable to the views of the hon. and learned member for Terrebonne, but did not know what opinion further deliberation, examination of plans &c., might lead him to; he would suggest that the question be postponed for twelve months in which time full consideration might be given to it.

Mr. DRUMMOND contended that the plan of the hon. and learned member for Terrebonne, which was that of the *Palais Royal* of Paris, was best adapted to the convenience of the public, and the ornamenting of the city, he deprecated the removal of the public buildings from the city, and reminded gentlemen on the Ministerial benches that it was removed that the only sites out of town which could be selected belonged to two of themselves, viz., the President of the Council and, the Attorney General East, he (Mr. D.) should be sorry that suspicion of acting for their own benefit would attach to either of these hon. and learned members, and would advise them not to act too precipitately in the matter.

Doctor NELSON supported the views of the previous speakers respecting the proper place for the public buildings, and spoke at some length on the necessity which existed of guarding the health of the city by the draining of swampy places in Griffintown, and other parts which were causing dangerous fevers in their own localities and which, thence, spread through the city; the Government would do better to think of that, and such like questions, than to be dreaming of public promenades, squares, &c.

Mr. BALDWIN considered the question a most important one not only for Montreal, but for the country at large; it was important to the Province generally that the public buildings should be constructed upon a plan that would afford the utmost convenience, and that would be, also, such in style and appearance as not to be derogatory to the rank of the capital; he could then say that he was favourable to that part of the plan of his hon. friend from Terrebonne, which would apply a part of the buildings to the uses of trade; he was favourable to granting further time for the consideration of the subject.

Attorney General SMITH.—After the feeling that had been manifested against the obnoxious fourth clause, he would consent to withdraw it, but he must say that the only object the Government had in view, was to appropriate sufficient of the present site of the Court House and to sell the rest, so that they might be more able to purchase ground for public buildings in another part of the city. He [Mr. S.] was not in favour of erecting the public buildings on the site of the present Court House, as this ground would soon be required for commercial purposes; and the plan of the hon. member for Terrebonne would cost the Province £100,000. This was an expense they were not justified in the present circumstances of the Province, in laying out. With respect to the revenue that would be derived from the shops, he considered that it was not consistent with the dignity of the Province, to unite Parliament buildings and shops together. The expenses of the country do require a new Court House and to obtain this he was willing to alter his measure to meet the views of the House.

After a few remarks from Messrs. Berthelot, Lafontaine, and Moffatt, and at the suggestion of the latter, the bill was withdrawn, and the Committee rose.

THURSDAY.—AFTERNOON SESSION.

The House went into committee on supply and Mr. Atty. Gen. Smith moved that the hon. L. J. Papineau formerly speaker of the House of Assembly of Lower Canada, be paid the sum of £4,500, due him as arrears as arrears of salary, and that it be charged on the consolidated revenue fund.

It was carried.

On the order of the day for the second of the University bill, being read, R. S. M. Bouchette Esq., Advocate appeared at the bar as Counsel for King's College and spoke in French against the bill.

Mr. HALL said, in rising to move the second reading of this bill, it was not his intention to speak at any length, as all that can be said on this subject, has been said in a much more able manner than he could express himself. The same bill passed its second reading last session, and now comes the question whether the individuals who voted for it last year, will vote for it now, when it was introduced by him. If they vote against it, it will shew the country that they did not vote for the measure, but to keep the administration in power. As for the details they may be altered in Committee, there are some of the details that he did not agree to himself.

Mr. EKMATINGER.—At the last Session he voted for the second reading of this bill, and had it been passed he would have voted also for the third reading. He would have done this not because he entirely approved of the measure, but because, it was recommended in the speech from the throne, and it was introduced as a cabinet measure. The confidence he had in the Head of the Government and the fact that he had come into this House pledged to support the Conservative Ministry operated powerfully on his mind and he believed also on the minds of many other members. From the discussion that then took place he thought it was necessary for the peace of the country that this bill should pass; but he was among those who urged the administration to postpone the measure, in order that further time might be given for reflection and to find out the feelings and wishes of the country. This time has been given, and he could now assert, that the country did not require this measure—that the majority repudiated it, as an infidel measure, one which was not pervaded and sanctified by religion. None of the yeomanry of the country will derive any benefit from the University; it will rather be a curse to them especially if the seeds of infidelity are sown among them by such a latitudinarian system as is proposed by this measure. If the University funds are to be touched at all, let it be taken up root and branch and the funds distributed among the people to found Grammar Schools &c. And let all denominations found institutions of their own like Queen's College. The present Charter of King's College cannot be made more liberal than it is by the amended Charter, for all the chairs and offices are free and open to all except the theological professorship, which he must admit was the great bone of contention. He had no objection to divide the endowment in such a manner as to make it satisfactory to the people generally. The very parties who are agitating the country are dissatisfied with the present bill, because there are only two or three sects who will be benefited by it; all the smaller sects will be in as bad a position as they are now. This is a subject that should be dealt with by other parties for a popular assembly is not competent to frame a suitable measure. It ought to be referred to a Commission of learned

and scholastic men with instructions to frame a proper bill.

Mr. CHAUVEAU stated that he wished to be understood, that in speaking on this subject he expressed his own views alone. The course taken by both parties in Upper Canada during this Session, with respect to Lower Canada questions, would induce the party with whom he acted, when they dealt hereafter with Upper Canada questions to look upon them in the abstract, and vote according to their merits. University questions have excited the public mind not only in this country, but also in England and France. In the latter country the question is not yet settled, and we know the feeling that was manifest in Great Britain on the grant to Maynooth College. These questions are not without difficulty, for on one side you have vested rights, and on the other hand you have to comply with the new spirit of the age, to modify these institutions to suit the views of the present generation. With respect to the question of vested rights, he must say that he did not agree with the learned Counsel; for if the almost unanimous voice of the people required a change, that change ought to be acceded to; nor did he think that there was any analogy between King's College and those institutions in Lower Canada, which they venerated and loved from their infancy, for many of these institutions have been endowed by private individuals, and they were all guaranteed the possession of their endowments at the time of the conquest. He did not feel in the same manner on this question as he did last Session, for then the course of the Administration led him to believe that this was a highly popular question in Upper Canada, because they came down to the House with this measure, and stated that they were prepared to stand or fall by it. But what do we behold now? We see this measure abandoned by the Administration, and introduced by a private individual, the hon. member for Peterboro'. What other conclusion can we Lower Canada members come to, than that it is not so popular as was represented, and that the people of Upper Canada have abandoned the measure also, as they are more fortunate than we, for they are more fully represented in the Ministry. The question is the same and the College has acquired no new rights, and therefore we must suppose that the bill is no more to be considered as the unanimous voice of the people. Although he disclaimed all analogy between this question and the Catholic institutions of Lower Canada, and although they could give no thanks to any party in Upper Canada, yet for the considerations he had mentioned, he must vote against the bill. If this measure does not pass, the people of Upper Canada will have no right to complain of Lower Canada, but of their own representatives in the Cabinet, who said they would stand or fall with the measure, and who now have abandoned it. Either there must be a great change in the public opinion in Upper Canada, or the people are not properly represented in the Ministry, or you were deceiving us last Session, and that instead of the people wishing this bill, it is only a hobby of the hon. member for London, (Mr. Draper.) He must therefore, vote against the bill.

Mr. DICKSON had read the bill, and had voted for it last session, and would vote for it again, as it made no difference to him whether it was a Cabinet question or not. That did not alter the merits of the case. He considered it to be a measure that the country required; and that the interests of the Church of England, of which he was a member, would be more advanced by settling this vexed question, and thereby giving tranquility to the country, than

by retaining even that which they were justly entitled to. The hon. member for the North Riding of York does not vote for this bill, because it is not perfect. Now he (Mr. D.) was in favour of the principle of receiving justice by instalments, if he could not get perfect justice at once. He [Mr. D.] was sent there to represent all denominations, and to see justice done to all. This measure may be defeated by a union of those who are opposed to all legislation, and of those who consider that this bill does not go far enough; by this union of oil and water the measure may be thrown out, but he would do what he considered his duty by voting for it.

Mr. BOULTON said it might be imagined from the language of some hon. members that millions of acres of land that had been set apart for educational purposes were under the control of King's College; whereas, if the question were looked into, it would be seen that not one acre was claimed more than the 25,000, acres which were set apart for the College and for which a patent from the Crown was granted. In reference to the measure before the House, he would say that it appeared under a different aspect to that which commended it to the support of hon. members last year; then it came recommended in the speech from the throne; the Ministry avowed that they were committed to it—their safety was involved in it—and consequently was it voted for by many who under no other circumstance could be induced to do so. If the hon. member who introduced the bill, or the hon. gentleman on the Treasury Benches who acted with him, expected the same extent of support that was accorded to it last year, he (Mr. B.) could inform them that they were much mistaken. The extraordinary circumstances under which a former majority was obtained had passed away; last session it was a Government measure, and no doubt hon. members then conceived that they were relieved from all responsibility respecting it; they believed that Ministers would introduce no question that was not required by the people and adapted to some good end; and they were led accordingly. At present, however, the case was materially different; the Ministers had abandoned the measure, and hence was it to be inferred, as had been well put by the hon. and learned member for the county of Quebec, that the enquiries they had made since last session, and their deliberations thereon, had convinced them that they did not represent public opinion in urging the adoption of such a measure. It would be seen that there were no petitions in favour of the bill from what might be termed the sound portions of the religious bodies; there had, it was true, been some meetings held, but it was notorious that at those meetings individuals had contended, and some of them clergymen too, to their shame be it spoken, that religion should be entirely excluded from the College; now, when such a course was taken it was evident that there was something more in it than met the eye, and that was, he (Mr. B.) maintained, a desire to do away with the respect and influence of the Church of England; they thought if they could effect the charter they could effect the church, and hence their zeal, their clamor, their importunities. The hon. member for the county of Quebec had said that he did not dread an attack upon the religious institutions of Lower Canada from those who desired to destroy King's College, but he (Mr. B.) could assure that hon. member that there was much reason for the people of Lower Canada to dread the spirit of a certain class in Upper Canada, those who, with religion ever on the tongue but never in the heart, did not conceal that they were totally opposed to every

thing like church establishments, who desired not, but opposed and detested, the existence of any respectable church; he would warn hon. members belonging to Lower Canada that the class to which he referred had the worst intentions towards religious institutions generally; and the time would arrive when the people of the Lower Province would require the assistance of the Episcopalians of Upper Canada to resist profane and determined aggression. The hon. member next referred to, and read, a long series of resolutions which have been published, and which, he said, contained a correct history of the question of the endowment of King's College from the beginning; he commented on each resolution as he went along, and stated that the present Bishop of Toronto, in the pursuit of a long cherished object, a provision for Collegiate Education in Canada, went to England, and applied for a Charter. A Charter was offered him, the same as those of Cambridge and Oxford, exclusively according to the views of the Church of England, with tests and restrictions, the same as every Charter which had hitherto been given by the Crown of England. The Bishop, fully acquainted with the wants and wishes of the people of Upper Canada, refused it, as of too exclusive a character, and eventually obtained the first Charter of King's College, the most liberal ever granted by the Crown of England. He (Mr. B.) did not defend King's College solely because it was a religious institution; he was also devoted to it because it was the source of sound instruction in the arts and sciences; he wished to preserve its character as a Church of England establishment for the simple, and, as he thought, the just reason that such was intended by its Royal founder, and is ordained by its Charter; but he would be equally prepared to defend it had the intention and decree been in favour of the Church of Scotland; he cherished no petty jealousy on that head, such a feeling would be unworthy of any private individual, and certainly more so in a public man. But although King's College had her Theological chair, it was not true that in other respects any exclusiveness whatever existed on the contrary equal privileges extended to members of all denominations; indeed by the very terms of the Charter of the College was made open to all so far as education, honors, and emoluments were concerned. He (Mr. B.) could tell the learned Attorney General West, and others who were interested in the bill before the House, that the Home Government would never consent that King's College should be deprived of her distinctive character as a College of the Church of England; others had their institutions undisturbed and unopposed—nay, encouraged and supported—by the very Government itself; there was Queen's College, Regiopolus and Victoria. Was it, then, to be tolerated that King's College was to be shorn of the privilege so freely accorded to other institutions? Was she to stand alone, the single victim of intolerance and hatred? He had no objection to the course being adopted which was lately recommended in a despatch from the Home Government respecting the University of New Brunswick, viz., the appointment of a commission to enquire into the condition and management of the College; he would approve of the adoption of that course here, and did not see how it could be opposed; indeed, it was the first time he heard of an important change in the nature of an institution being proposed without a solitary enquiry being instituted; if it were found that King's College was improperly conducted, that the endowment was being squandered, that the instruc-

tion afforded was imperfect or immoral then let the necessary corrective action by all means follow; he [Mr. B.] would not only be not found opposing such action, but he would be among the loudest and firmest to demand it. He was surprised that the hon. Attorney General West conceived that the measure before the House could effect what was called "settling the question"; it could no more do so than did the act of 1932; it was not possible to pacify all—the virtuous and the vicious, the religious and the irreligious, the infidel and the Christian; the gentlemen on the Treasury Benches could not do so; no body of men ever yet effected it, or ever would; a Government should be satisfied with pleasing a majority of the respectable and sound thinking portion of the public. The hon. member concluded by expressing his regret that the state of his health did not permit him to oppose the bill with more energy and at further length; he had, however, done his utmost towards the discharge of his duty, and would propose that the bill be read a second time that day six months.

Mr. M'DONNELL, of Dundas, had treated every question on its own merits, since he had the honour of holding a seat in that House, and did not care whether it was introduced by the Ministry or by an independent member.—This bill, as he had understood, was for the erection of a University in Upper Canada, a boon that would be hailed with joy by the country, but on examining it he found that it was proposed to divest another institution of its charter; in other words, to take away its endowments and bestow them on this proposed University of Upper Canada; and, as that was an important matter—taking away a royal charter—it would be well to examine whether they had authority or right to do so. In the first place, although this bill was not brought in under the auspices of the Crown, yet the representative of our gracious sovereign, the temporal head of the church, had called on them, in a speech from the throne, to legislate on this subject. That speech was still extant; it had not been recalled, and therefore they were in possession of the highest authority, and nothing could be imputed to them for doing so. In the next place, it was to be considered whether they had the right to take away any part of these endowments. He said they had, for it must be remembered that the power of Parliament was unlimited; it had all power within itself; and further, it was to be remembered that the sovereign was the mere trustee of the nation. The sovereign had the undisputed right to invest trusts—to endow parties, he would admit—but those trusts were held merely for the public benefit, and it was in the power of Parliament to modify—aye, even rescind—those grants, if the exigencies of the State called on it to do so, and he trusted the House would act on that power. He would, however, beg leave to remind hon. gentlemen that at the time King's College was endowed, the Students of Divinity of the Church of England were placed under peculiar circumstances, and entitled to the protection of the Home Government. Instead of having an institution for their education, where were they found at that period? He regretted to say scattered over the length and breadth of the land, studying with different ministers-like lawyers' apprentices. Other sects had institutions to which they could send their youth, but the Church of England possessed none; therefore, it was but just that they should be drawn together for the prosecution of that grand object. But since that period the state of things had been greatly changed, and the numerous sects now in Canada are making

great exertions in order to give them instruction in this colony instead of sending them across the Atlantic, and did it not become the duty of that House to render every assistance to them in carrying out their object, more especially when it was known that funds set apart for the education of all denominations, irrespective of religious tenets, were diverted from their proper destination and devoted exclusively to the benefit of the Church of England. [No; no.] Certainly; every one who knew anything of the question must bear him out. But without pursuing that part of the subject farther, he would ask, had the House the consent of the parties themselves to the proposed alteration in their charter? It could be easily shown that they had the assent of the parties. On the one side, they had the authority of the donor—the Sovereign; and on the other, that of the parties to whom and for whose benefit the grant was made—the people, who, by their representatives, advocate the change. Why, then, should they listen to the opposition of a few officials, who declaim against it merely to retain possession of their offices? They were not the persons whose wishes should be consulted. The representatives of the people demanded it—the Crown consented to it—and, without any other authority, it was perfectly competent for them to effect that change. For these reasons he was prepared to support the bill, feeling perfectly confident, besides, that the whole population of Upper Canada earnestly desired the settlement of this long agitated question. It had been agitated for years; they had it constantly before them; and, it was time it should be settled. [Hear, hear.] He was anxious to record his vote in favour of the bill, from a conviction that its operation would be beneficial; for he was incapable of supporting it on other grounds, and would feel that he was unworthy of a seat in that House if he acted contrary to the dictates of his own conscience.—He could not, however, sit down without expressing his regret to hear the observations of the hon. and learned member for the county of Quebec; he had said that after the manner in which Upper Canada members had voted yesterday in reference to the Jesuits' Estates, he would hereafter judge of Upper Canada questions in their abstract; he meant thereby that injustice had been done to Lower Canada by this side of the House. He [Mr. Macdonell] would assure that gentleman no injustice was meant to Lower Canada; he had not been sent here by the people of Dundas to perpetrate injustice on Lower Canada, and he never would. In the question yesterday before the House, he thought Upper Canada had conceded too much to Lower Canada in allowing the proceeds of these estates to go to Lower Canada, when the original grant was made of these estates in the days when this was, as it now is, one Province. He was, he must say, sick of the cry of injustice to Upper Canada and injustice to Lower Canada; it was high time we should recollect that we were one great family, whose duty it was to act for the general good, as he trusted we all would.

Mr. McDONALD, of Cornwall, stated that he had voted for the second reading of the bill last session, and voted against a similar motion to the one now moved by the hon. member for Toronto; as he was desirous to have a measure settled in which the people of Upper Canada were deeply interested, and also with a desire to keep a Conservative administration in office and to keep the ex-Ministry out of office, where he hoped they would always remain. But he was not willing to support the motion now before the House to give the bill

a six months ride, and he should therefore move that at this late period of the session it was inexpedient to proceed with the measure. If this motion did not carry, he would vote for the second reading.

Mr. HALL said he could not understand how it was that the hon. member for Middlesex now opposed this bill, which he had voted for only a few months since. He would like to know how the hon. gentleman would account for such conduct to the country. It would appear that it was perfectly immaterial to the hon. gentleman what the nature of the bill might be, if brought in by the Ministry he would vote for it; he would however remind the hon. gentleman that he should be very cautious when the votes were taken down. Then to the champion of the Church, Mr. Boulton, he regretted to say that he (Mr. H.) could not concur in all that hon. gentleman's views, and he thought that the hon. gentleman was himself, chargeable with bad taste, when he said that all petitions laid before that House, complaining of the existing state of King's College, were got up by sectarian clergymen who acted in bad taste. He should have remembered that the petitions presented on behalf of the Church of England were also got up by clergymen.—And when the hon. gentleman spoke of sound and unsound, he did not think that formed a fit subject for discussion, nor did he imagine that if a war broke out to-morrow, the hon. gentleman would ask a man whether he was an Episcopalian or not if he were contented to fight. Then the hon. gentleman had spoken of a respectable church. How did he mean to define a respectable church? A respectable man was generally supposed to be a person who kept a gig, (hear,) but he really could not conceive the meaning of the term, a respectable church; for his own part he had hitherto looked upon all churches as respectable. He had listened attentively to the speech of his hon. friend, and yet could not discover a single argument in the whole of it, to prove that the Episcopalians had an exclusive right to this College, or that their interest in it went beyond the salaries and places some of them managed to secure. To whom then did the College belong? To the Professors who pocket £1000 a year for teaching there, or to the people for whom it was held in trust, in order that their children might receive their education in it? It was a question which must shortly be settled, and although it might be set aside this Session, he felt as sure as he stood there that it will yet be brought to a conclusion. He doubted very much, he would confess, that they would arrive at any settlement this Session, from the junction of the high tories with their friends on the other side of the House, but he could tell them that if they expected to rule the House by high toryism, the day was past for that, and they would find themselves miserably mistaken. (Cheers from the ministerial benches.) He did not intend to argue the question at length as it had been already very ably handled, and would merely remark that it appeared to him, the hon. mem. for Toronto had entirely failed in his arguments, and singularly so in quoting the despatch of Lord Goderich, which recommended nothing further than what they already had a perfect right to do.

Mr. MACDONALD (of Glengarry) said that unwilling as he was to protract the debate (his evening, he yet felt it necessary to make a few observations on the very extraordinary remarks which had fallen from certain hon. members on the opposite side of the House: His hon. and learned friend, the member for Cornwall, had thought proper to indulge in his usual strain of denunciation against the

hon. member for the Fourth Riding, and this attack, be it remembered, was not like all former ones, directed against the whole of the opposition, but against the hon. member last referred to, and those who, like him (Mr. McD.) from Upper Canada, regard the hon. member from the Fourth Riding as their leader in this House. He (Mr. McD.) did not rise to defend his hon. friend from the Fourth Riding, but as he himself was included among those who are charged with obstructing the settlement of this great and important question, he must defend himself. The hon. member for Cornwall has told us that he had voted for this bill last year, not only with a view of doing justice to the community at large, and to quiet the public mind in relation to the measure itself, but, says the hon. member, "from much higher and loftier motives," viz., "to keep a Conservative Ministry in office," (hear, hear,) and to take the platform of agitation from under the feet of the hon. member for the Fourth Riding, and from the Radicals of Upper Canada, which the bill had it passed was calculated to effect." Again adds the hon. member for Cornwall, "I believe in my soul that the hon. member for the Fourth Riding would regret to see the final adjustment of this question, because he would then have nothing in the shape of agitation of which to make political capital for himself and his party, whom he hoped never to see but where they are in this House." Now he (Mr. McD.) would put it not only to hon. members in the House, but to the whole community, if the responsibility arising from the failure of this bill last year, can be attached to the opposition. (Hear, hear.) Was not the second reading carried by a majority of eleven and he would now ask in the name of common justice, whose fault was it that the measure was dropped? The hon. member for Cornwall ought to quarrel with his friends on the Ministerial benches for permitting this question to exist to this Session, thereby placing the means of agitating the country, which he seemed so much to deplore, in the hands of the liberals of Upper Canada. (The hon. member for Cornwall here remarked that he never quarrelled with his friends.) No, he never quarrels with his friends, although as in this instance they stand convicted, but the honourable member is always ready to attack the innocent for the blunders committed by his own leaders in this House.—Whose fault is it that the measure has been postponed till this period of the Session, surely not that of the members on the opposition. A measure which was considered to be of such importance last year as to require to be ushered before this House in the speech from Lord Metcalfe and in a strain of earnestness and solemnity, which made the community regard it as indeed it was then felt to be, the great measure of the Session and which led to the memorable assurance made by the hon. member for London, "that he would stand or fall by the bill," is now submitted to the House, not as a ministerial question but forsooth as an *open one* which means that each member of the Cabinet and each supporter of the administration can vote as he pleases, because since the last Session the settlement of King's College is not of that importance since Lord Metcalfe obtained his Peerage. The people of Upper Canada have troubled themselves too much, for really the question is not now, of much importance. No sacrifice of a member of the administration is necessary this year; tho' the hon. mem. for Simcoe did not scruple last year to resign rather than vote for the measure, but the Ministry take in his place the member for Huron who before accepting office tells them he will oppose the measure as did his predecessor the member

for Simcoe. Is not this such a piece of mockery as will not fail at the proper time to call forth the indignation of the people whose interests are affected by this delay and whose wishes have been so glaringly slighted? Will they be satisfied with the introduction of this bill by his hon. friend from Peterboro, who has evinced great zeal in forcing on the measure even at the eleventh hour? Will they regard its introduction but, as a farce, as a mere flourish without the slightest idea that at this stage of the Session any bill affecting that mammoth institution could pass this House, and yet he (Mr. McD.) is far from supposing that his hon. friend from Peterboro, is not sincere in the matter. His hon. friend from Cornwall seemed delighted at the prospect of a dissolution of the partnership which he said had long existed between the hon. member for the 4th Riding and the Lower Canada members, and he was still more pleased to hear the hon. member from the county of Quebec declare that hereafter the members for Lower Canada were determined hereafter to judge matters affecting Upper Canada upon their merits. Now as to the course heretofore pursued by his (Mr. McD.) friends from Lower Canada he had no doubt but that on all questions they regarded the merits and were not solely influenced by party motives but one thing he could venture to assure his hon. friend from Cornwall that any dissolution of partnership which his fertile imagination may have exhibited to his mind, will never realize any hope. He may now entertain of becoming a member of the new firm. (Hear, hear.) No! Lower Canada members have had sad experience as to the profits to be expected from such a connection. They will therefore remain as they are. (Hear.) He said, that as yet there had not been one speech which had addressed itself to the merits of the question. He would beg to ask if there had been one petition presented to the House in favour of the bill; he believed not. He wanted that the measure that should pass should be one that would put an end to the matter for ever; but he did not think that the present one could accomplish that end. No! The bill that could finally settle it, would be one that would take it from all religious denominations, and devote it to the purposes of general education, in the several Districts as was originally intended and till this was done agitation would never cease, on the contrary it would increase tenfold, till at the next general election, the question will be, "how will you vote on the University bill," and on their answer will depend their return. He felt confident that this measure would not, indeed was not intended to be carried the present session, the Ministry are silent on the subject there are no endeavours to get the votes of hon. members, there are no favours being granted, to induce votes, there are no members to go out on this question as there was last year. He thought that the measure was only introduced to keep up the agitation. Nearly a year passed over from the close of the last session to the opening of the present one, and yet it was not till nearly the end of the session, when we were expecting to go home in a few days that the bill was introduced, and now it is said that it is not advisable to proceed further with it this session, he apprehended that if the question was postponed, the next session would in the same manner be passed over, till the time for the general election arrived, and then the present Ministry, if they had the good fortune to remain in power as long, would be compelled to come down with a measure as liberal as the one the hon. member for the 4th Riding would propose if in of-

fice and by that means be able to secure their re-election. He would ask if the present Ministry would not be held responsible for the carrying out a measure for the settlement of this long vexed question. He was sure that the country would hold them responsible, and that they would ultimately be forced to come down with a measure, which would respect the feelings and rights of other denominations more than the present measure did. The indignation of the country at large would fall upon them if they did not. (Hear, hear, hear.)—He voted against the bill last year not because he did not wish to settle the question, but because the details were so objectionable as to preclude the hope that the supporters of the bill would consent to the desired alterations, and the bill now before the House being the same as the former one, he must vote against it for the same reasons. Among the many details which would not meet his support, were particularly those which gave such a preponderating influence to the Church of England in the management of the University which the bill secured, also the test question, which he would insist upon being expunged. By the time that students are fitted to enter the proposed University, they will have been taught the religion which their parents desired should be inculcated on their minds. They would not be sent there to learn religion, but to acquire a knowledge in the various arts and sciences which could not be taught in the colleges and schools which they had left, and if the professors were otherwise competent, the creed which they might profess ought to be no bar to their eligibility. The hon. member for the city of Toronto had frequently alluded in his speech to those who opposed a respectable church. He no doubt, when using the term respectable, meant to apply it to the Church of England, and would characterize all other churches as not "respectable," for it happens that all other denominations in Upper Canada are united in seeking a change in the charter of King's College which that church opposes. If this is the case the charge against those denominations is unwarrantable and insulting. He [Mr. McD.] would take the liberty of telling the hon. member for the city of Toronto that the numerical strength of a Church so pampered with State endowments, and with the controul of such large funds as have been at the disposal of the Church of England in this Province, does not establish her claim to the exclusive title which her champion in this House would confer on her at the expense of other less favoured denominations. Yet, there are other denominations which this champion is even willing to admit to a portion of the funds of this University, viz., the Presbyterians, Methodists, and the Catholics; these are included in the resolutions which he has read, and a small pittance of the Clergy Reserves is to be divided by the Government among the other denominations of Christians in Upper Canada. Does the hon. member suppose that such a measure would be satisfactory? He [Mr. McD.] would protest against any scheme like this, which would place one denomination or sect over another. No domination. [Hear.] What is proposed to be done with the Free Church of Scotland whose members are very numerous? what share will this scheme give to that respectable and highly moral class of Christians, the Baptists, who although not so numerous as the members of the church of England, Scotland, or Rome, are yet as respectable as either, and who quailed by public endowments of any description, are gaining strength & influence throughout the Province. And he would say that this pittance which is of-

ferred by the hon. mem. for Toronto can be regarded only as an insult to the classes not named in the resolution. He had no doubt but that the motion of the hon. member for Cornwall to put off the consideration of this question till the next session would be carried, and he (Mr. McD.) would vote for it because it was now too late to discuss so great a question, and he knew that in order to put an end to the agitation which has existed respecting the University of King's College, the Ministry must take the management of the measure, "and must stand or fall by it."

Mr. DRAPER, said that it had been asserted this bill was voted for last Session by many who were unacquainted with its contents, but if the truth were told, it would be found that a great many of those who opposed it knew nothing about it whatever, resting perfectly satisfied that it was a bad measure because he had introduced it. With respect to the amendment moved by his hon. friend from Cornwall, he had his own part regretted that his hon. friend had taken that means to postpone the expression of opinion on the bill. He would much rather have tried it on the original motion of the hon. member for Toronto, for then he would know exactly what degree of opposition the bill would meet with, and he would tell hon. members that it was no use delaying the decision they must come to on the subject, for the time would arrive, it must arrive, when no delay would be listened to and they must make up their minds to bring it to a settlement. The hon. member for Toronto had chosen to characterise the bill as an attack on the Church of England, he must say he could not understand how it could be considered as such, and he believed there were very few members in that House who looked on it in that light, for out of thirty two members of the Church of England who had voted on the question last year, twenty seven voted with him, and only five with that hon. gentleman.

Mr. BOULTON.—"For a purpose."

Mr. DRAPER continued.—Yes sir, for a purpose, for the purpose of bringing that question to a settlement.

Mr. JOHNSTON.—"No. It was to save the Ministry."

Mr. DRAPER did not think so. Of course the hon. gentleman who said it was to save the Ministry was the best judge of his own actions, and if he had given his vote for the reasons he stated.

Mr. JOHNSTON.—"Yes."

Mr. DRAPER continued.—Then he must say it was entirely unsolicited, and that he had taken no pains to obtain votes in any secret manner. It may happen that the hon. member for Toronto will yet be the first to regret the course he has taken as the most injurious to the cause he had so warmly, and no doubt conscientiously espoused, and may yet wish that he had not so zealously opposed a settlement of the question at the present moment. Another hon. gentleman had said that the institution proposed to be founded was of a godless nature. Now he (Mr. D.) would not have listened to such an imputation out of doors but when an hon. gentleman who stood up in this place to protect the Church made such a charge, he must be allowed to reply to it. He could scarcely believe that hon. gentleman knew the contents of the bill or had even read it. The bill provided that in each of the Colleges there should be religious instruction, and that the students should be compelled to attend. He could scarcely imagine, therefore, that it was a godless institution which gave religious instruction to the youth who attended it, and while every one had the means of receiving

the instructions of ministers of his own denomination, and the hon. gentleman who applied that term to it could scarcely know anything of the bill. At that late hour of the night, he did not intend to delay the House much longer, but he would say that he regretted exceedingly that such a vote was not taken as would contain a clear and decided expression of opinion. He had expected, when at the request of hon. members on his own side of the House, he had consented to postpone this question last session, that they would have come here with their minds fully determined as to what course they should pursue, but by this vote many would avoid doing so. It was said this was too late a period of the session to proceed with the bill; he did not know whether that was meant as a reproach, but on looking at the list it would be found that it was postponed from day to day in order to give counsel an opportunity of attending. He mentioned that merely to show that his hon. friend from Peterborough was not taken up ten days ago. He had two questions to ask, and then he would conclude. He would ask the hon. member for Peterboro' if he had, in order to throw off the responsibility of this bill, been any party to what was elegantly termed the "dodge"?

Mr. HALL.—Most decidedly not.

Mr. DRAPER continued.—He had made his own preparations, intending to bring forward this bill this session, when he found that duty had been assumed by his hon. friend. And with respect to the scheme for avoiding a direct expression of opinion, he would ask his hon. friend from Cornwall if he (Mr. M.D.) had given him (Mr. D.) any notice of his intention to move this amendment for postponing the question?

Mr. McDONALD, of Cornwall.—None.

The debate was then adjourned till to-morrow, and the House adjourned.

ROUTINE BUSINESS.

THURSDAY, May 28.

A Bill to regulate the poundage to be received by the Sheriffs on Execution, was read 3d time and passed.

Several petitions were read.

On motion of Mr Christie, the proofs and documents on which the Gaspé marriages Bill was founded, was ordered to be communicated to the Legislative Council.

The address to Her Majesty respecting the boundary line between Canada and New Brunswick, was sent to the Legislative Council for concurrence.

An address to His Excellency was ordered, requesting him to transmit the address to Her Majesty respecting the despatch on Railroads.

Mr McDowell of Stormont moved an address for copies of all representations from the Eastern District Council, complaining of the conduct of the Treasurer, and of the co-responsibility of the Treasurer in reply, with the reports of the Executive Government on the subject.

Mr Drummond moved an address for copies of all correspondence between the Executive Government and L. C. Pascaud, Esquire, Commissioner of Bankrupts for Three Rivers, relative to his claim for remuneration for his services under 7 Victoria, chap. 16 and 18.

The amendments of the Legislative Council to the Bill to revive the Cobourg Railroad Act were concurred in.

The Bill continuing Expiring Laws was ordered to be engrossed.

The following Resolution was reported from the Committee of Supply—

Resolved.—That the revenue and interest arising from the estates and funded property of the late order of Jesuits, and now at the disposal of the Legislature for educational purposes in Lower Canada, shall be devoted to the purposes of education in that part of the Province of Canada hereinafter Lower Canada, and that for the

year 1846, the said fund shall be divided according to the amended schedule.

Mr Morin moved that the resolution be amended by striking out all after "Jesuits," and substituting the following: "now held in trust for educational purposes, according to an act of the Provincial Legislature of Lower Canada, ought to be vested in the Catholic Church of Lower Canada, for the said educational purposes, under such regulations as may be hereafter adopted as being the best means to conform to the nature and original destination of the said estates."

On which the House divided as follows:—
YEAS.—Messrs. Berthelot, Bontilier, Chauveau, DeBligny, DeWitt, Drummond, Guillet, LaFontaine, Lanier, LaTerrière, Laurin, Leslie, Méthot, Morin, Nelson, Roussau, Taché.—17.

NAYS.—Messrs. B. Irwin, Cayley, Christie, Cummings, Daly, Draper, Duggan, Ermatinger, Foster, Gowen, Hall, Jessup, Macdonald (Cornwall), Macdonald (Glengay), Macdonald (Kingston), McConnell, Monro, Papineau, Petrie, Prince, Robinson, Sherwood (Brookville), Sherwood (Toronto), Smith (Frontenac), Smith (Missisquoi), Smith (Wentworth), Taschereau, Viger.—29.

The amendment was lost—majority 12—and the resolution was agreed to—37 o 10—NAYS: Messrs. Bontilier, Cauchon, Chauveau, Drummond, Guillet, LaTerrière, Laurin, Méthot, Morin and Nelson.—10.

Mr Cayley brought in a Bill in conformity thereto—2nd reading to-morrow.

The Militia Bill as amended yesterday, was reported, and on motion of Mr G. van, it was re-committed and further amended.

Mr McDonald of Cornwall, moved that the Bill be again re-committed, to alter the day of training to the 4th June, which was lost; yeas, 9; nays 43.

The following Bills as amended yesterday in Committee of the whole, were severally reported, and ordered to be engrossed—

To incorporate the Montreal and Kingston Rail Road Company.

To incorporate the Montreal and Lachine Rail Road Company.

To incorporate Hamilton as a City.

The House again in Committee of Supply. Resolutions agreed to. To be reported to-morrow.

The bill for rebuilding the Montreal Court House, was again committed, and the Committee rose without reporting.

The Bill to incorporate the British and Canadian School Society of Quebec, was returned from the Legislative Council with an amendment.

The House in Committee to consider the propriety of repealing certain acts, and to impose duties on Innkeepers, &c. A resolution was agreed to; to be reported to-morrow.

On the order for the 2nd reading of the Bill to establish the University of Upper Canada being read, R S M Bouchette, Esq., appeared at the Bar, and addressed the House as Counsel for King's College, against the Bill, and retired.

Mr Hall moved the 2nd reading of the Bill.

Mr McDonald of Cornwall, moved in amendment, that it is inexpedient at this late period of the session, to proceed further in the Bill, on which debates ensued.

Mr McDonald of Kingston, moved that the debate be adjourned till to-morrow.

Which was carried, and the House adjourned till 11 o'clock A. M. to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY—MORNING SITTING.

The House went into committee on supply, and Mr. Cayley moved that live cattle and other stores be admitted duty free when for the supply of the Commissariat.

Mr. WATTS.—There are no reasons given why this proposition should be acceded to.—It is not supposed that the Province cannot supply the demand. The only reason why the dealers go to the States is, that it is easier for them to get to get the cattle by going to Lake Champlain, the great depot for live cattle, than by traversing the country. If the dealers are

allowed to go to the United States for their cattle, it will have the effect of draining the country of its resources. In times of peace, he thought that agriculturists ought to be encouraged, so that in times of war they might be able to supply the demand that would be made upon them. During the late war, we had to have recourse to the States for our cattle; and thus we were supplying them with money to pay their soldiers. He thought that some protection ought to be afforded to the agriculturist. This colony was not situated as other colonies were; it had a line of frontier of about 1500 miles in length, and thus means for fraud are ever at hand; if the cattle for the Commissariat was allowed to be brought in duty free, it would be opening the doors to the commission of fraud, as cattle would be brought in nominally for the Commissariat, which would never reach them. He considered that it would be far better to have no protection at all than the scheme proposed. He hoped the hon. Inspector General would have the pleasant task of sending home the following amendment, and he was sure that it would be exceedingly pleasant to him to have to do so, and they would be more in consonance with the county which he represents. He (Mr. W.) was well acquainted with the wishes of the county of Huron; he had had the honour of having a seat in Parliament for 5 years with the hon. member who represented it till the last session, and by whose influence it was, he believed, that the hon. Inspector General was returned; and Dr. Dunlop had ever been a firm and staunch advocate for the measures which he [Mr. W.] now proposed. He then moved the following resolutions:—

"That during the last Session of the Provincial Parliament, a Customs Bill was enacted, imposing, among others, certain Duties on Live Stock imported from the United States, without containing any clause exempting cattle introduced for the use of Her Majesty's Troops.

"That this enactment was made after a long and serious debate and finally carried by a unanimous vote of the Representatives of the People, the exemption in question having been in full operation during the two preceding years, and having been found to render the Law wholly inoperative; although the Local Government were aware of the fact and took every possible precaution to prevent frauds.

"That although it may be true that this was a departure from an acknowledged principle observed by every Possession of the Crown, yet it was not intended to be ungracious: It was called for by the peculiar position of this Colony, as compared with Her Majesty's other Possessions, having a line of frontier some 1,500 miles in extent, bordering on and separated from a foreign power, in many parts by an imaginary line.

"That it will not give rise to the slightest inconvenience to Her Majesty's Commissariat, inasmuch as the supply from the Colony itself exceeds the demand in every Market of the Province.

"That during the late War with the United States, Her Majesty's Troops were supplied from the United in consequence of the deficiency in the Colony. These supplies were paid for in gold;—and Her Majesty's Royal Predecessor was therefore furnishing the sinews of War to the enemies of England.

"That the Act in question, by encouraging the raising of Cattle in the Country, may correct that evil, and was loudly demanded by the Agriculturists of Canada, as a Counter-Protection to the duties levied on Canadian Cattle entering the United States, and its enactment has given general satisfaction throughout the Province.

"That it is therefore with serious alarm that this House views an apparent disposition in Her Majesty's Government to interfere with this Act passed exclusively to place our farmers on terms of reciprocity with those of our neighbours.

"That this House assures Her Majesty that such a proceeding would cause general and extreme discontent throughout every County in Canada.

"That while the Colonists are anxiously awaiting the result of the advice which has been tendered to Her Majesty, to withdraw the protection hitherto enjoyed by them in their Commercial transactions with the Mother Country, this further step would compel Her Canadian subjects to trade with the Americans in the respective Markets of the two Countries, at a disadvantage of 20 per cent.

"That this fact could not fail to produce among the Colonists generally, an impression that the Imperial Government had placed the Americans, a foreign people, on a more favorable footing than themselves, against the express will of the local Legislature; an impression, however, this House fervently prays that the wisdom of Her Majesty's Councils may prevent, by a due regard to the wishes of the loyal inhabitants of the Colony, as expressed through their Representatives in Parliament.

"That the Representatives of Her Majesty's Canadian subjects are therefore induced to approach Her Majesty with an humble prayer, that the Royal assent will be withheld from any advice which may be tendered to Her Majesty to sanction any interference with the Canadian Customs' Act passed during the last Session of the Provincial Parliament, in any way beyond the amendments made at the suggestion of Her Majesty's Government during the present Session."

Mr. PETRIE moved in amendment to the amendments of Mr. Watts, the effect, that the cattle and other stores for the commissariat, should be admitted under a drawback. He said that altho' he was desirous to afford every protection to the agricultural interests, as he represented an agricultural country, yet he thought that it was nothing but justice, that Her Majesty ought to be allowed a drawback on all cattle and stores imported for the use of the troops. He did not think that it need be abused; the commissariat officer could be called upon to give a certificate of receiving the cattle, and on that certificate the drawback allowed.

Mr. McDONALD of Stormont, made a few remarks, but owing to the noise in the street at the time he was speaking, we could not catch what he said.

Mr. SMITH of Frontenac, thought that it would be far better to make some concessions than to lose the whole of the bill of last Session as it had been signified to us, that our bill would be disallowed unless we should make some concessions. He considered that it would be far better to adopt the amendment of the hon. member for Russell, and thus secure the bill of last Session than by adopting the amendments of the hon. member for Drummond lose it altogether. He was sure that the country could supply the demand, he knew of one gentleman in his District that had this spring £5000 of fat cattle, not one head of which was brought from the States but all raised in Frontenac and adjacent counties. The bill of last Session gave general satisfaction throughout the country, and it was generally considered that it would be unwise to make any alteration in it.

Mr. MORIN did not think that the amendment of the hon. member for Russell would put a stop to the commission of fraud, and therefore he could not see any advantage in the drawback. He considered that the agriculturalists ought to have a protection, and therefore he did not think that it would be ungracious to refuse to allow the stores for the troops to be admitted duty free. He thought that the resolutions of the hon. member for Drummond were safe.

Mr. CAYLEY had no objection to the amend-

ment of the hon. member for Russell. He thought that it would be ungracious to refuse to Her Majesty this slight favour while she sent out soldiers to protect us. He had no fear for the agricultural interests; he felt confident that the farmers could supply the demand, and while they could he would not put it down by indiscreet legislation. A boon had been asked, and it was one that was cheaply bought and ought to be readily granted. He would most respectfully decline the honor of communicating the amendment of the hon. member for Drummond to Her Majesty.

Mr. MERRITT thought that if the hon. member for Drummond had considered this question a little more attentively, he would not have proposed the present resolution. All agreed that the agricultural interests of the Province were those which ought to be protected above all others, but then that protection should proceed on a sound principle. He was quite sure that the agriculturalist, who were an intelligent body of men, and quite able to see their own interests, would not desire to take a step which was equally unjust and impolitic.—What was the nature of the present question? Did Great Britain take any part of the duties in the Province? Not at all; and yet she afforded us the protection of her troops without the cost of one farthing. That ought to be borne in mind, and if it were there would be not attempt to shirk the obligations conferred. Now, in addition to all that, the hon. member wishes to make her pay duty for what her troops eat. Would it not be monstrously unjust to do so? or was it a course calculated to promote the interests of the farmer? On the contrary, it jeopardised the whole bill. He did not believe that any fraud would occur, if the Government took the proper precautions to prevent them, which, in his opinion, could be very easily done.

Mr. McCONNELL, was in favour of allowing a drawback on the cattle on stores rather than jeopardise the whole bill.

Mr. BALDWIN, was confident that it was the desire of the Home Government to do nothing unreasonable. On the contrary he had on several occasions expressed his belief that it wished to behave not only in a reasonable, but even a liberal spirit to the Colonies. On this account he would have been prepared to have voted for the proposition of the Ministry, in order to meet the views of the mother country if he had been sure that every exertion had been made to explain the position in which the Province is placed, with a frontier of some 1500 miles separated in some places by only an imaginary line. That however did not seem to have been done. There was no despatch from the responsible Ministers of the Crown, intended to put the matter in its just light, and until that should be done, and it should become clear that the Home Government continued to take the same view, he certainly would not vote for the proposition of the Hon. Inspector General. It appeared that the only representations, which had been made to the Home Government on the subject, were made by Mr. Filder; no doubt, that gentleman was doing his duty to the department, with which he was connected but he asked if there were no other persons, who ought to have concerned themselves to protect the interests of the Province. It should be remembered however, that it was not the late Inspector General who was answerable for this, since he had retired from the Ministry before the bill had been sent Home.

Mr. WATTS believed that if a proper representation of the case had been made in the despatch which accompanied the bill on its passage home for the approval of Her Majesty there would have been no hesitation about gran-

ting the boon. It was a pity that the thing had not been put in its right light by the late Inspector General, but it appeared from the return of correspondence on this subject, brought down by ministers, that no representation had been made except those which emanated from Mr. Filder the Commissary, and those were obviously incorrect, for he had stated that the country did not produce enough of cattle for home consumption and that the effect of the duty was to raise the price 24 or 25 per cent. The whole matter was very trifling, for it appeared that the whole amount of the duty in dispute, did not come to more than £2,225 a sum for which the British Government surely would not desire to obstruct the wishes of the Colonists. He would rather than give up the Bill, vote the whole sum. As to what had been said about losing the Bill entirely, he would only make one remark, and that was, that it would be better to lose it in that way, than to destroy its effect, by a vote of the House,

Mr. ROBINSON.—Though he had ceased to be a minister before the bill had been sent home, yet he had not neglected as a member of the House, to urge upon the Government the urgent necessity that existed for making proper representations at home as to the objects of the Custom bill, so that it might be understood that nothing ungracious was intended, but that it was merely wished to prevent a fraudulent evasion of the protection afforded to the Agriculturalists.

The amendment of the hon. member for Russell was lost,—Yeas 15, Nays 33.

The amendments of the hon. member for Drummond were carried on a division of Yeas 38, Nays 8. The Nays being Daly, Draper, Cayley, Smith, Viger, DeBléury, Jessup and Petrie.

(Debate on King's College concluded from 4th page.)

Mr. GOWAN said. In 1796, half a century ago, the Local Legislature of Upper Canada applied to George III for a free grant of the waste lands of the Crown, as an endowment "for the maintenance of free Grammar Schools in those districts in which they might be called for, and in due process of time, for the establishment of Seminaries of a larger and more comprehensive nature." [Here the hon. member read the original application made by Parliament, together with King George the Third's reply.] He would next proceed to show that the King's most gracious answer was faithfully communicated by his Representative in the Colony, to the Officers of the Crown, and the Executive Council of that day. [Here the hon. gentleman read the instructions of the Governor, from the Journals of Upper Canada.] It will be perceived [he continued] that a consultation was held. And what was the result of this conference! Was it a consultation to establish a Church University on a narrow and exclusive basis, or to carry out the views of the Crown and the Legislature? [Here the hon. member read the result and again proceeded.] The House should bear in mind the order of reference, and that the Executive Council had no power to stray from that order, or from the subject they were specially instructed to consider. [Here the hon. member, again, referred to the Journals of Upper Canada, Appendix for 1831, page 106, showing that the reference to the Executive Council resulted in setting apart 640,247 acres of the choicest lands of the Crown as an endowment.] He would ask the House to pause for a moment, to contemplate the magnitude of the grant. Upwards of half a million of acres, which at the very lowest value, say four dollars an acre, would have pro-

duced £40,000 annually. [Hear, hear, hear.] Those hon gentlemen who, like himself, were branded as robbers and spoliators, really required much patience under the accusations of their intemperate assailants; but he should now proceed to shew, from official documents, who were the spoliators. [Here the hon. member read extracts from the Dispatches of several Secretaries of State, and from the Lieut Governors of Upper Canada, shewing that Earl Bathurst, Lord Eldon, Sir John Colborne, the Duke of Wellington, Sir Peregrine Maitland, Lord Liverpool, Lord Goderich, and Lord Stanley, all condemned the proceedings of the Local Government, in reference to the University, and called upon the College Council to give up their charter and to appropriate the lands "for the maintenance of schools on the national plan of education."] Who now, he would ask, are the spoliators? Was it Liverpool, the Prime Minister, and Eldon, the Keeper of the King's Conscience? If he [Mr Gowan] erred, it was in good company. And if he was a spoliator, so was Maitland! and so was Colborne! so were the 3rd and 4th Georges! so was William the fourth! and so was Victoria! But he must not forget that one of his friends had stated that they might take the property—that, in fact, it was but mere dross, but that the Royal Charter must not be touched. Such were the arguments urged by his hon and learned friend the Mayor of Toronto. But he would ask his learned friend to look back to the days of the Reformation of the Church of England from that of Rome. [Hear, hear, hear.] What was the title to a single acre of all the church lands in England, except what was derived from the setting aside of Royal Charters? [Loud cries of hear, hear.] Was not Woburn Abbey at one time the property of the church, and by what tenure was it now held by the House of Russell, except by the violation of a Royal Charter? Let his hon friend but look back to the sweeping away of the English Corporations, and to the cutting off of the ten Bishopsricks in Ireland, and he would then be taught a lesson upon the subject of the vested rights, and upon the Parliamentary power of annulling Royal Letters Patent! [Hear, hear.] Before proceeding further he would entreat his hon. friend (Mr. Boulton) to reflect upon the history of the institution, whose advocate he was. Did his learned friend not know that, from the day of the granting of King's College Charter, up to the present hour, its whole history exhibits but one continuous effort for the Repeal of the Charter? In evidence of this he would ask his hon and learned friend to indulge him a few moments, while he read, for their information, the proceedings had upon this subject, in the Radical Parliament of 1828, and in the Tory Parliament of 1831. (Here the hon gentleman read extracts from the Journals of Upper Canada, for the years 1828 and 1831, pages 106 and 95.) Thus then it would be seen that so settled and so unanimous was the public feeling in Upper Canada upon this question, that at all times, and under all circumstances, Radical Parliaments and Tory Parliaments, all united in the strongest expressions of disapprobation of King's College, and in the loudest calls for the repeal of the charter.—And here he (Mr. Gowan) would take the opportunity of vindicating the character of his learned friend [Mr. Draper] whose consistency upon this question, has been so virulently and so improperly assailed, both in the House and out of it. [Hear, hear.] Here the hon. member read from the Journals of the Upper Canada Parliament for 1836 and '7, pages 32 and 226, and from the revised statutes of U. C., vol 1, pages 313 and 317, shewing that from the first day of Mr. Draper entered upon his

public career, as a member of the Legislature, his efforts were directed to divest King's College of its exclusive character.] He would now trouble the House by reference to one other document. (Here Mr Gowan read an extract from Lord Goderich's despatch, dated "Downing street, London, 2nd November, 1831," in which His Majesty King William the Fourth commanded the Council of the College "forthwith to surrender to His Majesty the Charter of King's College of Upper Canada, with any land which may have been granted to them.) Mr G. concluded by giving his support to the bill, with the hope of amending it in the committee, so as to include Free Grammar Schools in the most populous towns and townships of the Province.

Mr. ROBINSON was not abashed at the frequent reference that had been made to him, by the hon. member for Leeds, and he was particularly obliged to him (Mr. Gowan) for reading the resolutions about the School lands, as it shews that the family compact, the Boultons, Robinsons, &c., were not those desperate characters that they were represented to be. It turns out that we were just as liberal as others. He did concur with all the resolutions that were read by the hon. member for Leeds, and he certainly desired to see education promoted by bringing the Grammar schools into use. Let the hon. member for Leeds bring a well digested plan with respect to these lands before this House, and he would support it.—The Bishop of Toronto had done more to advance education in the Province than any other individual, and the reason why the agitators wish to pull down King's College is on account of its success, and the credit it has given to the Church of England. He did not consider they would settle the question by this bill, he would rather call it unsettling the question, for it is settled as much as it can be by a Royal Charter and an Act of the Provincial Parliament; and from the enquiries that he had made, he found that the people were more in favour of an equitable division of the endowment, than of the scheme of the Attorney General. He would vote for such a division, as he considered it extremely injurious to the institution that this agitation should be continually kept up; it had already had such an effect upon the College, that it was degenerating into a mere medical school. He certainly did not approve of all the management of the College, for he was not more pleased than the hon. member for the South Riding of York (Mr. Price) with the splendid chairs that he saw in the hall of the College. He considered this extravagant expense might have been spared, for the circumstances of the country did not warrant it.

Mr. CAYLEY had the misfortune to differ in opinion from his colleague (Mr. Draper) on this question. But before giving his views on this important subject, he must do his friend the justice to state that it is not the case that he (Mr. Draper) wished to postpone the introduction of this bill, for at an early period of the session, he stated at a meeting of his political friends that he intended to introduce the bill, but at the earnest request of many of them, he consented to postpone the introduction of it for some time. He (Mr. C.) had not the command of language that his hon. friend (Mr. Draper) had—a talent which he had rarely seen excelled, and seldom equalled in any country; but he would endeavour to express his opinions in as few words as possible. He considered that this measure will not settle the question, for Regiopolis and Victoria Colleges are not in a position to take advantage of the measure; they have now extensive buildings in Kingston and Cobourg, and

they have not funds to build in Toronto. He was of opinion that the Roman Catholics will not come into any general measure, and they are a sixth of the whole population of Upper Canada. Queen's College is the only one of the present chartered institutions who have funds, so that they can take advantage of this measure. It had been said that the lower and middle classes are better educated in Scotland than in England; this he (Mr C.) attributed to the fact, that a superior education can be obtained at a lower rate in the former country than in the latter, there are only two universities in England while there are five in Scotland. He (Mr C.) was in favor of a division of the endowment of King's College among the present chartered institutions; that division to be made by the Home Government. It would not do to divide it among the smaller sects. It is better to have Colleges in different parts of the country than to have one great institution in Toronto, thereby making a superior education more attainable by all classes, and establishing a kind of rivalry, and healthy circulation between the different institutions. He considered that the endowment was sufficient to put all the present Colleges on a respectable footing—it now amounts to about £900 a year. It was not in his opinion expedient to give the Professor such a salary as would make him independent of his class. Edinburgh University has not an endowment of more than £3000 or £4000 a-year, and none of its Professors receive from this fund more than £200 a-year, and yet it has 2000 students; while Glasgow University which has an endowment of about £9000 a-year has only 1200 students. Thus shewing that it is not good for an institution to be too rich. He believed that a fund of nearly £100,000 would be created from the unappropriated Clergy Reserves, and this might be made an endowment for Colleges of those denominations, who were entitled to these Clergy Reserves. He considered, therefore, the only plausible plan was to divide the endowment of King's College among those institutions who are now chartered, and this plan he was disposed to support.

Mr. BALDWIN entirely concurred in that part of the speech of the hon. member for Simcoe, which testified to the zeal for educating the youth of the country, which had always distinguished the character of the Bishop of Toronto; he (Mr. B.) had, like his hon. friend from Simcoe, received his early education from that venerable Prelate, and he would yield to none in respect and esteem for his exalted and estimable character. At the same time the duty which he (Mr. B.) owed to his conscience and to his country, required that he should render no further support to any scheme that might be propounded or concurred in by the Bishop, than that which his opinion of the merits of the case fully and clearly justified. In reference to the correspondence describing the condition of the College of Belfast, which had been read by the hon. member for Simcoe, he (Mr. B.) thought it ought not to be too strictly relied upon; the opinions contained in the letter were no doubt sincerely given; but he feared that they so tickled the fancy of the hon. member opposite that he entirely forgot, that in urging them upon the consideration of the House, he was bringing the views of an individual to bear against those of the Imperial Government which had, too, been solemnly sanctioned by the Imperial Parliament. [Hear, hear.] He (Mr. B.) was sorry to find that the hon. member for Huron was not prepared to do more than merely speculate upon the great question

of the state of King's College, and he still more regretted that it should enter into the hon. gentleman's speculations to divide the endowment amongst the different Colleges of Upper Canada; he (Mr. B.) was entirely opposed to a division of the endowment in any shape; it should be preserved for one great University, such as would suit the wants and wishes of an increasing and intelligent people, (hear, hear,) and if ever a proposition to the contrary came up he would be found sternly and unflinchingly opposing it; indeed one of his objections to the measure then before the House was, that in effect it was not applying the land to a University purpose, but cutting it up and apportioning it among the different denominations. He participated in the regret that had been expressed by the learned At. Gen. West respecting the motion to postpone the question, but he had no controul over the matter; he had not been consulted upon it, and as he was connected with the hon. mover of the amendment in no other way than by the mere fortuitous circumstance that they arrived at the same conclusion from directly opposite reasons, he felt that he could not with propriety, attempt to dissuade the hon. gentleman from the course he had resolved upon; it was, however, not very difficult for him (Mr. B.) to meet either question, for he looked upon them as amounting to the same thing; the resolution of postponement he regarded as merely another way of getting rid of the bill; he had no such expectation as that the bill would ever be improved; he held no terms with it; he believed then, as he did before, that it was not the measure that was required, and the more it was looked into, as was well said by the hon. member for Middlesex, who last year voted for it, the less calculated would it be found to effect any substantial good. As regarded the complaints of the hon. member for London against those who asked for delay last year, and their complaints against him in return, he (Mr. B.) thought it was a matter between the hon. gentlemen themselves, it somewhat resembled a family quarrel in which it was neither wise nor politic for a stranger to interfere; but he (Mr. B.) could not help observing that this mutual complaining was the natural consequence of the false position in which both parties placed themselves last Session; he (Mr. B.) foresaw that the present difficulty would arise from the course then taken, and which was meant, on the part of the Ministers, to smooth over a real, substantial, defeat. (Hear, hear.) Yes, it was undoubtedly a defeat; the language of the hon. member for Hastings in voting upon that occasion was "if I did not think that the further consideration of the bill would be postponed after the second reading I would vote against it." Why did not the Hon. Attorney General West then rise in his place and tell the hon. member for Hastings that he was bound to vote according to his view of the merits of the question; and that he had no right to assume that the bill would not be carried through; but that would not suit; Hastings might be lost, so might other places, which at the moment shewed no outward sign of defection, and hence, as every one saw at the time, was the bill virtually and of necessity abandoned for the Session. (Hear, hear.) He (Mr. B.) referred thus minutely to the history of that defeat chiefly in justice to himself; he felt that it was not too much for him to do so after the abuse that had been heaped upon him for his vote upon the occasion, especially by those demi-official gentlemen of the Press; he then held in his hand two or three numbers of the Montreal Gazette of that time in which he was spoken of in terms of rather varied force and

import; at first, before the second reading came on, "Mr. Baldwin could not be capable of such a sacrifice of character and self respect as to vote against a bill in all material respects the same as his own;" this was in the angling tone, the bill being the "same as his own" was supposed to be good bait, but he (Mr. B.) did not bite, and when that was discovered, when he voted against the bill; then was "his conduct a thing of pain and humiliation," "he was not virtuous enough to do what was right although he had virtue enough to prevent his running the unchecked career of wrong"—"he was the head of a party but there trailed a slimy venom behind of which he was one and incorporate." This was the sort of abuse which was then circulated from Dan to Beersheba against him [Mr. B.] by the Organs of the Government, altho' it must have been evident, as the sequel now proves, that his opposition was well founded, and was perfectly consistent with his previously declared views of the question at issue; indeed the Hon. Attorney General West, himself, who was not such a bad fellow after all, [laughter] admitted that his [Mr. B.'s] bill was not similar to the Ministerial measure, and he [Mr. B.] had much pleasure in referring to the candid testimony of his learned friend as a set off against the demi-official slang he had quoted. But he could not, at the same time, forbear asking how many now belonged to the "trail?" [Laughter.] How many now had lost the virtue of doing what was right? [Loud laughter.] Did not the hon. member for London, himself, come in for a share of the "slime"? [Cheers and laughter.] Surely he did, for, as a Minister, he had abandoned the measure which it was so heinous in him [Mr. B.] and his friends to oppose, he stripped it of the talismanic influence of Ministerial authority, and allowed it to fall into hands at once uncertain and irresponsible. He (Mr. B.) felt much pleasure in referring next to the points, in connection with the measure before the House, upon which he agreed with those of Her Majesty's Ministers, who were committed to the bill. He agreed with them that the great object should be to preserve intact the whole of the endowment for one grand and extensive University; they also agreed as to the importance of the question; he (Mr. B.) knew no question more important either as regarded the property itself, the object to which it was to be appropriated, and the influence which the legislation arising out of it would have on future generations.—He need not go over the history of the endowment; it had already been fully exposed by the hon. member for Leeds; it was shewn that from the moment the charter was granted it was an object of the greatest anxiety to the people and Parliament of the Province. Since the Union, the excitement ran quite as high as before; it was not necessary to remind hon. members that at the disruption of the Ministry with which he (Mr. B.) was connected, it was said that the real cause of the resignation was that the Ministers foresaw that they would not be able to carry the University bill they had prepared and were about to submit. Then came the general elections, during which the cry resounded throughout Upper Canada "support the Governor General and we will get a good University measure," through the press, too, and the sectarian press, the hope and promise was "the Governor General will give us a good measure"; then came the speech from the throne, in which it was referred to; so far public expectation was realized, and it was thought that at an early day we should have, full and complete, the crowning object of the late Governor General's reign,—but from day

to day hope was deferred; at length, however, promise again appeared; it was announced that the Attorney General West, then in the Legislative Council was about to unfold himself and come down to that House to take the lead in forwarding the public interests; and sure enough down he did come, and then appeared the bill by which he [the Attorney General] was to "stand or fall." There arose at this time, however, a little episode which he [Mr. B.] should like to say a word upon. The hon. member for Simcoe had, about that time, joined the administration; and, as the hon. gentleman had been a Cabinet Minister before, and was acquainted with the mode of proceeding towards each other common to Ministers of the Crown, it was of course thought upon all hands that he had entered the Cabinet clearly understanding his position, and that he would go on smoothly and successfully with his colleagues; but, strange to say, when the University bill was about to appear, there arose what in latter days is called an "antagonism," and the Inspector General, who no doubt it was thought at one time would find no difficulty in getting down any bolus that might be offered by the learned Attorney Gen. West, was found to have tendered his resignation. This was followed by another resignation—that of the Solicitor General West; and then came the crowning affair of all—which was, that although both resignations arose from precisely the same cause, one was accepted and the other was not. [Hear, hear, from both sides.] This was a phase in the general proceeding which he [Mr. B.] could not, from that day to this, understand,—and he doubted whether the members of the Administration could, were they to attempt it, ever make it sufficiently comprehensible to him. [Hear, hear.]—Another striking feature in the case was, that the gentleman whose resignation was accepted was a member of the Cabinet, and the other was not. (Hear, hear.) But it might be asked how, after all, did the hon. member vote whose resignation was not accepted? Why, he actually voted for the second reading of the bill. (Loud cries of hear, hear, and laughter.) After this it might be presumed that the anomalies were over, that Ministers had got to the bottom of their sack; (laughter) not so however, another and a stranger fact remained yet to be told, which was, that although they accepted the resignation of one colleague who would not vote for the bill, they actually replaced him in the Government, and in that House, by a gentleman who has declared that he will not vote for it either! (Hear, hear from both sides.) Here was a concatenation of anomalies in the management of a Government utterly unknown to all previous, as he trusted they would be to all future, experience, [hear, hear,] and all this occurred in connection with a measure which the learned Attorney General West had declared he would stand or fall by, upon which he had made up his mind, and upon which his colleagues had, he said, made up theirs. Here the hon. member read the following extracts from the speech of Mr. Draper on the second reading of the bill, 11th March, 1845, commenting upon various passages of them as he went along with much force and humor. After referring to the unsettled state of the question, the great public interests at stake, and which were so dependent upon the "just and speedy settlement of the question," Mr. Draper said, "For my own part I may safely say that if there be one question more than another, which, if it were possible, consistent with my sense of public duty I could wish to avoid, it is this one.—Or if there be any one thing which, more than another would make me hail with joy a retire-

"*ment from public cares to private life, it would be the desire to escape from the responsibility of this measure. I know no measure, the cares of which would make me so anxious to take that course. But it is my bounden duty especially, connected as I am with a Ministry which grounds its proceedings on the principles contained in the resolutions of 1841, I say it is my bounden duty not to shrink from any great question which concerns the welfare of the country.* I stand in such a position that I must either stand or fall by this measure, upon which I have made up my mind, and upon which my colleagues have made up theirs." And after touching on the religious prejudices which the question affected, he proceeded: "If we at present can only see the storm gathering in the distance, let us not wait till we find it bursting over our heads before we exert ourselves to provide a remedy." It was for the reasons which he had already stated, that he conceived he had no alternative but this, either to try to deal fairly with this great question at once, or to retire from the Councils of the Province. There was no other alternative unless he had wished to throw the brand of discord into the community." And in concluding, having referred to the expected application from the College to be heard by Counsel against the bill, he said, "If he could believe that it would not have the effect of throwing the measure over for the present Session, and if he were convinced that the majority of the House were in favour of it perhaps he would not resist the wishes of his friends or even the desires of those who were usually opposed to him. But he must oppose a motion which was made under circumstances which drove him to the conclusion that nothing but delay was sought for. So far as he was concerned, and as far as those were concerned who acted with him, he could say that if they had not felt that the duty of settling the question was paramount, if they had not felt that the longer it was delayed, the greater the evils which arose from it would become, and in saying this he only gave utterance to a sentiment which every one must concur in. He said, if they had not felt these sentiments it would have been a great relief to them to have been spared the pain of entering upon this subject." After reading the above Mr. Baldwin resumed by asking, could it be believed after such language on the part of the leader of the Ministry, that the University question would not be settled, and least of all, could it be suspected that if it were not disposed of immediately it would be shorn of its importance in the Government, or put off from Session to Session; yet do we find that after having a whole year to arrange for a determined and final action, no mention is made of it in the opening speech, and in the House it is allowed to be brought forward, by mere accident too, it would appear, by an independent member. Was such a course not calculated to depress and grieve all who, like him [Mr. B.] sincerely desired a settlement of the question. He [Mr. B.] could not understand how such a change had occurred, and how those who affected to love the fame of Lord Metcalfe, could thus abandon a measure that was represented as one of the great objects of his Government; the only probable cause that he [Mr. B.] could assign for the very extraordinary abandonment of the question was, the fact of the hon. member for Huron having obtained a seat on the Treasury benches.— [Hear, hear.] It was doubtless conceived that, as that hon. member did not concur with his colleagues in the matter, it would be awkward to allude to it again from the throne, or to resume it as a Government question. [Mr. Cayley nodded assent.] Much had been said about

the present Ministry representing the country, but he would ask, who did they represent as they then stood? Three-fourths of the members of the Church of England, and the great bulk of the rest of the population of Canada demanded a reform in the constitution and management of King's College, and behold how the Ministry, who pretend to represent them have acted! Instead of advancing they actually make a retrograde movement. He defied the ministers to produce a precedent for such an act from the whole history of Legislation; he could understand how, on such questions as Catholic emancipation or Parliamentary reform, that took some time to roll on to perfection, Ministers might hesitate as to a decisive course, but he never before heard of such a case, and believed it to be unparalleled as that of a Ministry having solemnly adopted a question staked their existence upon it, and then, instead of strengthening themselves so as to carry out their pledge promptly and honestly, dare to make a retrograde movement, and in the face of all their previous declarations announce it to be an open question! [Hear, hear and loud cheers.] If ever there was a case which called for decisive action on the part of the country it was that; it was clear that there was no way of carrying such a measure as the University bill but by making it a firm cabinet question and yet did we hear a member of the Government say that he held no other than speculative opinions upon the subject. It had been said that the days of impeachment were gone by, but as far as moral guilt went, the Ministers richly deserved impeachment, and would certainly be impeached by the country for the gross dereliction of duty of which they had been guilty. [Cheers.] The hon. member next referred to the manner in which the bill had been introduced; it did not appear before the 5th May and then Mr. Hall was allowed to introduce it in half joke half earnest, neither he [Mr. Hall] nor the Attorney General offering any explanation of the change in the views of the Government, nor indeed as to the nature of the bill. He then adverted to the speech of Mr. Chauveau, characterised it as truly eloquent and as containing unanswerable arguments as to the position of the Ministry; there was no escaping from the dilemma in which he [Mr. C.] placed them. It would, he said, be recollected that when in the course of his most eloquent speech the hon and learned member for the county of Quebec [Mr. Chauveau] observed that the Lower Canadians owed little to members from the Upper section of the Province of either political class hon. members on the Ministerial side cheered exultingly; he [Mr. B.] would advise the members opposite who thus exulted not to be too prodigal of such cheers; it might turn out that they were mistaken in the particular view that animated them [hear, hear from the French members] in some votes which he [Mr. B.] felt it his duty to give he had, doubtless, disappointed some of his friends belonging to Lower Canada, but he felt, nay he knew, that there was not a man amongst them who attributed his conduct to any other than correct motives [hear, hear and enthusiastic cheers from the French members.] In reference, once more, to the question before the House he would say that he agreed with the honourable member for London that the action to be taken upon it should be final [hear, hear]; it would be far better to leave it as it was than to introduce a measure that would merely go the length of tinkering with it. He was, he would repeat, entirely against a splitting up of the endowment the country wanted one great institution and he saw no means of effecting that except by husbanding the means they possessed; [hear, hear] he did

not think the people of Upper Canada, unless they were deceived into it by the representations of leading men, desired any other than one ample liberal instruction in which the children of the Province without distinction of creed, or any other distinction whatever, could meet, be educated together, and cultivate a lasting and brotherly friendship; [cheers] he [Mr. B.] ardently desired such a consummation; he did not wish, and he thought he had given the best proof of it, that his children should be brought up in seclusion from, and under a sense of hostility towards, those of any other section of the people; [cheers,] he detested the principle of scaring, by any species of bugaboo, one child from the society and love of the other. He [Mr. B.] thought he could prove that the bill before the House was not calculated to attain that great object which the learned Attorney General admitted to be so necessary, and which he professed himself so deeply anxious for, viz, a prompt and final settlement of the question by means of satisfying the demands of the different denominations. What was the state of the people of Upper Canada as regarded denominational divisions. There were

Ep. of Church of England	198,000
Roman Catholics	78,000
<i>Presbyterians:—</i>	
Church of Scotland	31,000
Free Church	62,000
Other Presbyterians	21,000—114,000
<i>Methodists:—</i>	
B. Wesleyans	28,000
C. Wesleyans	39,000
Ep. Methodists	24,000
Other Methodists	9,000—100,000
Baptists and Anabaptists	20,000
<i>Miscellaneous Denominations:—</i>	
Quakers	6,000
Lutherans	5,000
Congregationalists and Independents	5,000
Menonists and Tunkers	2,000
Dutch Ref. Church	1,000
Jews	1,000—20,000
Other Denominations	24,000

He had taken these statistics from the returns of 1842, and put the several denominations down in round numbers for convenience. These returns did not, as would be recollected, shew the relative numbers of the Free and Residuary Churches of Scotland; he had, therefore, been obliged to assume the proportions to be one-third to the Residuary Church, and two thirds to the Free Church, which he was sure would be considered by all acquainted with the subject as highly favourable to the Residuary Church. Indeed he had been told that that Church did not retain much more than one-fifth of those returned in 1842 as belonging to the Church of Scotland; he had, however, taken it at one-third to be on the sure side. Such was the extent and variety of the communities for whose permanent peace and benefit it was proposed to divide the endowment. Besides, a vast proportion of the country was yet a wilderness, and the division that would be satisfactory to-day, might in a few years, as the country became settled, and sects increased, be a fresh source of jealousy and clamour. [Hear.] Well might the hon. member for Huron talk of speculation. The measure of his hon. colleague was certainly speculative in a most abundant and prolific degree. Once more would he [Mr. B.] object to the bill, on the ground that instead of applying the proceeds of the lands to the great purpose of bringing the youth of all denominations together, and securing for them an education of the highest order in all branches of useful knowledge, it proposed to keep them separate, each sect from the other,

and offered a premium for multiplying small denominational colleges. What are the provisions of the bill? A college with 15 students is to have from £300 to £500 per annum, one with 20 from £500 to £600, one with 30 from £600 to £750, one with 40 from £750 to £1000, and one with 50 and upwards, from £1000 to £1200. What, he would ask, would be the inevitable result of such a system? Would it not be that, as soon as a denomination could send 65 students to the University instead of being satisfied with one College, one vote in the Councils of the University, and £1200 from the funds of it, they would, if they had sufficient influence to obtain charters, divide their students into two or more Colleges; and in that way would a favored denomination have it in their power to increase their votes in the Caput from one to four, and be enabled to draw from the funds £2100 per annum. Then by dividing 65 students between two Colleges, with 50 in one and 15 in another, they would be entitled to two votes and £1500, or dividing them 20 in one College, and 15 each in 3 others, they would secure 4 votes and £2100. There was also, the principle of tests which was retained by the present measure, and to which he [Mr. B.] was decidedly opposed. He had already referred to the fact that the latest legislation in the Imperial Parliament sanctioned the general principles of the bill which he [Mr. B.] had prepared in reference as well to the teaching of theology as to tests. [Hear, hear.] While upon that point he would observe that he thought the hon. member for Toronto [Mr. Boulton] a little indiscreet in introducing the name of the Catholic Bishop of Toronto in connection with the Catholic meeting recently held in that city; it was his [Mr. B.'s] opinion that the Bishop had authorised no one to say what were his sentiments in reference to that meeting.

Mr. BOULTON explained that he did not mean to convey that he spoke by authority of the Bishop.

Mr. BALDWIN was glad to hear that explanation, and did not doubt that the allusion to Mr. Terence O'Neil of Toronto, made by the hon. member at the same time, was susceptible of like qualification. Mr. O'Neil was known to be a highly respectable citizen, and was not liable to any such imputation as that which the hon. member would seem to throw out.

Mr. BOULTON had no intention to speak offensively of Mr. O'Neil; he had merely stated that the opinion expressed by that gentleman, at the meeting referred to, that the College ought to be thrown open to all, even infidels, was not participated in by the Catholic Bishop or by respectable Catholics generally.

Mr. BALDWIN resumed.—Hon. members were aware that many of the leading dignitaries of the Catholic Church in Ireland were favorable to the new College bill, as were also Bishops of the Church of England; of the former were the Catholic Primate of Ireland, Dr. Crolly, and the Archbishop of Dublin, Dr. Murray; and foremost among the latter was the Protestant Primate, one of the Beresford family. It was true that the Clergy of both Churches differed upon the subject to a considerable extent, but it could not be disputed that high and important approbation had been elicited, and he [Mr. B.] would ask if it were at all practicable to carry out the principle contended for in Ireland where Protestantism was comparatively speaking, a mere drop in the bucket; how much more so ought it to be in this country where such a large proportion of the people belonged to that section of the Christian

world. Another difficulty in reference to the present bill was that according to his [Mr. B.'s] view, it was doubtful under what authority Professors would be appointed. To him it was not clear whether the appointments were to emanate from Her Majesty irrespective of Colonial Authority, from the Governor General as the representative of the Queen independently of his Council, or whether they would be made according to the principles of Responsible Government, that is, by and with the advice of a Responsible Executive. He should not approve of either of these modes, but he thought the second the most objectionable. If Professors were selected by the Queen we might have something to fear from the influence of the English Hierarchy but there could be no doubt that competent men would always be appointed, whereas if the Governor were vested with irresponsible power there would be the two fold danger of the appointment of incompetent men for mere political purposes. He [Mr. B.] still adhered to the view adopted by himself and his Colleagues, that the selection of Professors should be in no way connected with politics, but should be determined upon by a competent and impartial Board. [Hear, hear, hear.] A further and most serious objection to the bill was, that instead of the influence of the Church of England being diminished in the government of the College, as was demanded by the country, it would be materially increased. It was proposed that the Council be composed thus:—

Vice Chancellor of the University, Episcopalian	
Chief Justice of U. C.	do
Vice Chancellor of U. C.	do
President of King's College	do
Senior Puisne Judge of U. C.	do
President of Upper Canada College	do—6
Pres't of Queen's College—Kirk of Scotland—1	
Do Victoria do Methodist	1
Do Regiopolis do Catholic	1
Do Free Church do	1
Do Baptist do	1
	— 5

Thus would the Board consist of 6 Episcopalians to one of each of the other denominations, and as 6 to 5 of all the others put together! He would ask was such an arrangement likely to give satisfaction? One of the present complaints was the overwhelming influence of the Church of England in the management of the College. Was the plan he had detailed likely to remove that complaint? Would it, or could it, contribute to what was called "a final settlement of the question?" No! It was believed on all hands that there was nothing of finality about the bill; the country evidently regarded it in that light, and wisely refrained from affording that countenance and support which would otherwise be certainly extended. What was the fact with regard to petitions on the subject? It was, that although a whole year had elapsed since the second reading of the bill, and although that delay was granted avowedly for the purpose of ascertaining public opinion, yet but one solitary petition in favor of the bill came from Upper Canada, and but five or six others, got up in Montreal and its immediate neighbourhood, which were presented on that very day by the hon. member for Kingston, and to which were appended the aggregate number of 212 names;—one was from Lachine, another from Laprairie, another from Three Rivers, and the rest from Congregations in Montreal. This was the amount of support that had been obtained, while he [Mr. B.] had presented a number of petitions, containing some thousands of signatures, against the

bill; and his hon. friend from South York had also laid several on the table, and amongst them one from the Catholics of Toronto, signed by upwards of one thousand of that body. [Hear.] But he [Mr. B.] would go further, and say that even those who supported the bill did not regard it as a final measure; nay, he would venture to add that the hon. member upon whom it devolved, by mere accident of course, to introduce it this Session did not consider it calculated to realise the object of the hon. and learned Attorney General West, viz: "a speedy settlement of the question."

Mr. HALL did not look upon them as a final.

Mr. BALDWIN.—Well then how could it be recommended to the support of those who desired further legislation on the College question, only that it might, satisfactorily and forever, set it at rest? [Hear, hear.] Would not he [Mr. B.] have been guilty of treason towards his country, had he adopted a different course to that which he has pursued since the measure was first introduced. [Hear, hear.] Was he not bound to advise his hon. friends to act as they had, [hear, hear, and cheers from the liberal members,] and was it not still his duty to call upon them to join him in resisting a scheme which could only operate as another brand of discord among the people of Upper Canada; which, as they saw, was satisfactory to neither party, neither to those who resisted Reform in the College, nor to those who desired it; which would correct none of the abuses said to exist, nor satisfy any one that they did not exist; and which was, therefore, certain to lead to further interference, further vexation and embarrassment, and in the end would endanger the very existence of the Institution. [cheers.] He [Mr. B.] warned Her Majesty's Ministers last year that their measure was calculated not to remedy but to aggravate the evils complained of; it was then imputed to him that his opposition was factious, that he desired merely to destroy the Ministry; now, however, he could proudly refer to that warning; [cheers.] he could, in defence of himself and his friends, triumphantly point to the present position of the bill, virtually abandoned by the Ministers who introduced it, denounced as incomplete and inefficient by members who last year supported it [cheers] and who tell us, to boot, that their former vote was "to save the Ministry." [Enthusiastic cheers.] Well might the Ministers ask to be "saved" from such friends! He would again vote for the rejection of the bill and was proud to see that such was also the resolve of an overwhelming majority of the House.

The House then divided and the amendment was carried by 39 to 19.

Mr. MACDONNELL, of Stormont, said that he would defer the second reading of his Public Lands Sale Bill, as he understood it was the intention of the hon. member for Ottawa to proceed in his bill. He would therefore move that it be discharged from the orders of the day, and be placed as the first order on Wednesday.

Atty. Gen. SMITH must oppose the latter part of the motion. It would be impossible to say whether the bill of his hon. friend, the Commissioner of Crown Lands, could be brought on either on Tuesday or Wednesday, but it would certainly be on one of those days, and the hon. gentlemen could then propose, in the shape of amendments, all the objects proposed in his bill.

Mr. BALDWIN would wish to know when the Bill of Works Bill was to be brought on, and he would here remark that he had been

misunderstood the other day in what he had said when urging on the House the hardship of the present system of tolls. Instead of having said, as he was reported to have done, "that the farmers in his Riding commonly went to market at noon," what he had stated was that many of the farmers of his riding, in order to avoid the oppressive operation of the present system, and which the schedule as it stood proposed to continue, were in the habit of leaving their houses so as to reach the first toll-gate at a little before 12 o'clock at night and to pass it a little after that hour, and then endeavoured to return in time to get through through the same gate a little before 12 o'clock on the following night; thus having to travel by night instead of by day, besides being inconveniently limited as to time in transacting their business in the city.

ROUTINE BUSINESS.

FRIDAY, May 29.

Bills read 3d time and passed—

To provide for the better defence of the Province and to regulate the Militia thereof.

To continue certain acts and ordinances that are about to expire.

To incorporate the Montreal and Kingston Railroad Company.

To incorporate the Montreal and Lachine Railroad Company.

And the Bill to incorporate Hamilton as a city. Mr Watts from the Special Committee on Despatches relative to Provincial Customs, presented a report.

The Committee on the Bill to regulate the duties between master and servant, reported the Bill amended. To be committed to the whole House on Monday.

Mr Johnston moved an address for a copy of all correspondence between the Government, the Crown Lands Department, and G R Burke, Esq., of Bytown, relative to the appointment or refusal of that gentleman to the office of Agent for the sale of Clergy Reserves.

The petition of J G Barthe, Esq., was ordered to be printed.

The amendment of the Legislative Council to the Bill to incorporate the British and Canadian School Society of Quebec, was concurred in.

The following Resolution was reported from the Committee of supply, and agreed to, viz:—

Resolved—That it is expedient that the proceeds of all forfeitures incurred by the contravention of any Act of Law relating to the Customs, or to the collection of the Revenue, or so much of the proceeds for such forfeitures as may be then at the disposal of the Provincial Legislature, be divided between the Collector of the Port where the seizure is made, the Officer or person making the same, and any person or persons giving information, or otherwise aiding in effecting the seizure or obtaining the condemnation of goods seized,—in such proportion as the Governor in Council shall in any case or class of cases direct and appoint.

2d Resolution, granting £6000 to the law society of Upper Canada, upon their entering into a covenant to provide fitting accommodation for law courts.

3d resolution, imposing the following rates for the payment of the principal and interest of the above sum:

ON PROCEEDINGS IN QUEEN'S BENCH.

On every Writ 1s 3d
On passing every Record of Nisi Prius 1s 3d
On every Judgment entered 2s 6d

ON PROCEEDINGS IN EQUITY.

On Filing every Bill 5s 0d

ON PROCEEDINGS IN APPEAL.

On every Writ of Appeal from Queen's Bench to Chancery 5s 0d

4th resolution, authorizing the sale of two acres of the Parliament House block in Toronto on a credit of five years, to assist further in liquidating the same.

5th resolution, appropriating a loan of £19,000 to the Montreal Harbour Commissioners, when re-

paid, to the erection of Light Houses and relief of stations, &c., in the Gulf of St. Lawrence.

6th resolution, for issuing debentures for £30,000, to erect and furnish a Lunatic Asylum at Toronto, on the credit of the tax established for that purpose in Upper Canada.

The above resolutions were severally agreed to.

LEGISLATIVE COUNCIL.

SATURDAY, May 29.

Hon. Mr. MORRIS moved that the Militia bill should be read a second time, as it was his intention to refer it to a select committee, he would not enter into a discussion of the question at that moment.

Hon. Mr. FERGUSON regretted that the hon. Receiver General did not introduce the bill—he did not mean with a flourish of trumpetry—but with some explanation of its details. The principle of the bill, to train the young men of the Province to the use of arms, was admitted by all, but he had an infinite number of objections to its details, and would have wished that the hon. Receiver General had treated it at a little more length than he seemed disposed to do.

Hon. RECEIVER GENERAL had not the slightest hope of pleasing the hon. gentleman. If he had entered into explanations, he would be told that he had spoken too much, and the reason why he did not do so was that he thought the bill had been so long in their hands that every one must be well acquainted with its details. The bill was then read a second time and referred to a select committee, as were also the following bills:—Hamilton incorporation act. Lachine Rail Road bill. Kingston and Montreal Rail Road bill. Bill to continue certain acts and ordinances for a certain time.

Hon. Mr. FERGUSON had asked the hon. Receiver General some days ago a question respecting the Treasurer of the Gore District, to which a reply had been given with perfect candour, that there were no charges brought against that individual. Now altho' he knew that his hon. friend would state nothing either in public or private that was not perfectly true, he [Mr. F.] could assure him that he was misled in that respect. For charges had been made against the Treasurer months ago, as far back as the month of September; alleging that he had refused to give in his accounts, and absented himself so that it was impossible to have the accounts audited, and that he was very heavily in arrears to the District. He [Mr. F.] would admit that this matter did not lie immediately within the department of the Receiver General, but nevertheless he must be held responsible for all the acts of his friends.

Hon. REC. GENERAL said that he had enquired into this matter at the time his hon. friend had put the question, and had been instructed to say that in the first instance there were no charges before the Government on which an enquiry could be grounded, and that the Warden of the District had been so informed. Since that period charges had been laid before the Government on which they could act, and, as he had informed his hon. friend in private, the Assistant Secretary was carrying on a correspondence which was not yet closed. If, after dealing so frankly with the hon. gentleman, he had communicated with him [the Rec. Gen.] on the subject privately, he thought it would be much better than to bring it before the House. Since the time he referred to, the subject had taken a new shape; and, although the correspondence was not in a fit state to be laid on the table as yet, he believed he could state that the Government would bring it to such a termi-

nation as would prove entirely satisfactory to his hon. friend.

Hon. Mr. FERUSON said that was all very satisfactory, but he would not relinquish his right to move in that or any other matter if he thought fit.

HOUSE OF ASSEMBLY.

SATURDAY, May 30th, 1846.

Mr. WATTS from the Committee to whom were referred the resolutions passed yesterday to draft an address reported it in accordance with the resolutions. He said in moving the concurrence of the House in the address, that he was astonished that certain hon. members should have endeavoured to shirk this question as they had done, it was laughable he said to see them scampering away one after another; where he would ask was the hon. member for Frontenac? aye where was he? you could see him scampering out of the House when the yeas and nays were called, afraid to vote against the Ministry, and knowing that if he did not he was pursuing a course that would be dangerous to his constituents. Notwithstanding the promises that the Attorney General made to his constituents, yet we find him on this question voting directly opposite to what they would approve.

Mr. SHERWOOD of Brockville, would be ashamed to vote for the address, that should charge duties on the provisions that were required for the soldiers that were sent to protect us. It was like asking a man in to protect your house from thieves, and then charging him board for staying in your house. He would venture to say that every respectable farmer in Upper Canada, would repudiate the idea of imposing duties on the provisions for the troops. He was one of those that was absent from the House when the question was put, but he was absent by accident at the time and not with the intention of shirking the question.

Mr. M'DONALD of Dundas.—Hon. members are desirous of protecting the British Government rather than the farmers, but he would not do so, he would support the address without fear of the consequences, even altho' it might be the cause of a change of administration.

Mr. MERRITT.—The British Government perform duties for Canada, without charge, which even in the U. States are performed by the Federal Government, at a cost of all the import duties now levied.

Mr. SMITH of Frontenac when he attacked a member he generally looked round to see if he was in his place. He believed that the hon. for Drummond had alluded to him, and said that he had shirked the question. He (Mr. S.) must state that he never did so on any occasion, and never would. He had come here this morning with the express determination to vote for the address; he considered the agriculturists of Upper Canada require that we should pass this address, we have established a protective principle and he would not retract from it.

Mr. WILLIAMS, regretted that he could not give his unqualified approbation to the address, he wished to have the duties levied, but yet he did not wish that her Majesty should be compelled to pay them, he thought that they ought to be refunded to Her Majesty. If the provisions were to be admitted free of all duty he would oppose it, as it would open a door to fraud.

Mr. HALL, wished that the consideration of the address should be postponed, and stated that the Inspector General had postponed his resolutions for the convenience of the member for Drummond.

Mr. WATTS, did not think that he had received any favour from the hands of the hon. Inspector General, he had asked that gentleman, when he intended to bring on his resolutions, and he understood him on Friday. On Thursday when the order of the day was called he had sent his resolution to the printer and not kept a copy so that he was unable to proceed; but there was another reason, the hon. member for Sherbrooke had gone out when the votes were being taken.

Mr. MOFFATT, was not present when the subject had been brought on before if he had he would have voted against the proposition of the hon. member for Drummond; and he was happy to have that opportunity now. He would ask what the people of England would think of this address, at the present moment when we were possibly on the eve of a war with the United States. If the sum is really so paltry as it is represented by the hon. member for Drummond to be, why then not at once concede the matter, instead of getting up a feeling against Canada at home. He felt sure that the British Government could never and would not consent to this Customs bill, unless the amendments were made to it that were proposed by the hon. Inspector General. They would immediately on receiving this address be compelled to go down to the Imperial Parliament, and having stated the facts, ask them to pass a bill, excepting all commissariat stores from the payment of duty in the colonies.—He knew that at present the best feeling was entertained by the people of England respecting this colony and he hoped that they would never pass any measure, which would in any way destroy that feeling! he knew no measure, more calculated to have that effect than the present one, and it would have far worse consequences than ten times the amount of the duty. He was willing to impose Custom House regulations of any extent to prevent any abuse but, he would most earnestly implore the House not to fling into the face of the Imperial Government so ungracious an act. He would never consent to the address.

Mr. ROBINSON, would ask if in England the contractors would be allowed to import the cattle for the troops duty free. He was not afraid to bring the matter before the Imperial Parliament. He was convinced that if it was properly represented to the Home Government they would never refuse it, and if he could have been satisfied that that had been already done, he would have voted for the amendment of the member for Russell.

Mr. CHRISTIE, if we do not exempt the stores for the supply of the troops from duty, Canada would become a bye word among all the British colonies. He then said that the Committee had exceeded their duty, in not reporting the address in exact conformity to the resolutions.

Mr. MORIN, in explanation said, that the Committee would not feel gratified in saying at the present moment, that Canada could supply the demand for cattle, but they feel quite safe in asserting that under a protection she would shortly be able to do so.

Mr. CAYLEY.—The whole gist of the question lies in that. It had been said on the previous day, that there was no necessity for the exemption from duty of cattle intended for the commissariat, because a sufficient quantity could be obtained at a fair price in Canada.—As to what the hon. member for Simcoe had said that in England the Contractors had to pay duty on the stores imported, the House would at once see the difference of the circumstances of the two countries. In England the duty imposed went into the very revenue which paid the soldiers, so that it came to the same

thing whether duty was by the contractors, and the Government paid so much more, or that they were allowed to import free of duty, and then pay less; but in Canada the duty that was imposed, went into the revenue of Canada, out of which not one copper was paid towards the support of the troops. It had been an old saying that coming events cast their shadows before, and that rats left a falling house, it was therefore he supposed to be taken for granted that as the hon. member for Drummond and the other rats were going over to the other side of the House, a Ministerial tumble out was at hand.

Mr. ERMATINGER, on rising was greeted with cries of "question." He complained of the attempt on the part of the Ministers, to stifle discussion, by crowding a large quantity of business into a small space of time, which caused great inconvenience, and had done so in the present case. There were many members who had voted the day before, and did not know what they had voted about. (name, name.) He would name himself for one, [laughter] when he named himself he had done so only in a joke, for he had not voted at all [hear, and increased laughter.] And the reason for not voting was, that he did not understand the subject. He saw so many gentlemen flocking to the door, that he was compelled to follow their example and fall in with the troop. Now for the question. [Cries of hear, hear and laughter.] Was a man to be laughed at he would ask, because he did not understand what he did not know. [Continued laughter.] He could not for the life of him understand some of them. [Hear.] His determination had been the day before, to have voted for the amendment, but he had been so staggered by the convincing arguments of the hon. member before him from Montreal, that he would vote for the proposition of the Inspector General. He thought that the country wanted protection, yet he was in favor of granting this boon; he would never participate in such paltry legislation as that proposed by the hon. member for Drummond, for he had some respect for consequences, although the hon. member for Drummond had not.

Mr. BOULTON would be as much opposed to increase the price of necessaries for the army as the member for Montreal, but he could not see how that would be, when the Province could furnish them as cheap or cheaper, than any other British Colony. If the Province could not do this, he would be as ready as any one to remove the protection; but the Province has already received a benefit from that protection, as might be noticed in the case of manufactures and he was unwilling to remove it. Are we he would ask to offer a premium to the Commissariat to procure American Cattle in preference to Canadian? Until it was shewn that Canada could not produce sufficient, he did not think that they were called upon to pass a measure which would give a preference to the American drovers over the Canadians.

Mr. McDONALD of Glengarry would rather give the sum of £2,500 to support the troops than that the principle of protection should be done away with. He considered that unless protection was afforded to the Canadian farmer, it would stifle every attempt on their part to produce fat cattle. If this address had been altogether supported by members on this side of the House, he knew what would be the remark, but it had been supported by many members on the other side of the House, and among them the member for Simcoe, there could be no doubt of his loyalty.

Mr. HALE.—If he had left the House on a former occasion, he had done so in good company, but he did not do so with any intention of evading voting. When the clock was at half-past one, he left for dinner; and it was not he believed, in consonance with Parliamentary usage, that a report of a Committee of the whole imposing duties, should be received at the same sitting.

Mr. CHRISTIE testified to the correctness of what the hon. member for Sherbrooke had said, and stated that that gentleman had expressed his surprise at dinner, when informed that the resolutions had been reported and adopted.

Mr. BALDWIN repeated what he had said on the previous day, as to his willingness to meet the views of the Home Government, and his dissatisfaction at the absence of any despatch to accompany the bill when it was sent home, explaining the views of the Provincial Parliament. As there had not been such a despatch however, and as the House was then in ignorance what course the Government might have pursued, if there had been one, he had no other course left to him than to vote for the address. The hon. member for Montreal has expressed his readiness to concur in any measure which would prevent frauds on the frontier, but that gentleman had appeared to have forgotten, that last Session, he was one of the most earnest in pointing out the impossibility of restrictions on so extended a frontier. He repeated that if, on the case being properly represented to the Home Government, and they found it impossible to assent to the views of the Provincial Government, he should be most willing to meet the views entertained in the ministerial proposition; and that not only on the ground of preventing the Customs bill of last Session from being disallowed altogether; but also for the reason that he felt a desire to meet them in a broad and liberal spirit.

Mr. MOFFATT, if the hon. member is sincerely desirous of writing to the Imperial Government in a liberal spirit, he (Mr. M.) would like to know what answer that hon. gentleman would give to the concluding part of the despatch from Home. "I could have wished to find in this act, the usual exemption from duty of supplies required for the forces, and your Lordship will, therefore, use your influence to obtain this alteration, which I deem indispensable." Let the hon. gentleman shew that liberality he speaks of now, without troubling the mother country further, to enter into any discussion on the matter. The hon. gentleman, however, was not sincere, he felt sure that he could not be sincere in what he had said about the despatch, because if that hon. gentleman had been in the ministry, he must have known that he could not have found any good reason to have furnished the Home Government for the bill being passed without the usual exemption from duty of Commissariat supplies. As to the Custom House regulations, he knew that they would be difficult, but yet they would not be impossible.

Mr. LATERRIERE doubted whether the protection afforded by the Home Government was not more for their own interests than those of Canada. The business of this House however was to protect the Canadian farmer.

Mr. DRAPER.—It is curious to see how hon. gentlemen arrive at a conclusion by different routes. He (Mr. Draper) could not help remarking that circumstance on the present occasion, and the observation is particularly well grounded when it is applied to the new addition, revised and corrected, though without very many additions of the speech of the hon. member for the Fourth Riding. He has come to

his conclusion by a means of arguing that has, as little as can be possibly imagined, to do with the real question at issue. He (Mr. D.) would like to know whether that gentleman approves of the address, for he supposed that he must take the responsibility of it in common with the other gentlemen who vote for it. Is he willing, for instance, to stand by the declaration that this will not be ungracious, though it is admitted that it is a deviation from acknowledged principle, that it was called for by the peculiar position of the colony as compared with Her Majesty's other possessions, having a line of frontier of some 1500 miles in extent, bordering on and separated from a foreign power in many places by only an imaginary line. He supposed that the meaning of that sentence was, that Canada differs from all Her Majesty's other colonies in being conterminous through all its length with the United States. Now, without leaving out of a view the great lakes, and the river which separates us from the States, and certainly prevents that part of the Province from being called conterminous, can it be said of the remaining part of the Province that this is the only colony separated from the United States by a long line of frontier? No, such is not the case, and the House well knows it. There is another part of the address, which shews in a striking manner, the extraordinary ingenuity of the gentleman who framed it. It is brought in by way of addition to the resolutions; we learn from it, "that though for a short period, the British Government may be called on to pay a sum, unimportant when compared with the permanent advantages which may be expected from the bill, yet that this House feels confident that the supply from the country can meet the demand." Here you have the premises, he will now come to the conclusion, and he must say, that he would be very sorry to write home a despatch containing only this address as the cogent reasons for not complying with the demand.

Mr. BALDWIN, it is a great pity that you did not do the draft an address yourself.

Mr. DRAPER continued, perhaps so, but in the meantime, he would remind the hon. gentleman opposite that this address contains the very powerful reasons and arguments, which he is prepared to adopt as his own, and which he expects, will convince the Government of the mother country how extremely wrong it was in them to desire us to alter our bill. This is the able document [holding it at arms length and shaking it] which is to carry conviction into Downing Street, that they ought to withdraw their opposition to the customs bill of last session. This is the address—this the document, that that hon. gentleman (pointing to Mr. Baldwin) would send home as the production of the united wisdom of the Commons of Canada. He should not only be sorry to send home such a document, but he would be ashamed to do it. Let us for a moment take up the following bright sentiment and analyse it. "For a short period the British Government may be called on to pay a sum, unimportant when compared with the permanent advantages which may be expected from the bill." What does this mean? The sum of money to be levied is confessedly paltry. If the mother country pay little, then this country will receive little, well then, is it not ungracious to insist on that which we say is unimportant? We shall, no doubt, be told that though it is true the pecuniary advantages are great. Then he should have thought that the just way of putting the case would have been exactly the converse of that adopted for the address. If there are to be some great permanent advantages to be derived to the province from the law, is it more

reasonable that we should pay the trifling expense necessary to obtain it; or that we should call upon the mother country to pay it? Perhaps this is not what the words mean, but it seemed to him that was the just interpretation to be put upon them. You say to the mother country—"we expect some great permanent advantages from this measure, which can be had at a trifling cost. The advantage is truly all our own, no matter for that, please put your hands into your pockets and pay for it." [Laughter.] That is our logic. That is a specimen of the United Wisdom of the Canadian Parliament, which the hon. gentleman from the Fourth Riding desires to send home, to shew the people of England what adepts we are in the science of legislation. [Laughter.] He did not know what the hon. gentleman opposite may think of it, but he should be sorry that their opinion of our statesmanship or scholarship should rest on such an address as this. Their answer will be, he was sure—"gentlemen, you wish to purchase a great benefit, pray then see if you cannot pay for it yourselves." But you contend that there are great advantages to be obtained from this law, and, in order to secure these advantages, you are going to risk the loss of the law altogether. [Laughter.] With regard to that part of the argument, which relates to the ability of the colony to wait the demand for cattle; he would admit the fact, but then just in proportion as the fact is true, are all these precautions unnecessary. But you say the law is not ungracious—why he could conceive nothing more ungracious, than to ask the mother country to pay an unimportant sum to purchase for us a great permanent advantage. If it were only for that senseless declaration, he would vote against the address, while he must say besides contains the greatest number of absurdities, in the smallest space, of any paper he ever happened to meet with. The hon. member for the Fourth Riding did not desire to do anything ungracious; oh, no! He only votes for this because he is sure no despatch has been sent, and because he thinks it necessary to send this to supply the deficiency.—Well, he would give him his despatch, and let him keep the credit of it—both for sentiment and style. Will any one, however, believe in the sincerity of the hon. gentleman? Will not his motives be readily understood by the House. He thought that he understood them; he wants you on this side of the House not to wait until the despatches do come down, and till you see what has actually been written.—Oh, no!—that would not suit his purpose. He wants you to commit yourself to this despatch before you have seen the other—and if you wish to do so, he could tell them that they would not find any thing like this—(holding up the despatch.) He would promise that they would find none of this nonsense in it. If you prefer it, let this document go home, in order to show how well we understand our interests. For his own part, he would thank the hon. member for it. He was obliged to him for shewing what would be the style of composition that would be adopted by any administration of which he was the head; only let it be recollected that we are not responsible for it. Let it be clearly understood that it is the hon. gentleman and his friends who send this home as the very best argument that the Canadian Legislature can discover to support the pretensions contained in this bill.

Mr. WATTS thought the conduct of the Attorney General, in attempting to stifle the expression of the unanimous feeling of the House, was most illiberal. He (Mr. Watts) would, now that that hon. gentleman had concluded, endeavour to point out the real nature of the

case. Previous to 1842 the Americans and Canadians traded with one another on equal terms, and the Canadians were able to send their cattle into the American markets without payment of duty. In that year, however, the Americans imposed a duty on our cattle imported into their country, and, in consequence, the Canadian market being limited and the supply large, the people here were compelled to take any price which they could obtain in markets glutted by the produce of the United States, which came in without restriction.—Petition after petition was presented to Parliament which eventually produced a Customs Bill in accordance with their prayers. In that law, however, there was an exempting clause but the Administration were unable to devise any plan by which its object could be effected without destroying the effects of the whole Bill. Then petitions poured in again all complaining that the protection enjoyed by the Commissariat inflicted injury on the farmer. The act of last session was the result, and he asked if it had not given general satisfaction. Had there been any complaint from the country? No! but a despatch had been received from Home, telling the House that, it appeared to Her Majesty that the law was an ungracious one, and a departure from general principles. He allowed that it was a departure from recognized principle, and we admit that it may appear ungracious, but still we pray Her Majesty to allow it, on account of the many advantages to be derived from it. Did the hon. Insp^r G^l say that this despatch was written after a despatch from the Colonial Government urging that the wishes of the Colonists should be acceded to? Did he come down with the whole of the correspondence on the subject, so as to enable the House to see whether there was any real danger of coming into collision with the Home Government, in order that the address might be thrown out if there were? As he [Mr. Watts] had told the hon. gentleman on a former occasion, if he could show any good reasons why the House should not prosecute this address, he [Mr. Watts] would have dropped it at once. At present, however, he pressed the motion, because he, in common with the majority in the House, believed that the despatch from the Colonial Secretary was written in the dark, and that no reply had been sent in answer to it. Now, what was the course taken by the Administration? [Hear, hear.] Instead of coming down prepared to carry out the wishes of the people of Canada, and to correct any little irregularity or roughness in the language of the address, they threw their whole weight into the scale against those who desired to give expression to those wishes. Instead of being a Ministry supported by the farmers of Canada, they were using their utmost endeavours to suppress the opinions of those farmers. He was not wedded to the address; his object was not to oppose the Government, and if the Inspector General had desired to have the address that he might correct it, he (Mr. Watts) would have been most happy to have introduced his amendments, which would, no doubt, have been carried by a large majority. Instead of lending their assistance to send home a proper and intelligible address, they opposed all attempts to prepare one. He repeated, if hon. gentlemen had suggested any method by which the House could get out of the scrape, and avoid any appearance of being ungracious, he would have sanctioned their plan. If they had come down and said what was the amount of the loss sustained by the Commissariat, the House might have passed a vote for the amount. His object was not to embarrass the Imperial Government. [Ironical cries of hear,

hear,] but to prevent the United States from glutting our markets. If this law continued, he would tell the House—and let him deny it who could—that emigrants, instead of staying here where they had only one market, would go into the United States where they could have two. He was an Englishman, and felt like one, but his first loyalty was to his fire side, and he felt it his duty to advocate the interests of Canada above all others. He did not mean to say that the address was couched in the best style, but it was the principle for which he contended, not the miserable way in which it was worded.

Mr. McCORNEILL, to shew the importance of the measure, would mention that a farm of 100 acres worth £100 on this side of the lines, was worth £200 four miles on the other, though land was no better there than here; and this he imputed to the protection enjoyed by the American farmer.

The address was then referred back to the Committee.

ROUTINE BUSINESS.

SATURDAY, May 30, 1846.

Several Petitions were read.

The Inspector General to draft an address to Her Majesty upon the Resolutions from supply respecting duties on imports of live Stock for the use of the Commissariat reported a draught.

Mr. Duggan moved that it be referred back to the Com. to be prepared in strict conformity with the resolutions, which was carried.

Mr. Secy. Daly laid before the House a return to the address for a plan of the Road from Longueuil to Bytown.

Also a statement respecting the Imports and Exports.

Mr. Robinson reported on the Petition of Dr. Rees.

Mr. Hale moved that the Bill for vesting part of a concession in Barton in Mr. Hamilton, be exempted from fees as a Private Bill.

The Return to the address respecting the St. Lawrence Canal was referred to a special committee on motion of Mr. Merritt.

The instructions to Agents to suspend the sale of Clergy Reserves was ordered to be printed.

The amendments to the Bytown Incorporation bill were considered, and rejected, and a Committee appointed to draw up reasons for disagreeing to the same.

The Civil Estimate and the message respecting the Rebellion Losses, were referred to Committee of supply on Monday next.

The amendments made by the Council to the bill relating to the election of Councillors and Assessors for Montreal, were concurred in.

Mr. Christie moved an address praying that provision may be made to aid the literary and historical Society of Quebec in procuring copies of certain documents in Albany, relating to the early history of Canada.

Also an address praying His Excellency's attention to the delay and expense usually incurred in effecting commutations of tenure was, under the Imperial Act 3rd Geo. 4 chap 119, in the hope that some other process may be devised, avoiding the numerous references to the Crown Officers, and the delay and expenses hitherto incidental thereto, in order that persons holding land *en roture* of the Crown may be enabled to accomplish a commutation in a summary manner.

A Resolution for altering the rates of Toll on the Quebec Turnpike roads was reported and agreed to and a Bill brought in by Mr. Chauveau in conformity thereto—second reading on Monday next.

The Bill to extend the provisions of Queen's Bench in case of vacancies, & in Corporations as amended, was ordered to be engrossed.

Also the Bill Cobourg Incorporation Act. The Bill to amend the Toronto Incorporation Act was committed and amended. To be reported on Monday.

The Bill to amend the Judicature Act of Lower Canada was committed and amended. To be reported to-morrow.

The Legislative Council agreed to the following bills.

To regulate Sheriff's poundage.
To enforce the attendance and witnesses in the Superior Courts.

To authorize certain Commissioners to take evidence on oath

And the following with amendments.

To divide the municipality of Hochelaga.

To Supply Quebec with gas and

To Supply Quebec with water.

House then adjourned.

LEGISLATIVE COUNCIL.

MONDAY, June 1.

Hon. J. MORRIS reported from the committee on Montreal and Kingston Railway bill with an amendment. Report adopted.

Hon. Mr. FERRIE asked the Receiver General whether it was the intention of Government to pass a bill to amend the Bankrupt act? The construction put on some of the clauses of that bill caused a great deal of mischief throughout the Province, and gave great advantages to the unprincipled part of the trading community to commit serious frauds.

Hon. RECEIVER GENERAL said he believed that a bill for that purpose was before the other House, and it depended on a majority of the votes in that House whether any thing was effected, but it was totally out of his power or that of the other members of the Government to pass a law for that or any other purpose.

There being no orders before the House, it adjourned.

HOUSE OF ASSEMBLY.

MONDAY, June 1, 1846.

MORNING SITTING.

Mr. MERRITT brought up his resolutions on Trade. The resolutions submitted for the consideration of the House had been printed; they embraced four separate and distinct propositions. The introduction of the products of Canada into the markets of Britain free from duty; the repeal of all Imperial Acts affecting the trade or revenue of this Province; to negotiate with the Government of the United States, to admit the productions of Canada into their markets upon the same terms as their products are admitted into Britain and Canada; and to open the River St. Lawrence to all nations.—His hon. friend from Durham proposed certain resolutions in amendment; and his hon. friend from Simcoe has procured the passage of the address, embracing a part of both, therefore, it was not his intention to have moved in the matter again this Session; but having been pressed by many members within and intelligent individuals out of the House, he had felt it his duty to submit the remaining two; and that their effect may be well understood he would read the address in which, if they met the sanction of the committee, they might be embodied.

"We, your Majesty's dutiful and loyal subjects the Commons of Canada, in Provincial Parliament assembled, humbly beg leave to represent that great apprehension exists in the minds of a large portion of the Inhabitants of this Province, on account of the proposed change (now under the consideration of the Imperial Parliament) in the Colonial Policy of the Empire.

"Your faithful commons, most respectfully entreat, that in the event of the protection to the products of Canada, in the markets of the Mother Country, being withdrawn, and the Trade of this Colony placed on the same footing as that of Foreign countries, Your Majesty will be graciously pleased to recommend to the Imperial Parliament, the repeal of all Imperial Statutes which impose restrictions on the Trade, or affect the revenue of Canada, leaving the imposition of such duties wholly under the control of the Provincial Legislature.

"Also, that your Majesty will be pleased to cause the River St. Lawrence, from the Ocean to Lake Ontario, to be opened to the vessels of all nations, subject to no greater restrictions than now exist in passing through the Welland Canal, around the Falls of Niagara, so as to enable this communication successfully to compete for the trade of the Western States of America which will otherwise find its way to the Atlantic Ocean, through the Erie Canal, by the Hudson River.—Railroads or other routes to counteract the effect of the drawback law already passed the House of Representatives of the United States, and enable the Provincial Government to create a fund from tolls, for the repayment of the expenditure incurred, for the purpose of uniting those inland waters."

The first resolution, the repeal of all Imperial Acts, imposing a discriminating duty, merely asserts a principle, which common sense sanctions. If the productions of Canada are to receive no advantage over the productions of foreign countries, when admitted into Britain, the manufactures of Britain are not entitled to any advantage over the manufactures of foreign countries when admitted into Canada; this principle was recommended in the despatch of Mr. Gladstone, of the 3rd March, and it is evidently the intention of the British Government to abandon all discriminative duties. But it must be remembered that the proposed address is predicated on the assumption that all protection on the products of Canada are withdrawn in Britain; in the event of this protection being continued, it will be nugatory, therefore, no difference of opinion can be anticipated on that resolution. The 2nd resolution admitting vessels of all nations to the free navigation of the St. Lawrence may not be so well understood. Those who take a hasty or superficial view of the subject, may apprehend that opening the navigation of the St. Lawrence, the shipping interest of Great Britain and Canada may be injured—quite the contrary, it repeals no existing navigation law, admits of no coasting in Canada, and confers no advantage on American vessels which does not at this moment exist, with one exception—passing by the Port of Montreal, from the interior to Quebec, and thence to sea; by refusing this you retain no advantage to our shipping interest—the effect is merely to force their products through their canals and deprive us of the toll and trade which their increased transit would create. This is not a new question, it was agitated as early as 1828, when the Welland Canal was first opened; and we must attribute the wisdom of admitting the passage of American vessels through it to the favourable disposition of the Government on the day, but more especially to the intelligence of Henry John Boulton, Esq., the then Attorney General for U. C. who has on all occasions taken the most liberal and correct view on all commercial measures of any legal gentleman I have yet met with in this Province. What has been the result? Has any injury arisen to Canadian shipping by an American vessel passing from an American port to an American port—or an American port to a British port—or has one solitary complaint been heard? No; but on the contrary we realize two-thirds of our toll from their products. While on the subject of toll, it has been rumoured that the government intend reducing it to the lowest point, and continuing the revenue on imports to the cost of the construction. I beg to ask the hon. Inspector General if this be true?

INSPECTOR GENERAL replied the government had not decided, but it was his opinion the tolls should be reduced to the lowest minimum, merely to keep the canals in repair and pay expenses of lock tenders; this he afterwards corrected to the lowest rate of revenue.

Mr MERRITT: This is unsound & unjust, and every person would see if the specific fund system was adopted. I would ask, for what object was our canals constructed, to lessen the price of transportation. If that object be not attained, our canals are a failure; if it is, and the inhabitants on and above Lake Ontario are benefited by a reduction of one-half the cost of transit on all they grow and on all they consume, should they not in justice pay for this advantage—for instance, a farmer residing below Montreal, gains no better price for a bushel of wheat, or, no less price for a ton of iron, by means of these canals; therefore it is unjust, he should be equally taxed for their construction, which he would be if they are paid out of a duty on imports, whereas the farmer residing above those canals, either in Canada or the United States, who derive all the benefit, should pay the whole of this tax, which he does by the imposition of toll. And I maintain any article descending the main channel of the St. Lawrence, excepting timber in rafts, should be subject to the payment of toll. This is the policy adopted from necessity on every Public Work in America, where their State Governments have revenue from imports. The people are accustomed to the payment of those tolls. It is founded on just principles, and if not adhered to by our Provincial Government, one of the main advantages contemplated by this measure will be lost.—The objections urged against Lord Ashburton's Treaty by the citizens of St. Johns, in giving the Americans the free navigation of that river, may be referred to as a case in point, they were prejudiced, anticipated the most disastrous consequences; but what has the experience of a few years taught them? Their increased shipping and increased trade, is the best answer. Some may think this measure premature, but is there not great danger that while we are resting in false security, the trade of Canada will vanish from this city and the river St. Lawrence. We have an active, intelligent people to contend with; look at the effects of their drawback bill of last year, on our imports, & this year we will feel it in our exports, so soon as the bill of the year comes into operation.—I will mention one instance, to shew the rapid and extraordinary progress the Americans are making in manufacturing—we think it a fair business to make fifty barrels of flour with one run of stone per day, (24 hours.) At Oswego, they make one hundred per day. Such is the improvement made in that branch within three years. Is it not important to make it their interest, to send this flour to Eastport, Portland, and even to Boston, through our canals instead of their own, to invite them to compete in favour of our works against their own, to pay the Provincial Government a revenue for toll in place of the State of New York; reject this measure and you will deprive the Americans of natural advantages our canals possess, and the public from an income from the productions of the United States. It may be well to read a short extract from a letter received a few days since, from a most intelligent firm in Oswego, to show the opinion there entertained of this communication:—

“Our lake regions are the finest and the most productive in the world; and you have the best outlet, that has or can be had from them to the ocean; if your Legislature will perfect those works, impose moderate tolls upon them, and make the St. Lawrence free to this lake empire, my word for it, it will soon be seen that this noble river was not created in vain.”

In these sentiments, I fully concur, and therefore move for the adoption of the first resolution.

Mr. CAYLEY said it was not the intention of

Government to make the canal tolls any longer a source of revenue, but to reduce them to a rate which will merely defray the expenses which might be incurred in the repairs and management.

Mr. MERRITT contended that such a system was unjust. The canals were constructed at a very high expense, and should be made to yield a steady revenue, and to liquidate the debt incurred in creating them. He was in favor of decreasing the price of tolls, and thus increasing the amount of traffic, and consequently the amount of revenue. He wished that the St. Lawrence should be made open for the purposes of navigation to all nations.

Mr. WILLIAMS did not believe that American vessels would be foolish enough to go from Oswego to sea, a long and tedious voyage, while they could obtain the same object via the Erie canal in two days.

Mr. MOFFATT was in favor of opening the St. Lawrence to the Americans, provided the measure was based on accurate data. He thought that tolls might be reduced far lower, and then both pay expenses, and be a source of revenue. He then read a despatch to shew that the imperial Government would not object to such a measure, provided it was shewn to be advantageous.

Mr. CAYLEY said that it was the intention of the Government, only to take off that amount of toll, which would be likely to increase the revenue by a consequent increase of trade passing through them.

EVENING SITTING.—The discussion was resumed.

Mr. CAYLEY opened the debate. He hoped the resolutions would not be pressed this Session.

Mr. ROBINSON believed that it would be in our power to obtain a vast portion of the Western trade. It is impossible for the Erie Canal to have the whole trade, indeed they have now as much as they can do. During the fine summer months when the weather was good in the Gulf, cargoes would be taken from the West to Maine and Boston.

Mr. HALL was prepared to vote for the motion now, he thought that we were all as well acquainted with the facts now as we would be next year. Instead of conferring a favour on the Americans by adopting a measure like this, we are conferring a favour on ourselves, as it will enable us to pay the interest on our debt, and also by lessening the tolls, afford the farmers of Canada a cheaper transit to market.

Mr. MERRITT was opposed to any delay, he thought that it would be injurious. In the states there is no delay where their interests are involved. The hon. member for Durham says that there is no use of passing the measure, as he will never carry off a barrel of flour from them. Let us only use the advantages we have,—we have only 60 miles of Canal while they have 366—and we will soon see whether we cannot carry it off. In reference to the calculations which he had made he was proud to refer to them, and he believed that they would have been found to be correct, if the Canal had been finished when it was expected that it would. He would now assert that in 10 years if proper measures were taken the Canal would yield £100,000 per year.

Mr. SMITH of Frontenac, considered that we need only refer back to the tolls of last year to convince us of the necessity of some measure of this sort. Last year 4s. per barrel was paid for freight and tolls while 1s. 6d. would have been amply sufficient. But he would ask if it was not premature at the present time while England was considering the subject and it was not known what measures they might adopt.

Sol. Gen. SHERWOOD, on the first resolution, he thought that there could be but very little difference of opinion. But as to the second, it appeared to him that it deserved more consideration, as it brought the shipping interests of the States and Canada into competition. In the States, although they allow British goods, destined for Canada, to pass through free of duty, yet they protect their shipping interests. If any measure could be proposed by which Canadian vessels should carry on the trade of the States through the St. Lawrence, he would immediately consent to it.

Mr. VIGER was decidedly opposed to admitting American vessels to enter into competition with Canadian. He considered that the man who would allow a foreign power to exercise the sovereignty of its waters would be a traitor to his country.

Mr. WILLIAMS moved that all the words in the original motion after “that,” be struck out and the following substituted: That this House views with the most serious apprehension and alarm the commercial policy contemplated by the Imperial Parliament towards this Province.

Sol. Gen. SHERWOOD said that he believed that the hon. member for Lincoln only intended to move his resolutions in the event of Great Britain allowing the introduction of American produce on the same footing as Canadian.—That being the case, he could not object to them. He hoped that the hon. member for Durham would not press his amendment, as it would appear to the Imperial Parliament that the House had voted for an abstract principle, and during the same session voted against it.

Mr. MERRITT would hold every member responsible for neglecting his resolutions by such subterfuge as the amendment of the hon. member for Durham. He said that he had omitted to say that this measure should be contingent on the passing of the measure in Great Britain, in reference to the argument of the venerable President of the Council, that it would give away the sovereignty of our waters, he would ask if they could have done so more than they have now.

Mr. BALDWIN.—The question before the House is of the greatest importance, and although some of the success spoken of by the hon. member for North Lincoln may not follow the adoption of the principle contained in these resolutions, it is obvious, that the more trade we can obtain the better. And if we can by opening the Navigation of the St. Lawrence to the Americans increase the amount of traffic on this route, we will of course derive the benefit of it. Unless we are able successfully to compete with the Americans in the transport of goods to the ocean, the lower part of the Province will certainly suffer materially, in consequence of the policy that is now being adopted by the United States. We may as well assume that Sir Robert Peel's measure has been sanctioned by the parliament of Great Britain, for even if it should fail in the Lords, this will only be a temporary defeat, for it will be utterly impossible for any Ministry to be formed, who will be able successfully to resist the great mass of popular opinion, and the Lords will consequently be obliged to yield to the voice of the people. We may therefore take it for granted that the policy of the premier of England will be carried into effect, and we ought to make such arrangements as would enable us to meet the change with as little loss as possible to ourselves. He (Mr. B.) did not consider that the objection made by the hon. member for the borough of Three Rivers against allowing all nations the free navigation of the St. Lawrence, that it would have the effect of yielding the sovereignty of

the River to these nations, had any weight; as there were a number of the great Rivers of Europe which were navigated freely by different countries, and they only proposed to grant to the Americans, the same privileges that were now allowed them, with respect to the Welland Canal. In the latter case the sovereignty of the Canal was not granted to the Americans, for they could prevent them from passing through the Canal at any time, but we only now for our own advantage allow them to make use of it. All that he (Mr. B.) desired was to attract as much trade as possible through the St. Lawrence, and thereby to make the country as prosperous as possible—for the more you advance the interests of the country, the more contented the people will be. It had been objected to the resolution, requesting the repeal of all imperial duties, that we now impose an additional duty on every article, besides the imperial duty; this may be correct, but we wish to have it in our power to adapt our Customs regulations to the circumstances of the country. Unquestionably, we have a large debt—a great part of it, in his opinion, was very unwisely incurred—that we must pay. He would press upon all public men in Canada, as their undoubted duty, to inform all parties of the unwelcome intention to pay this debt. [Cheers.] He considered it to be the duty of the administration to watch over the interests of the country, and to carry on all necessary correspondence with the Home Government on the effect that any intended change may make in the welfare of Canada, and not to leave the duty to the Boards of Trade or public meetings. The language of the Resolutions of 1841 implies that they are bound to do this, and he [Mr. B.] would hold them responsible for the proper discharge of this important duty.

Mr. CAYLEY admitted that it was the duty of the Ministry to watch over the interests of the country, and to take the necessary precautions to guard this Province against the effect of any change, and this is the reason why he wished the consider of the resolutions postponed as he considered that the hon. member (Mr. Merritt) had anticipated the Ministry, and had brought them forward before it was expedient to do so. We have three years to prepare for the change and to make such alterations in our customs and other regulations as may meet the exigencies of the case. The object in asking for the repeal of the imperial duties is not to have the duties low, but it is to throw off all imperial interference. It is highly impolitic to pass this resolution now as it is, in his opinion a premature expression of dissatisfaction. But perhaps the hon. mover wished to carry these resolutions through now, as a mere threat, to endeavour to frighten the British Government. (Yes from Mr. Merritt.) Well then, they were acting extremely ungraciously towards the Home Government, for they were asking for more than they can make use at the present time. He (Mr. C.) would refer hon. members opposite to the votes given by them at a previous part of the Session on the question of allowing grain to be exported in bond and would ask them if they would not act very inconsistently, if they now voted for allowing American ships to navigate our waters, when they would not allow American grain to be exported in bond by this route?

Mr. SMITH of Frontenac moved that the Committee rise report progress and ask leave to sit again. The Chairman put the motion and declared it carried.

Mr. Williams and Mr. Merritt's resolutions were then referred to a Select Committee.

MONDAY, June 1, 1846.

Bills read 3rd time and passed:—

To amend the Act Incorporating Cobourg.
To Extend the Power of the Court of Queen's Bench in Lower Canada, relative to usurpations and vacancies occurring in Corporations.

To provide for the Appointment of Magistrates in remote parts of the Province.

And the Bill to Confirm certain Acts of Registrars in Upper Canada.

(The two last originated with the Legislative Council.)

The Special Committee to draw up reasons for disagreeing to the amendments of the Legislative Council to the Bytown Incorporation Bill, reported the same, and a message was sent to the Council desiring a conference for the purpose of communicating the same.

Mr. Dickson, from the Committee on Petition of Alexander McLeod, reported an Address to Her Majesty, in his behalf, which was ordered to be engrossed, and to be sent to the Legislative Council for their concurrence.

The Contingent Committee presented a 4th Report.—To be committed to-morrow.

Mr. Christie moved that the Address from the Legislative Council to His Excellency, praying him to transmit the Address to Her Majesty respecting the Boundary Line between Canada and New Brunswick, passed by both Houses, was concurred in.

The Amendments of the Legislative Council to the Bill to divide the Municipalities of Hochelaga and of Three Rivers respectively, into district municipalities; to the Bill to provide for the lighting of the city of Quebec with gas; and to the Bill for Supplying the City of Quebec water, were respectively concurred in.

Mr. Baldwin moved an Address for copies of all correspondence between the Provincial and Imperial Governments during the past year, relative to the Importation of Live Stock and Produce from the United States, admitted for the consumption of Her Majesty's Troops.

The Bill to amend the Toronto Incorporation Act, as amended on Saturday, was reported, and ordered to be engrossed.

The Bill to Amend the Judicature Act of Lower Canada, as amended on Saturday, was reported.

Mr. Chauveau moved that the Bill be further amended by expunging the 3rd clause, which was lost.

The Bill was ordered to be engrossed.

The House in Committee to consider certain resolutions proposed by Mr. Merritt, relative to Trade Progress.—Reported.

It was moved that the Committee have leave to sit again, and lost, and the Resolutions, as also certain Resolutions proposed by Mr. Williams, on the same subject, were referred to a Select Committee.

A message was received from the Legislative Council, agreeing to a conference in the Bytown Incorporation Bill.

The Bill to Amend the Toronto Incorporation Act, and the Bill to Amend the Judicature Act of Lower Canada, were read 3rd time and passed.

The Committee, to whom were referred back the Addresses to Her Majesty, respecting the exempting from duty of Articles imported for the use of the Troops, reported the same in strict accordance with the Resolution.

Mr. Watts moved that the Address be not adopted, but that another be substituted therefor.

Mr. Moffatt moved certain amendments to the Address moved by Mr. Watts, which were agreed to. The Address, as amended, was passed, and is as follows:—

To the Queen's Most Excellent Majesty.

MOST GRACIOUS MAJESTY:—

We, Your Majesty's dutiful and loyal subjects, the Legislative Assembly of Canada, in Provincial Parliament assembled, most humbly beg leave to represent, that we have had under consideration, the despatch of Your Majesty's Secretary of State for the Colonies, on the subject of the Customs Bill, passed during the last Session of the Provincial Parliament, imposing among others, certain duties on live stock and provisions imported from the United States of America, without any clause exempting them when introduced for the use of Your Majesty's troops, which omission is represent-

ted in the said despatch as a departure from an acknowledged principle observed by every possession of the Crown.

We respectfully assure Your Majesty that this enactment was adopted after long and serious deliberation by a unanimous vote of this House, without any intention to do that which might be considered ungracious or prejudicial to Your Majesty's service. It was called for by the fact of this Province, with its immense extent of frontier line, affording greater facilities for smuggling than any other, and secondly from its having been proved, that during the two preceding years, frauds to a very great extent had been practiced on the revenue: by contractors making an improper use of certificates obtained from the Commissariat for the admission into this province of provisions for the public service, thereby rendering ineffectual the law passed for the protection of the Canadian farmers.

We disclaim the intention of augmenting the Provincial Revenue by imposts levied on provisions imported for the use of Your Majesty's forces, and would also humbly submit to Your Majesty, that in consequence of the American Government having placed high prohibitory duties on every article of ours, entering into their country from Canada, the Agriculturists of Canada feel strongly that they are entitled to similar protection against those of the United States, for their own products, and this circumstance merely induced the Legislature to impose in some cases, by the act in question, a higher duty than a due regard to other considerations might have warranted—the said act has given general satisfaction throughout the Province, and any interference with it, we humbly represent would cause dissatisfaction in the Counties generally.

We humbly conceive that the act will not entail any important expense or lasting inconvenience on Your Majesty's Government, as the Colony will very soon, if indeed it cannot now, furnish the necessary supplies if the present protection is continued, and should it prove otherwise, Your Majesty will find your faithful subjects in Canada, prepared to make good to Your Majesty, the amount of the expenditure when the facts have been fully ascertained from the experience of the ensuing year, under the present arrangements. The Representatives of Your Majesty's Canadian subjects ever therefore, induced to approach Your Majesty with an humble prayer, that Your Majesty may not concur in any advice which may be tendered to Your Majesty, to sanction any interference with the said Canadian Customs Act, beyond the amendments made at the suggestion of Your Majesty's Provincial Government during the present Session.

Legislative Assembly,

1st June, 1846.

The select committee respecting the expenditure in Lake St. Peter, presented a report which was ordered to be printed.

Mr. Secretary Daley presented a message from His Excellency, stating that he has issued his warrant for a certain sum on account of contingencies, in accordance with an address.

Also, a return to an address respecting the Bridge near the canal at Williamsburgh.

The statement and exports was ordered to be printed.

The Bill to amend the Quebec Turnpike Road Ordinance was read the 2nd time, committed and amended—to be reported to-morrow.

The Board of Works Bill was again committed and amended—to be reported to-morrow.

The Etobicoke Road Company Bill was committed and amended—to be reported to-morrow.

The bill to remove the Registry Office of Nicolet was ordered to be engrossed.

At 20 minutes past 12, midnight, House adjourned for want of a quorum.

LEGISLATIVE COUNCIL.

TUESDAY, June 2, 1846.

Hon. J. MORRIS moved that a message be sent to the Lower House, requesting information as to the documents, on which the address to Her Majesty in favour of Alexander McLeod was founded.—Carried.

The House went into Committee on the con-

sideration of the amendments made to the Kingston Rail Road bill. The Committee rose and reported the bill with certain amendments.

The House then took up the consideration of the amendments to the Bytown Incorporation bill, which the Lower House had refused to concur in, in a conference held on the subject.

The RECEIVER GENERAL said, the matter might be summed up in a very few words. He had moved an amendment to the bill in Committee of the whole, because it gave the Corporation the power of taking the property of Her Majesty, and that was a principle that he could never consent to. Another amendment moved by him, was that the Corporation should not have the power of building Market Houses in any of the Streets of Bytown, without the approval of the Governor in Council, and it was for the House to consider whether the Streets of a Town should be applied to any other use than that for which they were originally intended. It had been said if that amendment were carried into effect the Ordinance would prevent the draining of the Streets, that he looked upon as an objection that had nothing in it all, for the Ordinance would never interfere in the draining or lighting of the Streets which were both necessary. He must ever oppose the taxation of Her Majesty's property and what was said to justify it? That this land was held for the purpose of speculation! Was there ever anything more absurd than to suppose, the increased value of that lot would be of any consequence to a Government which had spent upwards of £1,000,000 there, and by that very expenditure had caused that town to jump into existence.

Hon. Mr. McKAY said, that with respect to the clause which proposed a change of name, he believed it had been struck out at his own request. (Yes) Well he would insist on it. The officer after whom the town was named was perhaps one of the most efficient and active that ever belonged to Her Majesty's service, and he would not consent that the name of the place he had so much benefited should be changed.

Hon. Mr. FERGUSON thought that the Receiver General had done no more than his duty in looking after Her Majesty's interests. He approved of the amendments, and hoped the House would adhere to them.

Hon. Mr. MACAULAY was happy to see the stand taken by his hon. friend in opposing the change of name. He would move that the House should adhere to their amendment. Motion concurred in, and a message sent to the Lower House to acquaint it of the resolution come to by the House.

Hon. J. MORRIS moved that J. Fenning Taylor Junior, should be acknowledged as Junior Assistant Clerk. Carried.

The bill to extend the power of the Court of Queen's Bench, was read a second time, and referred to a select committee, as also the following bills:—Bill relative to the Administration of Justice in Lower Canada. Bill to amend the Toronto Incorporation Act.

The House then resolved itself into committee on the Hamilton incorporation act. Several amendments were adopted, and the committee rose and reported them to the House.

Hon. Mr. BRUNEAU reported from select committee on bill for continuation of certain acts, with amendments. He also reported from select committee on Militia bill. Both bills to be taken into consideration to-morrow.

The order to send a message to the Lower House, relative to the McLeod address was

rescinded, and the address ordered to be taken into consideration to-morrow.

Hon. REC. GEN. laid on the table a message from His Excellency in reply to an address of the House, informing the House that he could not see sufficient grounds for granting its request to confer a retiring allowance on Col. Fitzgibbon.

Hon. Mr. MORRIS thought it due to the House to move that the message be taken into consideration to-morrow. Carried.

The House then adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, JUNE 2.

CIVIL LIST.

Mr. BALDWIN, on the question being put for the second reading of the bill for granting a Civil List, rose and complained that the preamble of the bill was not couched in the terms usual on such occasions, and which respect and affection to Her Majesty required. It was in fact a preamble in its form just like the preamble to a turnpike act, or any other common bill—not like one in which we approach the Sovereign, as in this instance. It ought to have commenced—Most Gracious Sovereign, &c., with those assurances of attachment to Her Majesty's person and Government usual and proper on such occasions. Such being the case, he and his honourable friends on that side of the House felt the necessity, in the discharge of their duty, as Her Majesty's faithful Opposition, to point out this irregularity and to insist upon Her Majesty's Ministers so amending their bill as to make it conformable to the usual proper manner of approaching Her Majesty on such occasions. [Hear, hear.]—This was in his opinion doubly necessary on the present occasion, it being the first time of presenting to the Crown from this House a measure of this kind. [Hear, hear, hear.] Again in reference to the inherent rights of this House in the matter of all such grants, and which had been intended to be saved, though he [Mr. B.] thought not sufficiently so, by the amendment of the hon. the Inspector General to his [Mr. B.'s] resolution upon that subject. He [Mr. B.] thought that every hon. member would agree with him that language as strong at least as that of the hon. Inspector General himself ought to be inserted in the preamble of this bill. Indeed, the omission to do this was what he, [Mr. Baldwin] could not understand; for he would not impute to Her Majesty's Ministers any want of respect for the Sovereign, nor did he [Mr. Baldwin] imagine them to have had any intention of taking the House by surprise. In fact, he could not account for it at all, and must leave it to be calculated on by those who might be curious in such matters.—There was another omission, as it appeared to him, in the bill, which he would briefly refer to. There has been no specific provision made for any surplus that may arise from occasional vacancy in any of the offices or any other contingency. It was true he saw terms used in the bill which may have been intended to meet this point, but he would call the attention of Her Majesty's Ministers to it, with a view to their considering whether it would not be better to provide for it by a specific clause.—Again there was another omission in the bill which he thought was clearly one that would require to be supplied. There was no clause establishing a consolidated Fund and as the clause in the Union act which provided for this was one of those to be repealed as a condition precedent to this bill going into effect, and he thought properly so, it would leave the establishment of such Fund unprovided for. This was clearly an omission as the Hon. the

Inspector General would himself see and having pointed it out he would leave it in the hands of the Hon. the Inspector General himself. Having thus pointed out the objections that appeared to him to exist against the bill as it stood, upon points about which he hoped there would be little or no difference of opinion, he would now beg to add that having again considered the terms used in the Resolutions of the Hon. Inspector General in speaking of the public revenue and to which he had moved an amendment in the Committee of Supply he was unable to concur in such Resolutions as sufficient to save the rights of the people. The same terms had been introduced in the bill which was of course perfectly proper in the framer of the bill. But as, after the fullest consideration, he remained of the same opinion he had expressed before he would feel it his duty to renew the attempt to have the bill amended in this particular and should he fail he feared that he should be compelled to vote against the bill. This he could have wished had been otherwise but with his strong opinion upon the subject and more particularly as it was one which at some future time must arise he could not consent to acquiesce in any course that might embarrass the question or those who may then have to dispose of it. He would not on this point after what had proved in the Committee of Supply occupying the time of the Committee on the bill or that of the House further than was necessary to place on record in the most formal manner his objections to this part of the bill. He would therefore move an instruction to the Committee on the bill to amend the preamble in the manner he had pointed out, and would move his amendment in the Committee and also in the House at the latest stage at which it could be done for the purpose of its appearing on the journals.

The bill was then read a second time and ordered to be committed,

Mr. DRAPER moved for the second reading of the Upper Canada Municipal bill.

Mr. BALDWIN congratulated the Attorney General on his change of opinion respecting these laws since 1841, as was testified by the introduction of the bill, which, if he did not mistake, bore a very close resemblance to the one he had himself introduced in that year.

Mr. DRAPER would admit it was a subject of self congratulation that he was likely to enjoy the support of the hon. member for the Fourth Riding, but as it was so rare, he feared it would not be of very long continuance.

Mr. SMITH, of Frontenac, remarked that the Attorney General West was only following in the footsteps of the greatest statesman of the day, by carrying his measures by his opponents. He was happy to find that the election of Wardens by the District Councils was conceded in this bill, as it was a principle they had long contended for, but he would wish that he had gone a little further, and allowed the election of treasurer also. That was a concession earnestly desired, and he did not believe the bill would give satisfaction without it.

The bill was then read a second time, and the House went into committee on it.

Mr. McDONNELL, of Stormont, said there was a general complaint in his District that the Treasurer had resisted the authority of the Council, and that the District was deprived of the funds over which it had authority. In order to put an end to these complaints and give the Council the power of compelling the Treasurer to hand in his accounts, he would move that the District Councils should have the power of electing Treasurers, which he considered absolutely necessary for the public

good. As he had already said, the affairs of his District were in great confusion, and complaints had been made to the Government, which had not been treated with due consideration, and as there was no appearance of any satisfactory arrangement, he felt bound to make this motion.

Mr. MACDONALD of Glengarry, thought that if the Government consulted their own convenience they would agree to this motion. It was the unanimous wish of the District Councils that they should have the power of electing their Treasurer, and were they to be trifled with and told that the proposition could not be listened to. The principle was plain and just, and when every other Corporation enjoyed the right now contended for, he could not see on what grounds it should be refused. The office of Treasurer was the most important of all, and it was absolutely necessary that it should be filled by an individual in whom the Council could repose confidence, and whom they could depose when they thought necessary, until that objection was removed, it would be impossible that the affairs of his District could go on satisfactorily. If however, it were objected that the Government have funds in the hands of the District Treasurers, what then? Let the District Council give security, and the Government hold it responsible for its monies, that was what he would suggest, and give the Councils that power which they demanded.

Mr. DRAPER said he must oppose the motion of the hon. member for Stormont on general grounds, without any reference to local matters. If the Treasurer had no other monies under his management but those belonging to the District, he (Mr. D.) would have no objection to the motion, but he was the manager for the Province, of the fund for the Administration of Justice, as well as of the fund for the support of the Lunatic Asylum, and the fee fund, none of which belonged to the District, and therefore it was necessary that the Government should have some control over him, and that his securities should be given to the Province and not to the District.

Mr. PRICE regretted that the Attorney General West could not, notwithstanding his objection, see the propriety of acceding to the proposition of the hon. member for Stormont. In fact, to make these District Councils work harmoniously, they should have the right of electing all their own officers, and the concession of that principle would go a great way to establish the popularity of the hon. Attorney General throughout the country, (hear, hear.) Now, the Council of the Home District is composed of a very intelligent class of persons.—(Mr. Boulton.—All Radicals) No. Not all, for there are some very respectable Tories among them, (hear.) That Council had done a vast amount of good in its District, but it did not work harmoniously in consequence of not having the power of electing its own officers, and the result of it was, that they did not grant regular salaries, but voted a sum annually in the shape of gratuities to their officers, and have resolved not to grant them a regular salary until they have the right of election.

Mr. PETRIE would support the resolution, in his opinion the District Council should have the right of appointing all their officers.

Mr. McDonnell's resolution was then put and carried.

ROUTINE BUSINESS.

TUESDAY, 2nd June, 1846.

The bill to provide for the removal of the Registry Office of Nicolet, was read a third time and passed.

Mr. Robinson, from the committee to draft an

address to Her Majesty urging the necessity of reducing the rates of postage in her North American Colonies, reported the same. Ordered to be printed.

Mr. Boulton reported from the committee on the petition of the Bank of Upper Canada, a report recommending that the tax on the circulation of Bank paper money may be taken off, and that the dividends to stockholders be taxed in lieu thereof. Ordered to be printed.

Mr. McDonnell, of Dundas, moved an address praying to be informed what steps have been taken by the Executive Government to adjust the claims of the inhabitants of Mille Roches, and of Peter Anderton, and Robert McKay, contractors on the St. Lawrence Canal.

The committee to prepare an address in conformity with the resolutions adopted on the subject of the Quebec and Halifax Railroad, presented a draft, which was concurred in and ordered to be engrossed.

The return to the address for documents relative to a bridge across the Williamsburg Canal, was referred to a select committee.

The report of the select committee in the investigation of the works on Lake St. Peter was referred to a committee of the whole House on Thursday.

Mr. Duggan brought in a bill to amend the act establishing and regulating the practice of the District Courts in Upper Canada. Second reading to-morrow.

The Mono and Etobicoke Road Bill. The bill relative to Turnpike Roads near Quebec. The bill to provide for the permanent accommodation of the Superior Courts of Law and Equity. The bill for the further prevention of smuggling,—were severally ordered to be engrossed.

On the question for the bill granting a Civil List to Her Majesty.

Mr. Baldwin moved that the House do this day resolve itself into a Committee of the whole on the said bill, which was carried.

The bill for defraying the expenses of the Administration of Justice in Upper Canada, from the Provincial chest, was ordered to be engrossed.

The bill to authorise the appropriation of £19,000 to the improvement of the Gulf of St. Lawrence, was ordered to be engrossed.

The bill for enabling Her Majesty to direct the issue of Debentures to a limited amount, for giving relief to the city of Quebec—was committed, reported, amended—to be received to-morrow.

The bill for the appropriation of the revenues arising from the Jesuit Estates for the year 1846—was ordered to be engrossed.

The bill to continue and amend the Bankrupt Laws, was committed & ordered to be engrossed. A message was received from the Legislative Council, requesting the evidence upon which is founded the address to Her Majesty upon the subject of the claim of Alexander McLeod.

Also, another message informing the House that the Legislative Council had passed the following bills without amendment.

To incorporate the Montreal and Lachine Rail Road Company.

To incorporate the *Banque des Marchands*.

To continue certain Acts and Ordinances.

Mr. Secretary Daly laid before the House return to an address for copies of petitions &c., from James Coons of Matilda, to the Executive Government and the Board of Works, relative to his claims for damages &c.

Also, return to an address for information whether the Government had decided upon the line of road referred to in the report of the Chairman of the Board of Works, under the name of "Road from Scougog Lake to Narrows Bridge is to be laid out.

The bill to amend the laws establishing municipal authorities in U. C. was committed and amended.

The House in committee on report of committee on contingencies; progress reported. - To sit again on Thursday.

On motion of Mr. Gowan, a special committee was appointed, to whom is referred the subject of the salaries of the several officers, &c., of the House. To report their opinion upon a proposed

scale or schedule of salaries or other allowances to be paid to such officers, &c.—composed of Messrs. Gowan, DeWitt, Morin, Robinson and Christie.

The bill to establish a separate Registry Office in the lower part of the Diocese of Dorchester, was committed. Reported amended. To be received to-morrow.

House then adjourned.

LEGISLATIVE COUNCIL.

WEDNESDAY, June 3, 1846.

The Montreal and Kingston Rail Road bill was read a third time as amended; also the Hamilton Incorporation Act.

The House resolved itself into Committee of the whole on Elementary Instruction bill, Lower Canada.

Hon. Mr. BRUNEAU directed the attention of hon. gentlemen to the clause which gave the power of taxing the people to the Governor in Council, if they did not tax themselves for the purposes of education. Without that clause the bill would not be effective, as all efforts to induce the people of Lower Canada to support voluntarily a system of education had hitherto failed.

Hon. Mr. NELSON looked upon it as a violation of every principle of the British constitution to delegate the power of taxing the people without their consent to the Governor in Council. He protested against the admission of such a principle, and as to compulsory measures, he could not believe there was any necessity for them. In 1831 he had visited the Schools throughout the country and had found them all well attended, and the greatest desire shown on the part of the population for instruction.

Hon. Mr. FERGUSON understood the principle of this bill to apply to an obstinate minority who would not support voluntarily an educational system. But as he was opposed to all compulsion, he thought it would be much better to leave the people to themselves and they would soon find out their mistake. He therefore went along with his hon. friend in his opposition to this clause.

Hon. Mr. CARON was surprised at the opposition given to this bill. It was nothing more than what was in operation in Upper Canada, his hon. friend had no doubt given his assent to that Upper Canada bill, for he had been a member of the Legislature for many years, and he supposed that his opposition to the present bill must be caused by his taking a greater interest in the welfare of that section of the Province than in his own. His hon. friend said he had visited the schools in 1831 and found the country in a flourishing state, as regarded the progress of education. If that were the case in 1831, it certainly had not improved since that time, and he would ask his hon. friend if the people are now willing to tax themselves for the purposes of education? They were not, and he (the speaker) could name many parishes where they had taken advantage of the freedom of action granted to them to do nothing at all, and to his personal knowledge, parties have been pressed to contribute for that purpose, who afterwards refused to pay their subscriptions. He could name two parishes where to his knowledge, a person had gone round asking the inhabitants if they were willing to tax themselves, and although they consented to do so yet when he went round afterwards to collect the subscriptions they all refused on different pretexts. The result of it was that ten actions were instituted against parties in the Parish of Chateau Riches, and there was more money spent in legal proceeding than would have been necessary for the support of a school. And that would always be the case, as long as that system was con-

tinued, there would be ill feeling amongst the habitans and instead of spending their money in the education of their children, it would be expended in carrying on legal suits. He did not mean to say that there was no desire on the part of the people for education, for in many parishes that desire was well known to exist, but it was not so general as he could wish, and the reason was that the value of education was not known everywhere, and consequently no exertions were made to obtain it. Well then, if the people would not of themselves do what was necessary, it became the duty of hon. gentlemen to help them, not only by giving them sums of money, but by resisting their errors and showing them in what manner education may be obtained for their children. Those generally say, "I have had no education myself, yet I have cultivated my land; why cannot my children do the same?" Such an excuse ought not to be admitted; they should be forced to pay half a dollar or a dollar every year, and then rather than lose their money they would send their children to the school, and in order to do this it was necessary that the Government should have the power granted by the bill, and should possess the right of naming commissioners, if the people themselves were blind enough not to do it. Of course when they once knew the value of education, that it was the best inheritance they could give their children, that power would be no longer necessary; but as long as they remained ignorant of that, he would maintain that the Government should have that power. He was well aware that it was not according to the principles of the British Constitution, but this is an extraordinary case, demanding an extraordinary remedy, and although opposed to British rule, hon. gentlemen would admit there was no rule without an exception, and this case imperatively demanded the exercise of that power which the Parliament possessed of forcing the people to take measures for their benefit, although they might be averse to them. His hon. friend appeared to be satisfied that the people wished for education, and that no compulsion was necessary. Well, it would be a great gratification to him (the Speaker) if his conscience would tell him that the country was in such a prosperous condition as his hon. friend represented, but he was sorry to say that representation was incorrect, for he knew himself that in many parishes things were very different from what he had stated, and that the only means for bringing about a general system of education was to pass this clause. For these reasons he hoped that the bill would meet with the support of the House.

Hon. Mr. NEILSON could not understand how it was that the Hon. Speaker said this law was in existence in Upper Canada. He had examined the Upper Canada educational act and found nothing in it authorizing compulsory taxation, it could only be effected by the consent of the people. With respect to this question, he apprehended that he had more experience than even the Hon. Speaker himself (oh) and he felt confident that compulsory taxation would not effect any improvement in the schools of Lower Canada. Education was very valuable he would admit, but he supposed hon. gentlemen would admit that the Christian Religion was the most valuable gift ever bestowed on man, but if the gift had been accompanied with this threat of compulsion, it would never have been received. This compulsion for the benefit of the people was the very basis of all tyranny, it was what the British constitution had never admitted. Even during the suspension of the constitution of this Colony, the British Parliament did not dare to tax the

people because they were not represented and would hon. gentlemen now sanction that principle? He was sure no one having the slightest respect for the British constitution would consent to it. Why it was in direct contravention of the divine commands, "Thou shalt not steal." "Thou shalt not plunder." It was what covered America with blood when the British Government allowed themselves to act on it. If the people were left to themselves they would take steps to educate their children without compulsion, but he was confident that there was no set of men in Canada who would submit to compulsion for their own good, on the contrary they would resist, and resist to the utmost.

Hon. Mr. MASSUE said that if the hon. gentleman who had just spoken, intended to do a direct injury to Lower Canada, he could not have taken a course more calculated to effect that object. Although the hon. gentleman had great experience as to the working of the educational system in Lower Canada; yet there were others who were still better acquainted with it, and who, after twenty years experience, were convinced that there could never be any improvement under the old law. The schools were a mere failure, not being attended by half the children of the parishes in one parish only seven children out of fifty four attended. The hon. gentleman said that he had visited the schools, and found them well attended. Yes, attended by children of sixty years of age, who were thrown in to make up the number; they were in reality not half attended, and that was the reason why the law was changed after 1834. The people had the opportunity of taxing themselves if they wished for instruction so anxiously as the hon. gentleman had made it appear, and did they do so? No, they did nothing except in a few parishes where the Clergy set a few schools going. What then was to be done? They must be forced by the action of Parliament to tax themselves for that purpose, or if they refuse to do so, the Government should have that power. He (Mr. M) was a Canadian as well as the hon. gentleman himself, and took as great an interest in the welfare of his countrymen, and was he not as capable of judging what was necessary for them? All that he contended for was that they should be obliged to pay one or two dollars a year for the education of their children, would the hon. gentleman call that a hardship? To force them to pay one or two dollars a year for so great an object! He hoped the hon. gentleman would cease his opposition, for it was the only means of effecting what was so much desired.

The clause was then adopted, and the committee shortly after rose, and reported the bill with several amendments.

The House resolved itself into Committee on the report of Select Committee on the Militia bill.

Hon. Mr. FERGUSON said, this was a very important bill, and in his opinion the Committee had treated it rather summarily, it became therefore his duty to take note of some clauses which he considered objectionable. He observed in the eighth clause, that it was directed that the Militia should report themselves to their Captains before the 21st June, and that on the 29th of the same month they were to assemble for muster he did not know for what purpose, but at all events not for a good one, for every one knew that a muster day was a day of irregularity and drunkenness. His advice would be to leave the Militia as a mass unmolested as much as possible for he did not think the people would consent to lose two days. With respect to another clause which

he considered very important, that which directed that the Commanding Officers should live within their regimental limits, he thought it would be as well to modify the clause, so as to leave it to the discretion of His Excellency to make any exemptions he thought fit. He spoke with personal feelings on the subject for if the clause to which he referred was carried in its original shape, he would be dismissed from Her Majesty's service which he would regret deeply, and he believed he was not saying too much when he said that eight hundred fine fellows whom he had commanded for some time would regret it also. When his regiment was raised they were all within the Gore District but a new District having been formed since that time he was cut off from his regiment and by this bill would be obliged to drop out, he would wish therefore to see this discretionary power given to the Commander of the Force and did not fear that any undue advantage would be taken of it by the distinguished Officer who is now at the head of the Government.

Hon. Mr. BRUNEAU said that this was not a new bill, but a combination of the old militia laws for Upper and Lower Canada. With respect to that clause relative to the residences of officers, the committee looked upon it as a very proper one, for it was well known that great injustice had been done by selecting officers from the cities frequently at a considerable distance from their regiments, when it was very possible to find efficient officers in the country. Of course it was necessary to exempt the choice of an Adjutant from such restrictions. With respect to the eighth clause, he would remark that under the old bill, the people were directed to enroll themselves within the first ten days of June, but the time was extended under this bill. It would be very hard, to be sure, for the officers to give up their commissions, but a similar thing had occurred in 1832, when there was a complete change of the officers of militia, and he should not have the slightest objection to such a change now, for great injustice had been done to the militia officers of Lower Canada by giving to volunteers in 1837 and 1838 commissions to their prejudice. If the officers had refused to act it would have been perfectly right, but they were never called upon. He had known French Canadians who offered their services in defence of the city, it was true they did not wish to march out and leave their families and their business, but they offered their services in the defence of the Government, and they were rejected, and other men, men who had nothing to lose marched out as volunteers and returned with commissions above their old officers. He did not wish to disparage the volunteers, he was himself, grateful to them for taking an active part in suppressing the rebellion, but what he had mentioned was a great abuse, and this bill would perhaps, be a remedy to it. He could not therefore, assent to the recommendation of his hon. friend, for the Government had abused that discretionary power, and would do so again.

Hon. Mr. MCGILL rose with feelings of extreme indignation at the remarks made by the hon. gentleman respecting the volunteers, and if he (Mr. McG.) were not certain he was a perfectly loyal man, and one who had always done his duty as such, he would have something more to say to him. That the hon. gentleman should stand up in his place and abuse the Government for having conferred commissions on the volunteers who had come forward when the country was in a state of rebellion! It was astonishing! The hon. gentleman ought to be very guarded how he roused feelings on that subject, for there are many men in this city who had acted as volunteers on the occasion alluded to, and who would not feel at all flat-

tered by the tone assumed by the hon. gentleman.

Hon. Mr. FERGUSON was convinced by those remarks that this bill was not framed for the advantage of the Canadian Militia, but altogether with local views. There was a broad act of injustice committed in that bill which would be repented of if the Government did not amend it.

Hon. W. MORRIS would like to know what the hon. gentleman understood by this clause? Did he not think it was right that the officers should live among their men?

Hon. Mr. FERGUSON.—It was quite right that the captains should live within the battalion limits, but what he objected to, was compelling the commanding officers to do so. It would sometimes be impossible to find a person capable of commanding a regiment within the limits.

Hon. W. MORRIS wished the hon. gentleman would have a little patience, not speak quite so fast and think before he did speak, and then he would see the propriety of the commanding officer living within the county which gave the regiment its name. With regard to the fourth clause it would certainly deprive the hon. gentleman of the command of his regiment, but it would also deprive him (Mr. M.) of the command of a regiment which he had enjoyed for several years.

Hon. Mr. FERGUSON, there is a great difference; "you have removed from your limits, but my limits have been taken from me."

Hon. Mr. MORRIS would remark that he was an old colonist, and had risen from the ranks, for he had been a simple sergeant, to the command of his regiment, and he did not complain of the operation of this clause, altho' it had been said truly, he would lose his commission by it.

Hon. Mr. FERGUSON, "you have no right to complain." His hon. friend was so extremely impatient, that he would allow no one to speak but himself. The bill was on a new principle altogether, and he supposed it was not the intention of Government to do any injustice, but at the same time he would admit that his hon. friend and many others in the same situation would have cause for complaint in having been deprived of that rank he had held so long, but he would remark that the bill had given as much satisfaction as it was possible for any bill of that nature to give, and he would not like to see any amendments made which would put it in jeopardy, or else the militia would be likely to remain in their present disorganised state for another year.

Hon. Mr. BRUNEAU rose to offer an explanation.

Hon. Mr. M'GILL would advise the hon. gentleman not to say any thing which would raise the question of the Volunteers.

Hon. Mr. BRUNEAU, did the hon. gentleman mean to prevent him from giving an explanation? The hon. gentleman had acknowledged that he was loyal. He was so, and had always shown it, but that should not prevent him from remarking on abuses. He had asserted that gentlemen holding commissions had been ill treated, had been calumniated in the public papers, and had even lost their situations for acting under orders. [Hear, hear.] But he insisted on it that the French Canadians were willing to serve the Government, and when their officers to do so were rejected, were they to be blamed because they did not volunteer to march to a distance like other men who had nothing at stake? That was what he had said, and he would stand by it.

Hon. Mr. FERGUSON hoped that subject would go no farther. As to his own case

when compared with that of the Hon. Receiver General they were very dissimilar. The Hon. Receiver General had voluntarily quitted his regimental limits, but he still inhabited the same place, and was cut off from his regiment by the action of the Government. He had his doubts that this bill was so very perfect as the Receiver General had stated.

Hon. Mr. MORRIS said nothing of the kind.

Hon. Mr. FERGUSON.—Well he was in error, then he was of opinion that it could be amended very much for the better. He had numerous objections to it, and did not conceive it was a measure that would either prove effective or give satisfaction. He would move in amendment to the fourth clause that Officers in command of regiments might be specially exempted by the Commander of the Forces from the necessity of living within their regimental limits.

Motion lost.

The amendment reported by Select Committee to exempt religious communities from having troops billeted on them.

Hon. Mr. BRUNEAU said it was the opinion of the Committee that Seminaries for men should not be entitled to this exemption in time of war.

Hon. Mr. WALKER.—The youth would be in the field in war time.

Hon. Mr. BRUNEAU hoped so. The Committee desired that all seminaries for men should be thrown open in war for the admission of troops in the same manner as other Houses. The amendment was adopted, a motion made by the Hon. J. Neilson to exempt all seminaries, female householders, clergymen, doctors, lawyers &c. &c., having been lost.

Hon. Mr. FERGUSON made a motion to the effect that the Adjutant General should be an Officer of Her Majesty's Regular Forces. He thought it necessary to make this motion as the Adjutant General in war time had duties which a Civilian would be incapable of performing efficiently.

Hon. Mr. BRUNEAU opposed the motion. It was the prerogative of the Crown to appoint the Adjutant General and he had no doubt a good choice would be made. It was a reflection on Canadian Militia to say that a Canadian could not perform the duties of that office efficiently.

Hon. Mr. DEBOUCHERVILLE supported the motion, and hoped His Excellency would take the subject into consideration.

Hon. REGR. GENL. opposed the motion. It was a matter that should be left entirely to the Government. The Adjutant General was not to manœuvre the troops in the field; his duties consisted almost entirely of office work, and many civilians could be found who he was confident would fill the situation as well as a military man.

The motion was lost. The amendments proposed by the select committee having been adopted, the committee of the whole rose and reported the bill as amended. Ordered to be read a third time to-morrow.

Hon. W. MORRIS moved for the appointment of a committee to draw up reasons why the Council insisted on the amendments to the Bytown Incorporation Act.

The House then took up the message of His Excellency in answer to the address of the House desiring that a retiring allowance should be granted to Col. Fitzgibbon.

Hon. J. MORRIS said it was with feelings of great mortification that he had seen that message laid on the table, for he had expected that it would of a very different nature, and he believed that he was not singular, but that there was a deep feeling of dissa-

atisfaction on the part of the House generally. Their address was so courteous, and the propriety of it with respect to the internal economy of the House so great that he must say he felt considerably surprised at the answer. He looked upon it as an indignity to the House to receive such a message. They either constituted an independent body or they did not. If they were independent, no other person had any right to interfere with them in the controul of their officers. It was true the Crown had the right of naming two of them, the Speaker and the Clerk, but most unquestionably they had the best right to know whether those officers did or did not perform their duty. Three weeks ago an address had been framed and sent to His Excellency praying for the removal of Col. Fitzgibbon—it was not so stated, but it amounted to that—and pointing out a person who, in the opinion of the House, was well qualified to fill the vacancy. If he could not see sufficient grounds for doing so, they were sufficiently apparent to the House. And then they would be told that others were intruding on the royal prerogative. He did not think so, and must say that the Queen is not so sensitive about her prerogative as her representative is in this colony; for by the statutes of the Lords, the Clerk can be removed on an address to that effect being presented to Her Majesty. Language could not be more clear. The moment the House demanded his removal, it must be done, and yet this House was told that there were not sufficient grounds for complying with its request. It was impossible that this could continue. Col. Fitzgibbon was a most impracticable man; the House could do nothing with him. He was at that moment absent without leave, and there were certificates in existence that he was incapable of prosecuting business. With such documents before it, he was therefore extremely surprised that the Government did not act on the recommendation of the House, and the rather because they stated that by doing so there would be a saving of £150 yearly. He asked, would the House allow itself to be trifled with in that manner? He believed that the Journals of the House of Lords, for the last hundred years, might be perused without a single case being found in which any matter peculiarly their own was acted on contrary to their advice by the Crown. He insisted that their course had been strictly Parliamentary, and would move certain resolutions which he hoped would meet with the approbation of the House.

Hon. Mr. FERGUSON believed he might say that he never rose to address the House with greater reluctance, and never with a stronger sense of the necessity of stating his views. He would not recapitulate the circumstances of the case, as every one was well acquainted with them, but he would remark that Col. Fitzgibbon had been incapable for years of attending to his duty. What then was the House called on to do with a proper regard for its own privileges? Exactly what they had done. They prepared a respectful address to the Head of the Government, pointing out the infirmity of Col. Fitzgibbon, and that no mean saving to the public purse would be effected by his removal, and what kind of answer did they receive? A cold, frigid, formal negative, instead of a cordial compliance with their wishes, as they had a right to expect. As an opponent to the Administration, he cordially thanked them for that answer, for nothing could sink them lower than the course which they had taken, but as

a Canadian, he regretted it, as it showed a desire to insult one of the three branches of the Legislature. If it were a solitary act, he would not perhaps speak so warmly, but he looked upon it as a link in a chain of insults heaped upon the House by the Government. Could hon. gentlemen forget the manner in which those chairs were vacated last year? Could they forget that a member of the Administration was induced to vacate his seat in that House, he could not say much to his credit; however, allowing himself to be shifted about, in order to enjoy the sweets of office. All their exertions, however, had ended in smoke, and he did not believe there were ten men in the country that put confidence in any member of the Administration except the hon. Receiver General, and he (Mr. F.) only regretted to see him in such company. The struggle would be short, and the time would come which would free even the hon. gentleman [Rec. Gen.] and his colleagues from the hot-water into which they had plunged; but in the mean time, the course for that House to pursue, was a plain one, to adhere to their privileges, and with that view he would support the resolutions of his hon. friend.

Hon. Rec. GENERAL had looked over the resolutions which his hon. friend intended to propose. The first was unexceptionable if hon. gentlemen intended to adopt the principle it contained, but the others were far from what they ought to be. In other words there was an assertion, that although the Crown had the prerogative of making appointments, it should not do so without obtaining the permission of this House. (No, no.) It would be so read and understood. (No.) Now as to the third resolution, which asserted that Colonel Fitzgibbon was absent without leave, and by the concurrence of the Government what were the facts? No doubt it was true that Col. Fitzgibbon was absent without leave, but was the Government to be blamed for that absence, or for his absence during the last year? Yet such would be the case if that resolution were passed, and he would ask, did not the House cordially assent to his request for leave of absence last year? And yet, the country was to be told that the Government was to blame for that absence, which was only granted on receiving the most cordial assent from the Speaker. Was it just or was it not? He would thank hon. gentlemen opposite not to interrupt him, he always listened with patience to any person who was speaking, but the moment he rose a chattering commenced, that he must say, distracted his mind. This gentleman was absent without leave, well, he would ask his hon. friend who introduced the motion, he would ask the hon. Speaker if any representation of that circumstance had been made to the Government? Not a word, although the House knew perfectly well what step should be taken if he were contumacious, and the public would be told and made to believe, that all the blame rested with the Government, and that the House had acted perfectly right? Not a single representation had been made to the Government. In fact so far as he had heard no fault had been found with that gentleman for his absence, and now when an address was moved for a pension, and the Government having no funds for that purpose, and not wishing to begin a Pension List for the same reasons which had influenced their predecessors, for the present Government feel exactly on that subject at their predecessors in Office, if one began there would be no end to these pensions, for Col. Fitzgibbon was not the only person who had a claim on the country for services; he could name individuals whose services were as great, and whose health was

much worse than Col. Fitzgibbon's, but they did not wish to make a beginning of a pension list,—refused to comply with the demand, they are to be told that the House was treated with indignity and that His Excellency's message was "frigid and formal!" An indignity because the Government did not go to the Lower House and ask for a pension for the Clerk of the Council! If the House had done its duty and if it had made a proper representation of its grievances if there were any to the Government, there would not now be any necessity for discussion. The Government was to be told besides that Col. Fitzgibbon was incapable of performing his duties from ill health but they had a right to think otherwise being frequently in correspondence with him and frequently seeing him and he would advise any person who imagined he was incapable of performing his duty to speak with him and the mistake would soon be discovered. He was surprised that ground should be taken and he could assure hon. gentleman that Col. Fitzgibbon would not feel very much flattered by being spoken of in that town for he looked upon himself as a very clever man as he was in reality. To conclude, he would remark that these resolutions were highly improper, for the leave of absence was granted last year with the concurrence of the House, and no complaint no representation had been made to the Government during the present Session of his absence without leave, and was it possible for the Government to come to any resolution on a subject of which it had heard nothing. And with respect to the argument that the House of Lords can procure the removal of a servant on representation being made to the Crown, that was only in case of misconduct. Was there any misconduct charged on Col. Fitzgibbon in the address to His Excellency? Nothing of the kind, all that they asked was that he should be allowed to retire on a pension for life. The third resolution however was the most objectionable of the whole as it asserted the Government was blameable for the absence of the Clerk last year, when it must be well known that it was granted by the Government with the consent of the House, he believed the Speaker's note was still in existence, and he would produce it to prove what he said.

Hon. J. MORRIS was not aware that leave of absence had been granted with the assent of the Speaker.

Hon. SPEAKER said he had received a note from the Secretary at the beginning of last session, informing him that Col. Fitzgibbon had demanded leave of absence, to which he had given his assent, but he never took it on himself to grant that leave. That was a responsibility that he would never assume.

Hon. Mr. MORRIS, it was recommended in the most cordial terms.

Hon. A. FERRIE did not wish to see any blame thrown on the Speaker.

Hon. Mr. MORRIS would like to know who did so?

Hon. A. FERRIE, that was the impression that was on his mind. He would ask who was to be blamed but the Government, for having granted that leave of absence during the last three years? How could the Government expect ever to be of any consequence in the eyes of the legislature, when such an answer as that on the table was returned to an address of that House, but he would fain hope that it was not the Head of the Government himself who wrote that answer, but that it was forced on him by his ———, he did not like to make use of the words ["Out with it."] by his present thimble rigging advisers [Receiver Gen-

eral—"Hear, hear."] He had suspicion that they wished to bring that House on a level with themselves in the public estimation.

Hon. P. M'GILL would advise his hon. friend to adjourn the discussion till tomorrow. It was evident that the House had not done its duty in not making a representation of the Clerk's absence without leave, nevertheless he could not entirely agree with the Receiver General, and thought that at the least the House was entitled to more consideration than to allow a delay of fifteen days to occur before receiving any reply to their address.

Hon. Mr. BRUNEAU had conversed with Col. Fitzgibbon, and was convinced that he was in such a state of exaltation as totally to unfit him for the performance of his duties as Clerk of the House.

The resolutions were then carried, and the Speaker directed to carry an address to His Excellency, framed in accordance with the resolutions.

The Nicolet Registry Office bill was read a second time.

Hon. Mr. BRUNEAU reported from committee on bill to regulate Notarial profession in Lower Canada.

The address respecting claims of A. McLeod, was referred to a select committee, and the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, June 3rd, 1846.

The Municipal Bill of Upper Canada came up for concurrence; Mr. McDonald [Cornwall], moved that the clause transferring the appointment of the District Treasurer from the Governor General to the District Council, should have no effect upon present incumbents. It was urged that many of these officers, relying upon their situations being as they were first made, permanent, had forsaken lucrative employments, and would be put to severe loss if their holding was made determinable on the will of a politically constituted Council.

Mr. McDONALD of Stormont, was surprised at the proceeding of the hon. member for Cornwall, who, when the bill was in Committee offered no opposition whatever. He [Mr. McDonald of Stormont] maintained the necessity of all the officers of the District Council being elective, but more particularly the Treasurer; to prove this he would state the fact, that the Treasurer of the Eastern District has failed to account for the revenue of the District prior to the institution of the District Council, the auditors having reported two thousand and twenty-two pounds unaccounted for.

Mr. McDONALD of Cornwall, as an act of justice to an absent person, although that party was a political opponent, denied the truth of the charge that he was a defaulter. The only accusation against that officer was, that he had not placed to the credit of the Council, the gross total of the Assessment Rolls for the years he had been in office; whereas it was well known that the gross amount of an Assessment could never be collected, on account of removals, absences, and defaulters.

Mr. McDONALD, of Stormont, denied that he had used the word "defaulter." He merely stated the fact that the Treasurer had failed to account for the assessments previous to a District Council being established, as was proved by the report of the Auditors; and he would add that the Treasurer also refused to allow the Auditors to examine into the cause of the deficiency.

Mr. SHEERWOOD, of Brockville, was in favour of the motion and opposed to the Officers being under the control of the Councils; if it were so appointments would be

regulated in every instance, and throughout the country, by the state of political feeling in the Council.

Mr. McDONELL of Stormont—The member for Brockville was not justified in imputing to him (Mr. McD.) that he was governed by political feeling in opposing the motion; such a statement was presumptuous and uncalled for. He hoped the House would not recommit the bill.

Mr. McDONALD of Glengarry was in favour of the District Treasurer being responsible to the Council, he wished all such Officers to be brought to their true bearing and did not fear that if they discharged their several duties satisfactorily they would in no instance be disturbed or interfered with from political feeling, (hear, hear) he was opposed the motion. The motion was then put and lost.

Act to amend Public Lands Act.

On the 13th clause being read, Mr. McDONELL of Glengarry, stated that he wished to protect the rights of the sons of U. E. Loyalists and old soldiers who had fought and bled for their country, by substituting another clause for the one now under consideration. Grants of land had been made to these parties, on condition of performing certain settlement duties; many of these individuals did not perform these duties, and in consequence the Government had declared these lands to be forfeited, while speculators who had purchased large tracts of land for almost nothing, have obtained patents from the Government, without being obliged to settle or to have any other person settled upon these lands. He (Mr. McD.) wished to place all parties having claims upon the lands of the Crown on the same footing, and to grant that to the descendants of those noble men who remained faithful in their allegiance to the Crown, and who bravely fought the battles of their country, which had been allowed to the favourites of the Government. He would also ask the hon. member for Simcoe, who had resided during the greater period of his life in the back settlements, whether the performance of these settlement duties had been at all advantageous to the country, whether in many places, the parties who had obtained the land on these conditions, did not cut down some of the large trees and allow the underbrush to remain as an impediment to all vegetation? In his District a land-granting Board had sat, before whom many of the individuals, whose interests he advocated, had appeared, and had by the Board, been allowed to commute these settlement duties by doing a certain amount of work on the roads, which was as useful to the country as if they had performed the conditions imposed upon them. But now the Government refused to abide by this Act, and would not receive certificates of the performance of this work. He proposed therefore that all lands which were located and have been forfeited, but which have not been since sold, the locatees or their agents should be allowed to obtain these lands on the same terms as others.

Mr. DRAPER did not consider himself called upon to defend the acts of former Governments, but he would state that the reason why the parties referred to were required to locate and take out their patents was, that an immense quantity of land in Upper Canada escaped taxation, because a patent was not obtained and the property described. Names were placed upon the map as having located in different parts of the country, who were found upon enquiry not to reside on these lands. To put a stop to the tricks that were played upon the Government, and to compel all parties who had located lands to take out a patent, they published a list of all located lands in every district, and called upon the parties interested

to file their claims within a certain time, and to get a patent. A great many parties did come forward. A further notice was given, and the Government had every lot inspected to see whether improvements had been made upon any of them, so that the parties who had made these improvements should be recompensed for them; and then after 2 or 3 years more, the lands unclaimed were forfeited.—He (Mr. D.) considered that very few of the applications that were now made for these lands, were made by Upper Canada Loyalists or old soldiers, or their descendants, but that the vast number of them were made by speculators who had purchased their rights for almost nothing. The amendment will undo all that the Government have done for the last ten years, to put a stop to a great evil, and will leave it in the same state of uncertainty that it was before.

Mr. WILLIAMS considered that the Government had taken every precaution, so that they might do justice to the claimants.

Mr. MERRITT, the settlement system has been of great advantage to many parts of the country, and he was sorry that it had not been continued. He was opposed to the amendment, as he wished to preserve some of the lands.

The amendment was put and lost.

Mr. McDONALD of Cornwall—It was only yesterday that he had been made aware through the public prints, that Dickenson's Landing was made a port of Entry, and that Mr. McGregor had been appointed Collector of that port. And he would now like to hear from the Executive what necessity there existed of creating such port, he did not know what necessity there existed. The duties have been heretofore collected at the landing by a deputy under the collector at the port of Cornwall. There was then created a port of entry at St. Regis, within 3 miles of Cornwall, and now Dickenson's Landing within 12 miles is also made a port of entry, and a collector appointed there with a large salary, to perform the duties that have been heretofore performed by a landing waiter at a small salary of £50. He did not know that there had been any complaints against the manner in which the duty was performed, nor did he know that any complaints could be made. He supposed that Mr. McGregor was not appointed to the office for a smaller salary than he had received at Kingston, which he had understood was £150; he did not think that he would accept it, at a smaller salary for the mere honour of being called a collector, instead of some subordinate officer. He believed that the amount of duties for 3 years had not exceeded £100, annually, so that two hundred would be actually paid to collect £100. If it was the case, he did not think that the chance should be taken from an old and valuable officer, whose character is well known, throughout the whole province, as a man of honour efficiency and gratuity, of having his salary increased, for the making of Dickenson's Landing a port of entry, would have the effect of reducing the amount of collections at Cornwall, and thus decrease the amount of salary to be received by the collector and Mr. Woods had given up his mercantile business for the express purpose of being able to perform his duties as a public officer the more satisfactorily. He thought that if Mr. McGregor was to be rewarded, and he would admit that some provision ought to be made for him because he considered him an injured man, yet it ought not to be done at the expense of an old and valuable public officer, against whom no complaints had nor could be made. Independent of this was it necessary

to accumulate ports of entry so long as the duties were performed in a satisfactory manner, as those that had already existed. He would not say that the supporters of the Government ought to be consulted in reference to all the appointments to be made in their respective districts, but it was generally supposed that they were consulted, and would take this opportunity of disabusing the public mind on this subject, he would state that the present Government did not consult their supporters on such occasions whether they consulted gentlemen on the other side of the House he was not prepared to say, it that was the case, and the Government expected to derive any support from rewarding and buying over their opponents, he would tell them it would be a rotten support; they would be far better supported, more readily supported, than they are at present if they in return supported their friends and not their opponents. He could not see any necessity for making Dickenson's Landing a port of entry. He then moved for papers connected with the erecting of Dickenson's Landing port of entry.

Mr. CAYLEY stated, that although there was a change in the Customs' department, yet there was not to be any increase of expense. Mr. Roy, who was no longer required at Toronto, was removed to Kingston, and on that account Mr. McGregor was removed to Dickenson's Landing, as he was no longer required at Kingston. He certainly would not receive a less salary than he had when at Kingston. He stated that the object was not so much to make collections, but to prevent smuggling and to facilitate business. The very argument used by the hon. member for Drummond, in reference in the commissariat supplies, was that you could prevent smuggling owing to the distance from one port to another, and the coast being unprotected. He stated that it had been called for owing to our proximity to the states and the great increase of business. He knew the collector at Cornwall to be a most efficient officer, and he would state that his salary would not be in the least degree affected although the amount of collections would decrease, but he did not think that that would be the case.—He said that he did not look upon the amount collected as any proof of the value of the Port. Lachine for instance has been created a port of entry not because any collections would be made there, but because smuggling was there carried on to a great extent, and that it would be of immense advantage to the Port of Montreal.

Mr. McDONALD of Glengarry, stated that boats only called at Dickenson's Landing going up. The office at Cornwall has always been considered very efficient, and now by this appointment, his chance for an increase of salary, will be taken away from him. It appeared to him that favourites always come better off and got larger salaries than old and tried officers.

Solicitor General **SHERWOOD**, hoped that the motion would be withdrawn as it appeared to him that the answer of the Inspector General had been highly satisfactory.

Mr. MOFFATT, was not in favour of having ports of entry along the coast at only a few miles distance, he thought them absolutely useless.

Mr. BALDWIN: So ready is the hon. Inspector General with his figures, that he has been termed by his hon. friend from London, the "figure head" of the administration, even if his figures could have availed him in this instance, he would have given us them; but they could not. The explanation has been termed satisfactory, but it did not appear so to him, that an office the duties of which were performed for £50 should be bestowed on another

and he was to receive £150; he considered that it was a substantial increase of the public expenditure. It was in his opinion one of those jobs for which the present administration are so famed. He thought that they have had many opportunities of providing for Mr. McGregor, without doing so at the expense of an old and valuable officer. The Collector of Cornwall, was well known, and he could say that a more respectable man could not be found in the whole Province. He would ask if it was to be said that it was a matter of no moment, that all chance of an increase of salary was taken away from the Collector of Cornwall merely to make way for a favorite. For his part there never was a case, in which papers were required to be produced, more than in this one and as it was well known, that he had very little confidence in the present administration, he would vote for the present motion if only as a vote of condemnation of their conduct.

Mr. BOUTON was glad that this matter was brought forward, and he was ready to support the Ministry in it. A person wishing to enter goods at Dickenson's Landing must before have gone down to Cornwall.

Mr. McDONALD, he could enter then with the deputy.

Mr. BOUTON stated that he was glad that Mr. Meilleur had been removed from Toronto, his appointment there gave great dissatisfaction as it was generally considered that he was sent there as a spy over an officer who was above suspicion, and now that he is no longer required, he was removed to Kingston perhaps for the same purpose. He said that he had no great confidence in the customs department from a fact which came under his own immediate observation. A seizure was made of a quantity of goods, that were said to have beneted at St. Johns, but it was generally supposed that the certificates were forged. Actions were brought against the seizing officer, and dismissed, yet by the unwarrantable interference of the Government, he was forced to return the goods that remained unsold, and the officer was compelled to disburse the amount received for the goods that had been sold, although he was perfectly satisfied that the certificates had been forged.

Mr. GOWAN, stated that he had received a letter from Mr. McGregor in which he stated that he was averse to his removal to Dickenson's Landing.

Mr. CAYLEY, thought that a few days before his figures had been received with impatience, by the hon. member for the fourth riding, but as he had spoken of them he would now refer to a few, to shew that they would bear out his argument. In 1842, the port of Cornwall had produced £148. In 1843, £226 in 1844, £300 and in 1845, £660. So that at least Cornwall had not been injured by the establishment of other ports. The new ports established in the immediate neighbourhood had produced as follows.

St. Regis		£490
Dundee	£830	1260
Mariatown	£107	233
		549

The whole increase on the revenue derived from the inland customs department during the last year was £3,008, the whole of which he believed was due to the improvement in the management.

Mr. McDONALD of Cornwall, said that when he had stated in his first speech, that he had only been made acquainted with the fact from the public prints of yesterday, that might appear surprising, since it had been published in the Official Gazette of the 23rd ult., but the fact was, that the Gazette which he received was sent to Cornwall, and thus he had no op-

portunity of seeing it; indeed, even when he was there, he seldom looked at it as it contained no news, nor did he even expect to see his name there for any appointment, for the Government were sure of his support, and there was therefore, no inducement for them to buy it. If he wanted to get any situation he only required to become one of the loose fish; and then he might reasonably expect that he would get a situation. He was glad to see the manner in which the Collector of the port of Cornwall was spoken of by the hon. Inspector General and the hon. member for the Fourth Riding, and he could only say that they did no more than justice to him. He was glad to hear that the change would not make any change in the revenue, and he would therefore consent to withdraw the motion, as he had every confidence that any representations from Mr. Wood would receive that consideration which they are entitled to. His desire he said, was for information, and he had received as much information and as explicit, from the remarks of the hon. Inspector General as could be furnished by the papers. He would not push the matter therefore, as by doing so he might be the means of injuring the person he was desirous of serving. He would state, and perhaps the suggestion might have some weight with the Ministry, that as there was an opening in Kingston, and as the Ministry might perhaps wish to do right where right ought to be done, and without reference to Parliamentary influence (but perhaps that is not Responsible Government) they might offer to Mr. Wood the vacant office, and it would have the appearance that they wished to do justice to Mr. Wood. He would however, go bail, that Mr. Wood would not accept of it, for he is too comfortable and snug at home to be desirous of removing from Cornwall, and also his present state of health would prevent him from removing to Kingston. They might however, do him the honour to offer it to him. He would therefore, withdraw the motion with the understanding that any representations that Mr. Wood may be compelled to make, will have due consideration. He then withdrew the motion.

Mr. BOUTON gave notice of a motion for an address to His Excellency praying for information regarding certain seizures made at Toronto.

Mr. DRAFER was glad to hear this notice as the information which he would receive would disabuse his mind of the false impressions on the subject, which his previous remarks proved that he entertained.

Mr. MORIN, brought up the report of the Library Committee. It recommended that one copy of all duplicates works in the library except parliamentary papers, should be bestowed by way of a loan to Athenaeum Toronto and the Historical Library of Quebec, to be divided between them. It also recommended that the sum of £1,000 be expended this year for books, and Messrs. Armour and Ramsay should procure the English works and Mr. Fabre the French works at a commission of 12½ per cent.

The report was adopted except so much as related to the persons who were to purchase the books.

Mr. MORIN then moved that Mr. Faribault, assistant clerk of the House, be directed to proceed without delay to London and Paris to purchase the books named in the list, and also to make an arrangement with one bookseller in each of the above mentioned cities to furnish all the books that may be required at any time by this House. He said that each year that 63½ per cent had been paid for the English books and 49 per cent for the French books, and it had been suggested to try the above plan.

He thought at least that it was with the experiment especially as it would give an opportunity to Mr. Faribault to improve his collection of Historical documents relating to Canada, which was of so much importance as to be almost a matter of public concern. He believed that that gentleman possessed the best library of any person in the world relating to Canada. The speaker then took the chair, and the House adjourned till the afternoon.

AFTERNOON SESSION.

The subject of sending Mr. Faribault to England was then removed, after some discussion the report was thrown out on a motion to concur in it this day 3 months.

ROUTINE BUSINESS.

WEDNESDAY, June 3.

The following Bills were read the third time, and passed:—

Bill to amend the Ordinance relating to the Quebec Turnpike Road.

Bill to authorise the appropriation of £19,000, to the improvement of the Gulf of St. Lawrence.

Bill to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada.

Bill to incorporate the Etobicoke and Mono Sixth Line Road Company.

Bill to defray the expenses of the administration of Justice, in criminal matters in Upper Canada.

Bill for the appropriation of the revenues arising from the Jesuits' Estates, for 1846.

Bill for the further preventions of smuggling.

The following petitions were read:—
Of the Niagara District Council, praying that relief may be granted to Gilbert M'icking, for the destruction of his steam mill, in 1840.

Of T. Champion and others, for the rebuilding of the bridge over Duffin's Creek, between 1st and 2nd Concessions of Pickering.

On motion of Mr. Williams, an Address was ordered, for copies of all communications made by the Chairman of the Board of Works to Captain Bayfield, R.N., Capt. Beaufort, R.N., and to James M. Kondail, Esq., Civil Engineer, which drew from them the approval of the new cut now in progress on Lake St. Peter, under the Board of Works, in preference to improving the old ship channel; and also, copies of any estimates heretofore made by the Board, of the amount of excavation required, and the expense attending the same, on the said old and new cuts respectively.

The documents relative to the claim of J. Coons, were referred to a Select Committee.

The committee on the petition of the Niagara District Council, respecting the Queenston and Grimsly Road, presented a Report;

The committee on the petitions complaining of the conduct of the Judge of the London District Court, reported that they were unable to proceed in the investigation at this late period of the Session.

The documents on which the Address to Her Majesty in behalf of Alex. McLeod was founded, were communicated to the Council.

The report of the committee on the Library relative to the purchasing of Books, was committed, and progress reported.

A motion that the committee sit again on Friday, was negatived on division—and a further motion, for sitting again in six months, was negatived by the Speaker's casting vote.

A motion that the committee sit again in three months, was then carried on the following division:

YEAS—Messrs. Berthelot, Boulton, Boutillier, Chabot, Colville, DeWitt, Ermatinger, Gowan, Guillet, Jobin, LaFontaine, Lantier, Latour, Laurin, Leslie, Macdonald (Glengary), Macdonell (Stormont), Méthot, Morin, Nelson, Petrie, Rousseau, Smith (Frontenac), Stewart (Bytown), Taché.—25.

NAYS—Armstrong, Baldwin, Cayley, Chalmers, Chauveau, Christie, Cummings, Dickson, Draper, Foster, Hale, Jessup, Macdonald (Cornwall), Macdonell (Dundas), McConnell, Moffatt, Papineau, Robinson, Sherwood (Brockville), Sherwood (Toronto), Smith (Missisquoi), Taché, Thoreau, Viget, Woods.—24.

The Bill to amend the Bankrupt Laws, was read the third time, and passed.

The Bill to amend the Board of Works Act, as amended on Monday last, was reported.

Mr. Baldwin moved that Schedule B, 4, be amended so as to permit vehicles having paid toll, to return within 4 days, free—which was negatived:

YEAS.—Messrs. Armstrong, Baldwin, Berthelot, Bouillier, Chabot, Chauveau, Christie, DeWitt, Guillet, Jobin, LaFontaine, Lantier, LaTerrière, Laurin, Leslie, Macdonell (Stormont), Mého, Morin, Nelson, Rousseau, Scott, Tache.—23.

NAYS.—Messrs. Boulton, Cayley, Chalmers, Cummings, Daly, Deason Draper, Foster, Gowin, Hale, Hall, Jessup, Macdonald, (Cornwall), Macdonell, (Dundas), MacConnell, Moffat, Papineau, Petrie, Robinson, Sherwood (Brockville), Sherwood (Toronto), Smith, (Frontenac), Smith, (Missisquoi), Stewart (Bytown), Taschereau, Viger, Woods.—28.

Mr. Baldwin then moved the same amendment, substituting "2 days" for "4 days"—which was negatived—yeas 27, nays 30.

He then moved that the said schedule be amended by providing that vehicles having passed loaded, and paid toll, may return free (on the same day) whether loaded or not; which was negatived.

Mr. Moffat moved that the 26th clause be expunged. Which was negatived.

Mr. Merritt moved that provision be made in the bill for exempting the raw material from toll on canals, when the article manufactured therefrom is subject to toll when returning. Which was negatived.

The Bill was then ordered to be engrossed.

The Bill to raise a loan for the relief of Quebec, as amended yesterday, was reported, further amended, and ordered to be engrossed.

The Bill to amend the Act relating to District Councils in Upper Canada, as amended yesterday, was reported, recommitted, and further amended.

Mr. McDonald of Cornwall moved that the Bill be again recommitted, to insert a proviso to the effect that the proposed alterations in the manner of appointing the Wardens, Treasurers, Clerks, and Surveyors, shall not effect the present incumbents.—Which was negatived—Yeas, 20; Nays, 29.

The Bill was then ordered to be engrossed.

Mr. Daly delivered a Message from His Excellency, with a Supplementary Estimate for the service of the current year.—Referred to the Committee of Supply.

Also, a Return to the Address for a statement of the Clerks in the various Public Departments.

The Bill to establish a Registry Office in the lower part of Dorchester, as amended yesterday, was reported, and ordered to be engrossed.

The Bill to amend the Public Lands Sale Act was read the second time and committed.—To sit again to-morrow.

The Bill to incorporate the Montreal and Kingston Railroad Company—and the Bill to incorporate Hamilton, were returned from the Council with amendments.

The order for the House in Committee on the Civil List being read—

Mr. Baldwin moved that the Committee be instructed to strike out the preamble, and insert the following in lieu thereof:—*Most Gracious Sovereign, Whereas Your Majesty has been most graciously pleased to declare to Your faithful Canadian Commons in Provincial Parliament assembled, Your Majesty's gracious desire to owe to the spontaneous liberality of Your Canadian people such grant, by way of Civil List, as shall be sufficient to give stability and security to the great civil institutions of this Province, and to provide for the adequate remuneration of able and efficient officers in the Executive, Judicial, and other departments of Your Majesty's Public Provincial Service, the granting of which Civil List constitutionally belongs only to Your Majesty's faithful Canadian people in their Provincial Parliament. We, therefore, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, desirous that a certain competent revenue for the purpose may, during Your Majesty's life (which God long*

preserve,) be settled upon Your Majesty, as a testimony of our unfeigned affection to Your Sacred Person and Government, have accordingly freely resolved to grant unto Your Majesty a certain revenue, payable out of the consolidated fund of this Province, —we do, therefore, most humbly beseech Your Majesty that it may be enacted, and be it enacted." Which was carried on division.

YEAS. Messrs. Armstrong, Baldwin, Berthelot, Bouillier, Cauchon, Cayley, Chauveau, Christie, Cummings, Daly, DeWitt, Dickson, Duggan, Gowin, Guillet, Hale, Jobin, LaFontaine, Lantier, LaTerrière, Leslie, Macdonald (Glengary), MacConnell, Méthot, Morin, Papineau, Price, Robinson, Scott, Sherwood (Brockville), Stewart (Bytown), Taché, Taschereau, Viger. 34.

NAYS. Messrs. Boulton, Colville, Ermatinger, Foster, Macdonald (Cornwall), Macdonell (Dundas), Moffat, Petrie, Sherwood (Toronto), Smith (Frontenac). 10.

The bill was then committed, reported amended, and ordered to be engrossed.

The bill for relief of the Jewish congregations in Montreal, was committed, reported amended, and ordered to be engrossed.

The bill to provide for erecting a Lunatic Asylum at Toronto, was read the second time, and ordered to be engrossed.

The Bill for imposing duties on Tavern-keepers' licenses, &c., was read the second time and committed. To be further considered to-morrow.

The bill to regulate the summoning of Jurors in Lower Canada, was read the second time, To be committed to-morrow.

The House went into committee to consider the expediency of preventing the sale of timber on the Public Lands, and the committee rose without reporting.

Adjourned.

LEGISLATIVE COUNCIL.

THURSDAY, 4th June, 1846.

The Militia bill, and Nicolet Registry Office bill were read a third time.

The House then took up the report of the Committee on Notarial Profession bill, and adopted an amendment to prevent Notaries from carrying on the trade of shop-keeper, tavern-keeper, shoemaker, &c., but not forbidding the holding of landed property. Also, another amendment making it necessary that all Law Students shall have a liberal education.

The amendments were ordered to be engrossed and the bill to be read a third time to-morrow.

The amendments to the Elementary Education bill were ordered to be engrossed and the bill ordered to be read a third time to-morrow.

Hon. Mr. NELSON gave notice that he would enter a protest against the compulsory taxation clauses.

Hon. Rec. GENERAL moved for the second reading of the Bankrupt bill. He called the attention of his hon. friend opposite to the fact, that this bill was before them notwithstanding his supposition that it would not reach them. As it was a bill of great importance, he intended to refer it to a select Committee after the second reading, but in the mean time he would remark that it was introduced for the purpose of remedying some defects in the Law passed in 1841, which, as it would seem, did not work satisfactorily. A number of arrangements had been made which he hoped would meet with the sanction of the House, but he could not pretend to say whether they would have the effect for which they were intended, having had very little experience in Bankrupt laws.

Hon. Mr. FERGUSON was very happy to find that a Bankrupt bill had come up, but he could not but wonder at the very proper and polite manner in which the Hon. Receiver General brought it under their notice, after having told them only a few days ago that he absolutely knew nothing of the bill, and that it was possible such a bill might come up. It was frequently

his duty to animadvert on the conduct of the Government, but certainly he never felt it more than when the Rec. General professed his ignorance of the existence of a bill so important as the Bankrupt bill. It was a most discreditable position for a member of any administration to occupy.

Hon. REC. GENERAL.—All that the hon. gentleman meant was, that he would not allow a single day to pass without having a fling at the Administration. Well, if it gave him any gratification, he (the Rec. Gen.) would have no objection, he was sure; let him fling away; let him kick as hard as he pleased. He was sure there was something very pleasurable in it, for he worked himself into an excitement about something every day, he really believed in order to create a flow of the blood, for after it was over a pleasurable glow overspread his countenance that shewed it must be healthful. (Hear, hear.) But what was the fact; the hon. gentleman had not understood him correctly; he had said that it was not in the power of the Government to pass any particular measure—that it depended on a majority of votes in the other House (hear, hear.) But he had never said that he did not know whether a bankrupt bill was in the other House or not.—He would like to see if any hon. gentleman would corroborate the statement of his hon'ble friend.

Hon. Mr. FERGUSON.—The Hon. Receiver General stated the truth but not the whole truth. He had distinctly understood him to say that he knew nothing about a bankrupt bill being in the lower House. And when he said that it depended on a majority of votes whether it would come up, he supposed there was a great likelihood of its being kicked out as so many other Government bills had been already.

Hon. Mr. FERRIE, this bill.

Hon. Mr. MORRIS, really would wish to bear the opinion of some one who sat a little further from his hon. friend. For when he complained so repeatedly of being interrupted, it was caused altogether by the hon. gentleman then on his legs and his hon. friend—

Hon. Mr. FERGUSON, order.—He called the Hon. Receiver General to order. Did the Hon. Receiver General mean to prevent his hon. friend from speaking? Did he mean to say that he should not converse with his hon. friend if he saw fit? How would such a doctrine he received in the House of Lords? If the hon. gentleman were interrupted whilst speaking, he must remember that there are individuals who do not receive all the attention they could desire.

Hon. Mr. FERRIE had paid a great deal of attention to the subject of the present Bankrupt Law, and he was sorry to say it turned out very differently from what he had expected, and one or two clauses which he had been the means of introducing had not worked at all satisfactorily. He hoped however that the bill now before the House would remedy those defects; it was true he was no lawyer but the oldest merchant in the House and he took shame to himself that instead of the bill, which he had assisted in passing, proving a blessing to the country as he had expected, it had been a curse.

Hon. P. MCGILL said that the existing Bankrupt law was introduced by one of the first lawyers in Canada, while the Parliament sat at Kingston. It was pretty perfect as it had been introduced, but unfortunately it fell into the hands of a Committee who made some amendments to it, which as was evident were not for the better. He knew that there was a great difference of opinion in Montreal as to the necessity of a change, but it was felt much

more severely in Upper Canada, and therefore was well worthy the attention of hon. gentlemen. The bill on the table contained several amendments which he had no doubt were beneficial, but there was one clause which would entail great hardship and damages on those who were subject to its operation. He referred to the clause which gave power to the Sheriff to break open doors, windows or trunks where property was represented to be concealed, so that it was quite sufficient for a person to say "property is concealed here or concealed there," for the Sheriff on mere suspicion to make use of this power. He looked upon that as one of the most objectionable clauses in the bill and brought it under the notice of hon. gentlemen that it might be considered in Committee.

Hon. Jas. MORRIS did not rise to speak to the bill, but to the appeal of the hon. Receiver General. His hon. friend opposite must have misunderstood the hon. Receiver General entirely. The latter had never said that there was no bankrupt bill before the other House, but he had stated in very few words that there was one there, but that it depended on the majority of votes in the House whether it would come up. He thought he would be confirmed in this statement.

Hon. Mr. WALKER corroborated the statement just made.

Hon. Mr. FERGUSSON was very glad his attention had been called to this subject by his hon. friend. There was no man more ready to acknowledge an error, and he would at once admit that he must have misunderstood both the words and the drift of the hon. Receiver General's remarks. What had surprised him was, that a bankrupt bill should be introduced by any other than a member of the Administration, if he had said that it was a ministerial measure he would not have said a word about it. He would however, apologise to the hon. gentleman and the House, for he believed he had allowed himself to be carried too far.

Hon. Rec. GENERAL was quite satisfied.

The bill was then read a second time and referred to a select Committee.

The House adjourned from six till half-past seven, p. m., when the reporter entered.

Hon. Mr. DEBOUCHERVILLE was speaking to the motion for the second reading of Administration of Justice bill. He said before the Union, the expenses of the Administration of Justice in Lower Canada were defrayed out of the public revenue, and in Upper Canada by District assessments, and yet the Government came down and told the Lower Canadians all that must be changed, and that they must contribute to the payment of the expenses of Upper Canada, because there was but one Legislature, yes there was but one, but they acted as though there had been two Legislatures. It was true that House had no right to make any alteration in the bill, but they had the power of putting it off for another year, and that was what he contended they should do. What was the duty of the Government? To protect the subject against the subject. That appeared strange, what did it mean? That if one party in the country wished to increase its authority over the rest of the Province, they should prevent it, but instead of that, it was the Government that this day brought forward an iniquitous measure, which could not but have the effect of widening the breach between both sections of the Province. There is but one Legislature it is true, but when it is proposed to change the constitution, and force Lower Canada to pay a part of their revenue to Upper Canada, he held it necessary that it should be done only with the consent of Lower Canada, but this bill had been passed through

the Lower House by a majority of Upper Canadian members, and very few Lower Canadians consented to it.

Hon. Mr. FERGUSSON believed there was an honest desire on the part of the Government to do justice to both sections of the Province, of which this bill was a proof, and therefore he would give it his most cordial support.

Hon. REC. GEN. said, the hon. gentleman who had spoken before his hon. friend, characterised that as an iniquitous measure, of which the only proof was that the Province generally would support the expenses of the Administration of Justice. He supposed that hon. gentleman did not remember that the people of Upper Canada are contributing cheerfully for the erection of a Lunatic Asylum in Lower Canada, and surely he did not imagine that the Upper Canadians would long remain satisfied with being assessed for what was paid out of the Provincial Revenue in Lower Canada. And as to the double majorities he spoke of, what would it be in effect but a division of the Province. That no question could be determined without taking the opinions of the members of each section distinctively, and not passing any bill which was not agreed on by a majority on each side. The idea was absurd.

Hon. Mr. BRUNEAU did not know that the people of Upper Canada were tied down to that mode of paying the expenses of the administration of justice by the Union Act, or that it could not be changed by the United Legislature. He could see no injustice to L. Canada in the bill, and would therefore support it.

Hon. J. NELSON opposed the bill. He considered that the L. Canadians were treated unfairly by the Administration.

The bill was then read a second time, and ordered to be read a third time to-morrow.

The Jesuits' Estates Bill was read a second time and ordered to be read a third time to-morrow.

Hon. Mr. BRUNEAU gave notice that he would protest against the passage of the bill.

The Smuggling Prevention Bill and Gulf of St. Lawrence Navigation Bill were both read a second time.

Hon. Mr. MACAULAY reported from committee on bills to amend Toronto Incorporation Act and Cobourg Incorporation Act, with amendments. Reports adopted and bills to be read a third time to-morrow.

Hon. Mr. BRUNEAU laid on the table a report of the committee on contingencies. To be taken into consideration to-morrow.

Hon. W. MORRIS laid on the table the letters he had referred to in the discussion respecting Col. Fitzgibbon's case.

The fifty-eighth rule of the House was suspended in order to allow the Etobicoke Road Bill to be read. Carried by the casting vote of the Speaker.

The House then adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, June 4.

The House went into committee on Supply, and took up the Supplementary estimates.

On the item for granting £500 to McGill College, Dr. Boutillier moved that it be divided equally between the school of Medicine and McGill College.

Mr. SMITH, of Frontenac, said that he was compelled to oppose the amendment. Last year, when they applied for the act of incorporation, it was expressly stated that they did not desire that any aid should be afforded them

out of the Provincial Revenue. To support this he read a letter from Dr. Arnoldi, Junr, to the members of the House last session, in which that gentleman, in the name of the school, in which it was expressly stated that they did not desire one copper from the Provincial Revenue, and that the school was not started by the professors for the sake of filthy lucre.

Dr. NELSON stated that the monies which had been already granted had found their way into the pockets of the Professors; they did not apply it to procure a library, museum, or anatomical preparations.

Atty. Gen. SMITH stated that the College had a medical library of some 15,000 or 16,000. [Dr. Nelson, 15,000 or 16,000] yes, you are right, it is only between 15,000 and 16,000 out of the £500 granted last year they had applied the sum of £130 to the foundation of a Lying-in Hospital.

Dr. NELSON drew a comparison between the School of Medicine and McGill College, in which he animadverted in very strong terms on the conduct of the faculties of medicine of McGill College. He was glad that mention had been made of the University Lying-in Hospital; he would ask hon. members if they knew the animus with which that institution had been got up, he would tell them that it was for the purpose of putting down an institution of a like nature, that had been set on foot by the late lamented Dr. McNider. It was not got up because it had been found deficient, on the contrary, that institution was amply sufficient. He called upon the Attorney General to say whether when the grant was made last session, he had not stated that it would be the last time that they would be called on to make that grant.

Dr. TACHE would have liked much that the motion had been to make no grant at all, rather than to divide it. He wished that both Colleges should stand on their own revenues. He stated that the College at which he had studied, in 1818 and 1819, was considered one of the best in the United States; but if he had a son, he would sooner send him to the School of Medicine.

Atty. Gen. SMITH said, that he could not recollect having made the statement referred to, but he had no doubt that he did so. If so, however, he must say, that the Government had not notified the college of the discontinuance of the grant, and he must therefore support it from the present year.

Mr. McFATT would have been better pleased if the hon. member for Richelieu had confined his observations to praising the new School, without detracting from the old one. He knew that McGill College had been established under great difficulties, and he could not understand why the establishment of another institution and rival one, should deprive that College of the advantages it had always possessed.

Mr. LAFONTAINE thought that justice would dictate the division of the grant. He said that he was not at all satisfied with the explanation of the Attorney General, as to the application of the grant of last year. It was well known that this sum was given for the encouragement of lectures, and it appeared that £130 out of it had been applied to establish a Lying-in-Hospital, in opposition to the one established by the late Doctor McNider.

Att. Gen. SMITH could see no reason why the Professors of McGill College could not apply to a benevolent purpose, that which they might have put into their own pockets.

On a division on the amendment the numbers were 27—27. The Chairman, Mr. Christie, gave his vote with the yeas.

ROUTINE BUSINESS.

THURSDAY, June 4.

Bills read a third time and passed :

To raise a loan for the relief of Quebec.

To establish a Registry office in the lower part of Dorchester.

For the relief of the Jewish congregation of Montreal.

To authorise the issue of debentures for the erection of a Lunatic Asylum at Toronto.

To amend the law relating to District Councils in U. C., was passed on a division; yeas 32; nays 4; the nays being Messrs Boulton, Sherwood, Brockville, and Williams.

The Bill to amend the Board of Works act, was read the 3d time.

Mr Smith, of Frontenac, moved that the following be added to schedule B. 4: "All persons going to and returning from divine service on Sundays, together with their horses and carriages, to be exempt," which was carried.

Mr Drummond moved that the Bill be recommitted, which was lost, and the Bill was passed.

Mr Woods presented a report on the petition of Reid & Larned, which was adopted by the House.

The amendments made by the Council to the Hamilton Incorporation Bill, were agreed to.

The amendments of the Council to the Bill to Incorporate the Montreal and Kingston Railroad Company, were also concurred in.

The following address to Her Majesty relative to a reduction of the rates of postage, was ordered to be engrossed, and to be sent to the Legislative Council for their concurrence:

ADDRESS.

To the Queen's Most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY:

We, Your Majesty's dutiful and Loyal Subjects, the Commons of Canada in Provincial Parliament assembled, sensible of the desire of Your Majesty at all times to listen favourably to every suggestion, which may have for its object the convenience and welfare of Your Subjects, in every portion of Your Majesty's widely extended Dominions, beg leave to represent to Your Majesty that while we thankfully acknowledge the great benefit, that has been conferred on the Inhabitants of the North American Colonies, by the establishment of a regular conveyance by Steam, of the Mails between Great Britain and America, we would respectfully call the attention of Your Majesty's Imperial Government to the necessity of providing for their more frequent transmission during the winter months.

We need scarcely remind Your Majesty, that mainly depending as the Inhabitants of these Colonies do, on the intercourse with the Mother Country, for their social happiness and commercial and agricultural prosperity, it is an object of the greatest importance to them, that every facility should be afforded to it; and that between the first of December and first of April, when but one mail per month is despatched to and from the two countries, the necessity for a more frequent communication is particularly felt. It is during that period all the surplus produce of the country is purchased and prepared for the British Markets, and the prices here of our staple commodities being regulated entirely by those in Britain, both buyer and seller require the earliest notice of any change that may take place in the Markets of Europe, to prevent in many cases serious losses to the one or to the other.

We would also urge as a further reason for the favourable consideration of our request, the fact, that during the winter both Your Majesty's Imperial Parliament and Colonial Legislatures, are generally in Session, and that it is highly desirable in many instances, that more frequent intercourse should take place between them, than once a month.

Taking these circumstances into consideration and many others which, if necessary, might be mentioned, we humbly hope Your Majesty will be graciously pleased to cause the necessary measures to be adopted for insuring to Your Loyal Subjects in these Provinces, the transmission of the Mails at least twice a month during the year.

Intimately connected with the foregoing, is the

excessive high rates of postage which Your Majesty's Colonial Subjects are compelled to pay by the Imperial Government, without any reference to the Local Legislature, and they deem it imperative on them to beseech Your Majesty, promptly to take the same into Your gracious consideration.

We feel assured that Your Majesty will at once admit the hardship of British Subjects in one portion of the Empire, being compelled to pay extravagantly for that, which by others, is enjoyed at a merely nominal charge; while in Britain a letter may be sent to any portion of that country for one penny, the inhabitants of Canada are forced to pay, from four-pence half penny to one shilling and four-pence Provincial Currency, for a single letter within the limits of the Province, although, at the same time, they can send a letter from any part of Canada to Britain, by Your Majesty's Royal Mail Steamers, for the last mentioned sum.

The Government of the United States, anxious to relieve their citizens from so vexatious a burthen, have within the last year, reduced the Rates of Postage in that Country, from a standard similar to that still imposed upon us, to the more moderate charge of 2½d sterling on a single letter, for a distance of 300 miles and five pence for any distance beyond that. And we can assure Your Majesty, that so great a boon enjoyed by a people living in their immediate vicinity, causes the Inhabitants of Canada to desire, with increased earnestness the favorable consideration of Your Majesty's Government, on a question of so much importance to them.

We therefore humbly pray, that Your Majesty will be graciously pleased, to direct that a reduction in our Rates of Postage may take place without delay; and if not to the extent enjoyed in the Mother Country, at least not exceeding the charge now made in the United States.

We state with confidence that the high Rates of Postage, now exacted, is a serious charge on the social and commercial intercourse of the Colonies, and that in order to evade it, much of the correspondence is conveyed by private individuals, to the serious loss of the revenue.

We are prepared to hear it objected, that the reduction asked for will cause such diminution in the Revenue of the Post Office, as might seriously impair the efficiency of that Department. But when it is considered, that large sums are now annually paid for postage on account of the Public service, we respectfully submit to Your Majesty, that both the Imperial and Colonial Governments might, with justice, be called upon to pay their fair proportion of any deficit that may be caused by a reduced rate, believing that the revenue from the great increase in the number of letters sent by Mail, will, in a short time, be found sufficient to meet the expenses of the Department.

We would also suggest, the propriety of relieving the Press from charges which now bear heavily upon it, by allowing exchange Newspapers to be sent by mail free of postage, and remittances to Editors, in payment for their papers, to be transmitted by Post-masters without charge, as is the case in the United States.

We take this occasion to renew to Your Majesty the assurance of our sincere attachment to Your Majesty's Person and Government.

Mr Robinson moved that the report of the committee on the petition of Dr Kees be concurred in—carried.

An address was passed to His Excellency, transmitting a copy of report, and praying his favorable consideration to the same.

The Civil List Bill as amended, was ordered to be engrossed.

The Quebec Trinity House Bill was read 2nd time, committed and amended.

Mr Duggan moved that the order for the 2nd reading of the Bill to amend the District Court, be now read—lost.

The Legislative Council informed the House that they had agreed to the Bill to provide for the removal of the Registry Office for Nicolet.

The Militia Bill was returned from the Legislative Council amended.

And the Education Bill of L. C. House in Committee of supply, reported progress and several resolutions.

To be received to-morrow.

The committee on the salaries of officers, &c., of the House, presented a report, which was referred to the committee of the whole House on to-morrow. Adjourned.

LEGISLATIVE COUNCIL.

FRIDAY, 5th June, 1846.

The SPEAKER read a message from His Excellency in reply to the address of the House, stating that that address had been the first official communication which had been made to him of Col. Fitzgibbon's absence, and that he would use every means in his power to procure the regular performance of the duties of the Clerk's office.—To be taken into consideration to-morrow.

Hon. Mr. MACAULAY reported from the Committee on the Bankrupt bill without amendment. Ordered to be read a third time to-morrow.

Hon. Mr. BRUNEAU reported from the Committee on bill to extend the power of Court of Queen's Bench, recommending that the bill should not be proceeded with in consequence of the late period of the Session, but that it should be printed and distributed. He said that this bill required so much examination before the Committee could recommend its passage to the House, that they had thought it necessary to adopt this course.—Report adopted.

The following bills were read a third time. Administration of Justice bill, Quebec Turnpike road bill, Jesuits Estate bill, Smuggling Prevention bill, St. Lawrence Navigation bill, Toronto Incorporation Act, Cobourg Incorporation Act.

The House then took the report of the Committee on Contingencies into consideration. A grant of £100 to the widow of the late R. Armour, Law Clerk, was concurred in. Some discussion arose respecting a claim by Mr. Taylor, Assistant Clerk, to cover expenses for removing from Kingston to Montreal. He laid his claim at £120.

Hon. J. MORRIS submitted a note from Mr. Taylor, showing that he had sent in his claim to the Government, by whom it had been referred to the Board of Works, who reduced it to £83.

Hon. Mr. BRUNEAU said he could not look on the charge made made by Mr. Taylor, otherwise than extravagant. £120 for removing from Kingston to Montreal! There was a charge of £21 to pay a bill at Rasco's Hotel during his stay there! And then there were charges for liquor to Porters, and several others of the same nature! He looked on £50 as recommended by the Committee, as an exceedingly handsome gift to Mr. Taylor, and would oppose any larger sum being granted. Fifty pounds voted.

Hon. P. M'GILL would wish to see the Usher of the Black Rod put on the same footing in point of salary as the Sergeant at Arms of the Lower House, who receives £200. He thought it due to the dignity of the House that their servants should be as well paid as those of the other branch of the Legislature.

Hon. J. MORRIS opposed the views of the hon. gentleman. The expenses of the Legislature are already enormous, amounting to nearly £50,000, whilst the expenses of both branches of the Nova Scotia Legislature are not more than £5,405 and of the Leg. Council of that Province £682. He regretted being frequently obliged to speak of the waste of the public money, for he considered it such to pay an officer more than the duties he performed really entitled him to receive.

Hon. A. FERGUSON said there were two views to be taken of the case. If a saving of the public money was contemplated, there

should be a general retrenchment, beginning at the top of the tree. Why could not the Governor General perform his duties on £3000 instead of £7000, as in the Lower Colonies? But he could not understand why they should put themselves on an inferior footing to the other branch of the Legislature, and if the Sergeant at Arms of the Lower House received £300 a year, he could not see why the Usher of the Black Rod should not be as well paid.

Hon. A. FERRIE said it appeared that the duty performed was not taken into consideration. It was preposterous to suppose that a man who sat from three to twelve or one in the morning should not be better paid than another who sat only for two hours. As to the mere figuring work, there were men of respectability in town, of far better talents than any of their officers, who did twice as much work and were not half so well paid.

Hon. Mr. MACAULAY would ask if there was to be no end to this increase of salaries? For his own part he did not think that the dignity of the House, depended on the salaries paid to their Officers, or in following the lead of the other House in this extravagant expenditure of public money. Hon. gentlemen would maintain their dignity better by acting on their own opinions, and he thought it high time they should show the country they were disinclined to increase this expenditure. He thought the usher of the black rod was well paid for the duty he performed and in fact that all their Officers had a very liberal allowance. The report of the Committee was adopted.

The following bills were then read a second time. The District Councils amendment bill, the Jews Relief bill, Toronto Lunatic Asylum bill, Board of Works bill, Quebec Relief bill, Dorchester County Registry Office bill.

Hon. Mr. MACAULAY called attention to his notice of motion to produce the letter written by Dr. McCaul to the Hon. Mr. Fergusson. He had not been present at the time that hon. gentleman had made use of the name of Dr. McCaul or he should not now have drawn on this discussion. He had been one of the Council of King's College from the date of Sir Francis Head's Government until the Government was removed to Kingston, and he could safely assert that nothing could be better managed than the affairs of that College during that time; and he did not imagine they had gone backward since he left Toronto. When the affairs of the College came to be examined into, he did not think the hon. gentleman would be borne out in such a term as "disgraceful conduct," when applied to any gentleman connected with the College. Did he think it right to drag forward Dr. McCaul's name on the strength of an anonymous pamphlet? He thought it rather hard that a violent attack should be made on such grounds in that House where they were accustomed to speak with so much delicacy, and he would wish that the House would listen to his reverend friend's letter which would fully exculpate him from all the charges against him.

Hon. Mr. FERGUSON was very happy that this matter was brought under discussion, as it gave him an opportunity of saying a few words on the most outrageous insult that had ever been offered to that House—an attempt to defend the College Council.

Mr. SPEAKER, this is going too far.

Hon. Mr. FERGUSON would say no more on that subject. The hon. gentleman had risen to move for the reading of a letter, and had taken the opportunity to give him [Mr. F.] a lecture. Now he was very fond of lectures either in public or private, but he always set

them down at exactly what they were worth, and when he remembered that hon. gentleman was a member of the Board at the time a most disgraceful circumstance occurred.

Hon. SPEAKER, this is not at all correct.

Hon. Mr. FERGUSON, well then, he could say, that having received a communication privately from the individual whose name he had most unfortunately brought under discussion; he, as an honest man, had made such an explanation as he thought the case demanded. Having said that he would say no more on the subject, except to ask the hon. gentleman if he had Dr. McCaul's authority for the step he had taken?

Hon. Mr. MACAULAY—"Yes."

Hon. Mr. FERGUSON continued, well, if that were the case, he would lay the letter on the table.

Hon. J. MORRIS said, his hon. friend had already made a satisfactory explanation in consequence of having received a letter from Dr. McCaul. He had himself seen that letter, and must say it contained a most triumphant refutation of the charges brought against him. But he did not see how far the letter could become the property of the House, it being private.

Hon. SPEAKER said, Dr. McCaul's course was to petition if he had anything to complain of. The House did not read the pamphlet, and were they to be forced to endure the reading of this letter?

Hon. P. MCGILL could not see how a motion could be made, *à la* Mackenzie, to force a letter out of an hon. gentleman's pocket. He would refer the matter to the Speaker.

Hon. J. NELSON said no man had a right to move for the reading of a private letter. If it were considered necessary, have it read; it could be read in private.

Hon. Mr. MACAULAY would not proceed any further in his motion, but he thought that when the House allowed a gentleman's private character to be attacked, it was an act of simple justice to listen to the defence.

Hon. Mr. BRUNEAU.—Were they going to spend the whole evening on this affair? If there were no other business before the House, he would move the adjournment.

Hon. A. FERGUSON.—If the the House ruled that he should lay the letter on the table, he would do so. (No, no.) Otherwise it went back into his desk.

The affair dropped there, and the House proceeded with the second reading of the Etobicoke Road Bill.

The House then adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, June 5, 1846.

Mr. McDONALD of Dundas moved for an address for papers relating to the appointment of two landing waiters for the county of Dundas. He could not see any necessity that existed for the appointments in question, he had made the present motion for the purposes of disabusing his constituents of his having had any participation in the appointments. It appeared to him that in appointments like that in question, the representative of the county ought to be consulted but it appeared to him that back stairs influence had a predominance even in this administration as it had in the last. He stated that if a vote of want of confidence was proposed he would have something to say in the matter, for he had kept a day book of the transactions of the Ministry and it stood heavily balanced against them.

Mr. DRAPER said, that he would produce the papers with the greatest of pleasure, and he thought that when the hon. gentleman had seen

them, that he would far rather have seen them first and made his speech afterwards.

Mr. CAYLEY, acquitted the hon. member for Dundas of having any hand in the appointments.

The motion was then carried.

On the third reading of the Civil List bill Mr. Baldwin moved that it be recommitted for the purpose of moving an amendment. This amendment was previously rejected by the House.

It was lost on a division of yeas 25, nays 28.

In receiving the report of the Committee on this estimates, on the item for the granting of £250 to the Schools of Medicine and McGill College. It was on motion recommitted on a division of yeas 27, nays 26.

Dr. NELSON said that it might have been supposed that there would have been sufficient respect for the opinion expressed by the House yesterday, to prevent this question being again brought under discussion. He contended that the Legislation now sought to be carried out was calculated to continue an odious monopoly. It was like telling Lower Canadians—and he wished to draw the attention of the Upper Canadian members to the fact, that they should not be allowed to study Medicine in the French language, for no lectures in that tongue had ever been given at the McGill College except some little *resume* or synopsis. If this measure were passed it would be paying a very poor compliment to the people of Lower Canada, and he should recommend his friends from that part of the country to abandon, for the future, that principle of non-interference which had hitherto actuated them when educational grants for Upper Canada came before them. Could any gentleman say that there was any superiority in the old over the new school, or that the one school was approved of by the country in preference to the other, or was supported by the medical profession rather than the other? He wished it to be understood, that this measure would inflict a grievous insult upon the French Canadian population.

Mr. CAYLEY said, the question now was whether the House should rob an old institution to give to another which had only been in existence a few months. He could not consent to that. If it were necessary to give this sum to the new school, let it be brought up as a distinct motion and decided on its merits.

Mr. MOFFATT said, the Professors of the McGill College had been engaged for twenty years in the work of medical instruction, for many years without any assistance from Government. In 1836 and 1837 they closed their school on account of the troubles in the country, and it remained closed, until, in 1841, the Government of the day begged of those gentlemen to revive their lectures. They acceded to the demand on the understanding that they were to have some public support, and he thought it would be a gross injustice now to deprive them of it. He conceived that this sum was given for the promotion of education in Lower Canada.

Dr. NELSON thought that it was a false idea to suppose that this money was applied for the general purposes of the College. This was not the fact. There were no anatomical preparations, nor any apparatus which could be considered as the property of the Province. He was authorised to state, from his place in the House, that the hon. member for Montreal had expressed his determination to throw every possible obstacle in the way of any measure that could enable the new school to compete with the McGill College. He mentioned that on authority, although he would

not, perhaps, have done so, had it not been for the pertinacious opposition offered, two days successively by the hon. member.

Mr. MOFFATT would say that the information which he had received, on the subject of this Institution, was directly opposed to that of the hon. member for Richelieu. The hon. member had asserted that there was no museum [Dr. Nelson said no,—he said no anatomical preparations.] Well, he was told there were preparations.

Dr. NELSON—Since when?

Mr. MOFFATT knew nothing about that. The hon. gentleman asserted that there were no preparations. He said that he was informed there were. He had never asserted that he would oppose the new school. What he had said was, that he would support the old school. He would not, at that moment, pledge himself on the question of the new school, but he would decidedly oppose taking any thing away from the old.

AFTERNOON SESSION.

The debate was resumed and after some remarks from Messrs. Nelson, Smith of Frontenac and Aylwin, the motion was carried to grant £500 to McGill College.

Lake St. Peter.

Mr. WILLIAMS, went into a long detail of statistics to prove the expediency of improving the old channel in preference to the new channel. His proof was altogether drawn from the report of the Committee of that House on the subject.

Mr. ARMSTRONG.—It was used as an argument in favour of the new channel that it would save seven miles, when now it turns out there will only be a saving of a half mile or at most one mile, and there is now much less current in the new channel than in the old. Mr. A. read part of the evidence of Captain Rayside, and showed how it was contradicted by the evidence of other parties and the soundings taken by the hon. member for Durham, who had sounded every four minutes, though the captain of the steamboat did not wish to steer to those particular places to which he was requested, and he (Mr. A.) was reminded of the quarter deck when the hon. member (Mr. Williams) ordered him to go to those places that were pointed out to him. (Laughter.) This was the way that other parties had been deceived with respect to the depth of water in the different channels, as they had been steered to those parts only where there was deep water. Captain Vaughan said in his evidence, that the line, as given in the report of the Board of Works, was not correct, and yet it was on the faith of the correctness of this line that Captain Bayfield had recommended the new channel as being preferable to the old. By deepening the old channel, you would have given the trade of Montreal a broad channel of 1500 feet, and thereby much time would be saved in towage, as no steamboat would venture to tow up more than one ship through the new channel.

Mr. WILLIAMS could not exemplify the absurdity of the operations in Lake St. Peter, better than by stating, that in the navigation of the St. Lawrence between this and Kingston, there are several points which project into the river, and an individual, instead of improving the natural channel, should say, "oh, the Province has plenty of money, and I am determined to get to Quebec in as straight a line as possible." Mr. Killaly complains of not being treated with proper courtesy by the Committee; now, he (Mr. W.) could appeal to every member of that Committee, whether every respect was not paid to him? Their questions

were framed in this spirit, for they said, "will you favour," "will you be pleased," &c? And it was not until he found that Mr. Killaly would not give them some information that they desired, that he was obliged to say, "you are compelled to answer." He (Mr. W.) wanted to save a useless expense of money, and he had no feelings to gratify; further than to show that he was qualified to perform the duty that the House had imposed upon him. He did not consider that the members of the Commission of Enquiry were so competent to give an opinion on the relative merits of the two channels as he was, from his profession. The new channel can be carried out at the width of 150 feet for £9,500, but it will only be a partial benefit.

Sol. Gen. SHERWOOD did not intend to defend the Chairman of the Board of Works, or to enter upon the discussion with respect to the relative merits of the different channels. But he considered that the House could not decide the question on account of the conflicting reports, and that it was better to leave it to the Government, who will certainly make proper enquiries before going on with the work.

Mr. ROBINSON.—It is some consolation to him and the hon. member for North Lincoln, to know that there is a deep cut in Lower Canada as well as in Upper Canada. If they were now about to commence the work on Lake St. Peter, he would certainly have been of the opinion that the old channel ought to have been improved, and the work have been begun at the lower part instead of the upper, as has been done. The work ought also to have been given out by contract, and it would then have been finished much sooner and cheaper. It would, in his opinion, be advisable to do the remainder of the work by contract; there was a person in Boston who would do the work for one shilling a yard, and the dredges, which are superior articles, could be profitably employed in the harbours of Upper Canada and Montreal. No contractor would pay £500 to a foreman, as the Board of Works have paid Captain Vaughan the superintendent of this work, besides allowing a certain sum for the board of the men. He was not inclined to stop the work; that would be penny wise and pound foolish, but he would test this narrow channel first, and leave it to the Executive to take such steps as will keep the money from being thrown away.

Mr. McDONALD, of Glengarry.—It will require a dredging machine to clear away the rubbish that has been created by the arguments on both sides; he was in favour of the amendment, for it left it with Government to decide upon the best channel, and they will be responsible to this house. Several of the captains of the regular traders of this port have given their opinion in favour of the new channel, and he was afraid that a great deal of the opposition to the new channel was the result of a combination to injure the trade of Montreal by keeping it at Quebec. If £9500 would make the new channel available, he was very willing to vote that sum; he did not consider that there was any danger of rafts grounding on this new channel, as he knew that very few rafts go to Quebec after the month of August, when the water is low.

Mr. MOFFATT would feel great reluctance to abandon the straight channel, as such a channel had certainly advantages over a crooked one, if it could be made for anything like a reasonable expense; he (Mr. M.) regretted that this, as well as other public works, had been undertaken before proper surveys and estimates had been made; he would leave it to the Government to decide this question after they had caused further examinations to be made by competent individuals.

Mr. MERRITT spoke in favour of the grant of £9,500 being laid out in continuing the straight line.

Mr. DRAPER said that he felt greatly embarrassed by the question as it then stood. Before the report drawn up by the committee of the house in favour of the old channel was presented, the objections to the new cut had not assumed a tangible shape; now, however, it was different, and there was evidently a necessity for further enquiry. After all he had heard, he felt he had no right to ask the house for a grant specifically for either channel; the appropriation of any further money could only take place after renewed enquiry, and on the responsibility of the Government.

Mr. BALDWIN said that after the conflicting evidence that had been adduced, he could not at that moment pretend to decide as to which channel was the most eligible; he would prefer that the sum proposed to be voted should be laid out in such a way as would be available, be the final decision what it might; but as he understood that could not be done, he saw no course but to leave it to be appropriated upon the responsibility of the Government; he did not wish to prevent the improvement of the Lake, nor could he, as the case then appeared, consent to tie the Ministers hands; they should proceed upon their own judgment and responsibility.

The vote was then agreed to; the appropriation to be made by the Government in favour of either channel as they might determine upon.

ROUTINE BUSINESS.

FRIDAY, 5th June, 1846.

Mr. McDonald, of Dundas, presented a report on the petition of Major Richardson.

Mr. DeWitt presented the 5th Report on Contingencies. Referred to a committee of the whole on the 4th Report.

Mr. McDonald, of Dundas, moved an address for copies of correspondence relative to the appointment of two Landing Waiters at Dundas.

Mr. Christie moved that it be

Resolved,—That the sessional allowance to members be the same as last session, and that £250 be allowed the Hon. Mr. Morin to compensate him for his services as Speaker *pro tem*.

Which was carried and an address was passed to His Excellency for an advance of £9,237 3s. to pay the same.

The amendments made by the Council to the Militia Bill were agreed to.

The bill granting a Civil List was read a third time.

Mr. Baldwin moved that the words "now at the disposal of the Crown arising in this Province" in the 6th clause be expunged, and the words "now or at any time hereafter claimed to be at the disposal of the Crown in this Province" be inserted in lieu thereof, and that the words "now at the disposal of the Crown in this Province" be expunged wherever they occur.

On which the following division took place:—

YEAS.—Messrs. Armstrong, Aylwin, Baldwin, Berthelot, Boutillier, Cauchon, Chabot, Chauveau, Christie, Desautniers, DeWitt, Guillet, Jobin, Lafontaine, Lantier, LaTerriere, Leslie, Macdonald, (Glengarry,) Macdonnell, (Storémont,) Merritt, Methot, Monro, Morin, Rouseau, Tache.—25.

NAYS.—Messrs. Boulton, Cayley, Chalmers, Colville, Dickson, Duggan, Ermatinger, Foster, Gowan, Hale, Hall, Jessup, Macdonnell, (Dundas,) McConnell, Moffatt, Papineau, Pettit, Robinson, Sherwood, (Brockville,) Sherwood, (Toronto,) Smith, (Frontenac,) Smith, (Missisquoi,) Stewart, (Bytown,) Stewart, (Prescott,) Taschereau, Viger, Woods.—23.

On the final passage of the bill, the House divided as follows:—

YEAS.—Messrs. Boulton, Cayley, Chalmers, Christie, Colville, DeBlenny, Dickson, Draper, Duggan, Ermatinger, Foster, Gowan, Hale, Hall, Jessup, Lantier, Macdonald, (Glengary,) Macdonnell, (Dundas,) M'Connell, Moffatt, Papineau, Petrie, Robinson, Seymour, Sherwood, (Brockville,) Sherwood, (Toronto,) Smith, (Frontenac,) Smith, (Missisquoi,) Stewart, (Bytown,) Stewart, (Prescott,) Taschereau, Viger, Williams.—33.

NAYS.—Messrs. Armstrong, Aylwin, Baldwin, Berthelot, Bontillier, Cauchon, Chabot, Desautier, DeWitt, Guillet, Jobin, Lafontaine, LaTerriere, Leslie, Macdonnell, (Stormont,) Merritt, Methot, Monro, Morin, Rousseau, Tache.—22.

Mr. Colville brought in a bill the oblige Municipal Councils to provide for the keeping up sufficiently wide Winter Roads. 2nd reading to-morrow.

The Quebec Trinity House Bill was passed.

The Supply Resolutions of yesterday were reported. (Same as items in Estimate.)

The 1st to 49th were passed.

On the reading of the 50th and 51st, (which divide the grant of £500 equally between M'Gill College and the Medical School of Montreal) Mr. Cayley moved to refer them back to Committee of Supply.

On which the House divided as follows:—

YEAS.—Messrs. Boulton, Cayley, Colville, Daly, Dickson, Duggan, Ermatinger, Foster, Gowan, Hale, Hall, Macdonald, (Cornwall,) M'Connell, Moffatt, Monro, Papineau, Petrie, Robinson, Seymour, Sherwood, (Brockville,) Sherwood, (Toronto,) Smith, (Frontenac,) Smith, (Missisquoi,) Stewart, (Bytown,) Stewart, (Prescott,) Taschereau, Viger.—27.

NAYS.—Messrs. Armstrong, Baldwin, Berthelot, Bontillier, Cauchon, Chabot, Chauveau, Christie, DeBlenny, Desautier, DeWitt, Drummond, Guillet, Jobin, Lafontaine, Lantier, LaTerriere, Lemoine, Macdonell, (Stormont,) Merritt, Methot, Morin, Nelson, Rousseau, Smith, (Wentworth,) Tache.—26.

The remaining resolutions were then agreed to. Bill passed by the Legislative Council without amendment:—

To continue and amend the Bankrupt Laws.

To provide for the accommodation of the Courts of Superior Jurisdiction in U. C.

For defraying the expenses of the administration of Justice in criminal matters in U. C.

To amend the act amending the ordinance relating to the Quebec Turnpike Roads.

For the appropriation of the revenues arising from the Jesuits' Estates for 1846.

To authorise the appropriation of £19,000 to the improvement of the Gulf of St. Lawrence.

For the better prevention of smuggling.

A conference was asked with the Legislative Council on the amendments to the Bytown Incorporation Bill, and agreed to.

Bills passed by the Legislative Council amended: To amend the Toronto Incorporation Act.

For better regulating the Notarial profession in L. C.

To amend the act Incorporating Cobourg.

The House in committee of supply, and several resolutions adopted. To be reported to-morrow.

Mr. Secretary Daly laid on the table returns to the addresses relative to the case of Mr. Burke, of Bytown, and the claim of Mr. Pacaud.

A bill to amend the act relating to District Courts in U. C. was read a second time. On a division—Yeas 25, Nays 8.—[Nays, Messrs. Dickson, Gowan, McDonald, (Cornwall,) M'Connell, Petrie, Robinson, Sherwood, (Brockville,) and Stuart, (Prescott.)

The bill was ordered to be engrossed.

House then in Committee on 4th and 5th reports of standing Committee on contingencies. Several resolutions agreed to, adopted by the House, and an address was passed for £10,161 18s. 14d. for payment of contingencies.

The address to Her Majesty relative to the British Corn Laws, was ordered to be printed.

Adjourned.

LEGISLATIVE COUNCIL.

SATURDAY, 6th June, 1846.

District Council bill read a third time.

Hon. J. MORRIS reported from the Committee on the Etobicoke road bill with amendments. Amendments ordered to be engrossed, and the bill to be read a third time on Monday.

Read a third time.—Jews Relief bill, Jesuits Estate bill, protested against by Hon. Messrs. Bruneau and Massue. Toronto Lunatic Asylum bill, Quebec Relief bill, Dorchester Registry Office bill.

A petition from Col. Fitzgibbon was read. Hon. Speaker said it was accompanied with four certificates setting forth the incapacity of that gentleman for the performance of official duty. The House then took up His Excellency's message in reply to the second address of the House.

Hon. J. MORRIS regretted that there was a necessity for discussing this subject. Hon. gentlemen well knew that no satisfactory answer had been returned to their address of the 15th May, which was reported on the 3rd June. The answer to that last address was now before them stating that His Excellency would procure the performance of the duties of the office in a satisfactory manner. How was that to be done? His Excellency insisted on retaining Col. Fitzgibbon in his office in spite of their prayer to the contrary. They had a right to expect his removal. That House had taken a stand in which they would be borne out by innumerable precedents, and he hoped they would remain firm. The hon. gentleman then adduced several precedents from the journals of the Lords to prove his position. He did not believe there was a single case in which their request had been refused, or which would warrant the Government to assume the position it had taken. It was true that the person who presented this petition had wished to take his seat, but by the advice of several hon. gentlemen he did not press, or else he supposed the Speaker would not permit him to do so. He would not go at length into the question, but content himself with moving for the adoption of some resolutions he held in his hand.

Hon. Mr. FERGUSON confessed that he felt great pain in rising to speak on this subject, but it was with extreme satisfaction he reflected that whatever blame might attach to those concerned in this most untoward event; none could be thrown on the Head of the Government or on that House. What was the state of the case, after submitting for years to the absence of their Clerk, (and there was their weak point that they had not sooner made a representation to the Head of the Government,) they send an address to His Excellency informing him of the absence of the Clerk, shewing that by his removal a considerable saving would be made, and that it would confer a high gratification on the House if an individual named in the address were appointed to the vacant chair. And they received in reply a cold formal answer. Now the position of the House was not of its own seeking, but being placed in it, it became their bounden duty to maintain the dignity of the House, and to continue in the course pointed out by his hon. friend. He could say a great deal more on the subject, but felt that any sharp remarks on the Administration would be painful to the Hon. Receiver General in his present state of health; he would therefore conclude by advising the House to maintain its privileges by the adoption of the resolutions.

Hon. Mr. NELSON said there could be but little difference of opinion on this subject. All that was necessary was to convince the Gov-

ernment that Col. Fitzgibbon was incapable of performing his duty, and there was not the slightest necessity for getting angry about it.

The resolutions were then adopted, and an address passed to be presented to His Excellency by the Speaker.

The Civil List bill was read a second time.

The Quebec Trinity Board bill was lost on the motion for the second reading.

The House shortly after adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, June 6.

A Bill to amend the Act regulating the District Courts in Upper Canada, was read the 3d time.

On passing, the yeas and nays were taken as follows:—

Yeas.—Messrs. Armstrong, Chabot, Cummings, Daly, Draper, Duggan, Ermatinger, Foster, Jobin, Lafontaine, Leslie, Macdonell (Dundas), Macdonell (Stormont), Methot, Scott, Sherwood (Toronto), Smith (Frontenac), Smith (Missisquoi), Williams.—19.

Nays.—Messrs. Dickson, Robinson, Sherwood, (Brockville), Stewart (Bytown), Stewart (Prescott).

Mr. Chauveau moved that the report of E. S. de Rotterdam, late Chemist to the Provincial Geological Department, laid before the House, be printed. Carried.

Mr. Robinson moved an address to His Excellency to transmit an address to Her Majesty, respecting the rates of postage.

Mr. Jessup reported on a petition of W. Gibson, et al, and on which report he moved an address to His Excellency, to appoint 2 Commissioners, Deputy Provincial Surveyors, to enquire into certain alleged ground in the Town Line between Edwandsburgh and Matilda, was agreed to.

The Committee on the return to an address for information respecting the receipts and expenditure on the St. Lawrence canal.

The Committee on petition of Hamnet Richey, Esq., reported that the matter of complaint of the petitioner has been settled by the Ordnance Commissioner.

Mr. McDonell (Dundas) moved that the Report of the Committee on the Petition of Major Richardson be adopted. Which was negatived.

Yeas, 8; Nays, 38. The yeas: Messrs. Cummings, Dickson, Laterriere, McDonald (Cornwall), McDonell (Dundas), McDonell (Stormont), Merritt and Tache.

The Committee of conference with the Legislative Council, in their amendments to the Bytown Incorporation Bill, reported the reasons given by the Council for insisting on their amendments.

The amendments of the Legislative Council to the Bill amending the Toronto Incorporation Act, and to the Bill Incorporating Cobourg, were concurred in.

The amendments of the Legislative Council to the Bill to regulate the Notarial profession in L. C. were considered, and not concurred in, and a committee was appointed to draw up reasons, to be submitted to the Council, for disagreeing to the same.

Mr. Aylwin moved that the Clerk be directed to obtain from Alfred Hawkins, Esq., 25 copies of his plan of the Naval and Military operations before Quebec, in 1759; carried.

The Resolutions passed in Committee of Supply yesterday were reported; and the three first (being the residue of the estimate) were agreed to; the fourth (£9,986 7s 2d for Rebellion Losses) was carried. The fifth (appropriating the Marriage License fee fund in U. C. in support of certain charitable institutions) was carried by a division. **Yeas, 19; Nays, 16.**

LEGISLATIVE COUNCIL.

MONDAY, June 8, 1846.

The Speaker reported that he had waited on His Excellency the Governor General, at 12 o'clock this day, with the address of this House, to which he had replied that he would see that the wishes of the Council were attended to.

The Committee on contingencies made their final report.—Concurred in.

Hon. Mr. Bruneau moved that the sum of £50 be granted to James Fitzgibbon, Esq., Clerk of the Council, in full of all demands for extra services.—Passed.

Hon. Mr. Bruneau, also moved that an address be presented to His Excellency praying him to issue his warrant for the sum of £3,300 in favour of Charles DeLery, Assistant Clerk of the Council.—Passed.

Hon. James Morris moved that the Hon. Messrs. Bruneau, McGill and S. Derbishire, Esq., be a Committee to examine and approve of certain pictures to be painted for the Council Hall, and pay the contract price, and that the two first named gentlemen be a Committee to have the same framed and hung in the Council Chamber.—Carried.

The Library Committee made their report. It recommended that the works to be procured this year, be the continuations of such works as are in the Library. Also, that the sum of £100 be placed at the disposal of the Speaker, for the purchase of books.—Concurred in.

Bills read a third time and passed—

Civil List bill.

Judicature bill for Lower Canada, amended.

Supply bill.

The Imperial Loan bill was read a second

and third time, and passed.

The second reading of the District Court bill, U. C. was carried on a division of 7 to 4. It was then read a third time and passed.

The Rebellion Losses bill was read a second and third time, and passed.

The Public Works bill was read a second and third time and passed.

Adjourned.

HOUSE OF ASSEMBLY.

MONDAY, June 8.

MORNING SITTING.

Mr. DUGGAN moved, seconded by Mr. WILLIAMS.

LIAMS.

Resolved,—That it appears by a debate reported to have taken place in the British House of Commons on the 15th of May last, that Mr. Roebuck in his place in Parliament stated as follows, "The Solicitor General for Canada stated that patriotism, he found meant pecuniary profit, and that loyalty meant selfishness—and so it was that the party which had always possessed loyalty and affection to this country now turned round and threatened us with the annexation of Canada to the United States. The Orange Irishmen and speculating Englishmen were the parties who threatened us with annexation when they thought their interests were in danger."

Resolved, further,—That said statement is utterly erroneous and without any foundation, and that the character attributed to Irishmen and Englishmen in said statement is a gross act of injustice and an unmitigated libel upon the Colours, all classes of whom, without distinction of sex, creed or country, are most devotedly attached to their Sovereign and to British institutions, and are prepared to maintain British connexion with their fortunes and their lives.

Mr. WILLIAMS had great pleasure in seconding these resolutions. The speech which it is intended to bring under your notice, contained the grossest misrepresentations, as to the trade commerce and people of Canada; they were such, that he did not think it becoming the dignity of the House to pass them by unnoticed. He would first refer to the language said to have been uttered by the Solicitor General of Canada, either East or West, and he would remark that if there was one Solicitor General who would stand up and say "Those were my words, or those are my sentiments," then he [Mr. Williams] would assert that he did not represent the feelings of any party in either section of the Province. "Mr. Roebuck said

the Solicitor General for Canada, stated patriotism he found meant pecuniary profit, and that loyalty meant selfishness; and so it was that the parties who had always preferred loyalty and affection for the mother country, now turned round and threatened us with annexation to the United States. The Orange Irishmen and speculating Englishmen, were the parties who threatened us with annexation when they thought their interests in danger." Now he would call upon the Solicitor Generals to stand up and proclaim that language to be false, that neither of them ever gave expression to such sentiments; nor that they were the language of any constituency in Canada. But this was not the only misrepresentation. With respect to British manufactures imported into this Province, Lord George Bentick has said—"Take care how you offend those Canadians, they receive a vast amount of your manufactured goods, and if you pass this measure, you will deprive yourself of this market, and thus lose the great support of your manufactures." To which Mr. Roebuck replied "that the Canadians were not the consumers, but that three-fourths of them were smuggled into the United States." He called upon the hon. member for Montreal the President of the Board of Trade to refute that statement. There was another gross misstatement, which must have arisen from gross ignorance, for he could not think that any member of the British House of Commons could do it through wilfulness. The misstatement he alluded to was that Western Canada had no interest in the timber trade. Now what had he stated in his place in the House, and he was prepared to do so again, for he had it on good authority. He said that there was in Upper Canada in two Districts alone the New Castle and Colborne Districts, sufficient timber to load 1-3 of the vessels which annually visit the port of Quebec,—500 ships of 400 tons each—this was square timber not to speak of sawed timber. Ten millions of cubic feet were ready for shipment in those two Districts alone. He did not think that it was so very extraordinary that members of the House of Commons should labour under some misapprehension, as to the circumstances of this country but when a member who claims a peculiar knowledge of the trade and Commerce of Canada, made such extraordinary misstatements, it was necessary for this House to repudiate his assertions. There was still another gross misrepresentation, and he felt confident that no member in this House would deny that it was so. He stated if Canada was polled on the subject of protection, there would be found that 9 to 1 would be in favour of its abolition. He would ask if there was one member who would say that it was true. He was sure that there was not, more he thought that the proper position of this colony ought to be made known, to the people at Home, and that instead of 9-10 being in favour of the abolition of protection 19-20 were in favour of having protection continued. From all that he could see, he could not help learning that these misstatements arose from party spirit, and a desire to carry a particular measure and under that impression he did not think that this House would be doing their duty if they passed them unheeded.

Sol. Gen. SHERWOOD said there could be little doubt he thought, that the Solicitor General referred to was himself, for in another place he found it said that he attended a meeting of the Board of Trade of Toronto, and again, at a Free Trade meeting in Montreal. He doubted much the propriety of at all taking notice of the speech, for in the first place it is only a

newspaper report, which may perhaps, be not correct, and he was sure that all the members here know what the value of newspaper reports are; and in the second place it is making too important a personage of Mr. John Arthur Roebuck. He thought it would have been far better to treat it with silent contempt, and he would then sink into his native insignificance. If the House desired to follow up the matter, they ought to adopt the steps that would be taken by a private individual, and ask him whether correctly reported. These were his reasons for questioning the propriety of passing these resolutions, and he had mentioned them to his learned friend before he had introduced them. As regards the language imputed to him, he had only to say that if Mr. Roebuck meant to impute to him the assertion alluded to, that imputation was utterly false and untrue. He did not understand however, that all of that passage was attributed to him. He thought that it was alleged that he had said that "patriotism meant pecuniary profit, and that loyalty meant selfishness," and that Mr. Roebuck was drawing his conclusion in the rest of the sentence, "and so it was, that the party which had always professed loyalty and affection to the mother country, now turned round and threatened us with the annexation of Canada to the United States. The orange Irishmen and the speculating Englishmen were the parties who threatened us with annexation, when they thought their interests in danger." Supposing that view to be the correct one, he would take up the remarks which he supposed were imputed to him. He had never but once, as far as he could recollect, spoken on the subject of Free Trade, except in his place in Parliament. Hon. members had heard what he had always said on such occasions, and he could appeal to them to say whether in public or in private, he had ever uttered sentiments so odious.—The occasion that he referred to out of Parliament was in Toronto, where he had attended a joint meeting of the Home District Agricultural Society, and the Board of Trade of Toronto. He had made a few remarks at that meeting which had been reported in the Toronto Examiner, and were copied in the Montreal papers, and he might say that having looked over the report very hastily, he had not noticed any thing erroneous, but he could recollect perfectly what he had said, viz.—"That he had lived long enough in the world to learn that some people's loyalty depended on self interest, and that that feeling might exist very strongly in the minds of some; if Great Britain should determine to leave Canada no solid and material advantage to boast of her connection with the Empire. He had said that there might be a class of people who would feel that this connection would be no longer necessary. He had said this because he desired to shew that a Colony ought never to think of Free Trade, whatever advantage might be afforded to the mother country by the prevalence of this abstract principle. He did say that if Canada was put on the same footing as foreign countries, that it was to be feared that a feeling would get abroad that since the British protection was lost, it was time to seek for some other else where. He had said so because they were feelings he looked upon with alarm, not because they were those which he entertained, for the loss of all the protection which had ever been afforded to Canada would not lessen the admiration which he had for British rule and supremacy. To his friends with whom he acted and his constituents who sent him to Parliament, he believed, agreed with him, but they were not the only people to be consulted, there were other par-

ties who might think differently. He would leave them to answer for themselves; but in the meantime he would appeal to hon. members if there was not something to be apprehended. He had been grossly misrepresented if Mr. Roebuck meant to say what he had been reported to have said. He believed that the Orange Irishmen and the Englishmen of Canada would be the last to support any man who professed to be opposed to Great Britain. If the hon. member who had introduced the motion, was determined to persevere in it, he would be compelled to vote in favor of it, because he never could think of recording his name against a resolution so worded, but he hoped it would not be persevered in; he thought that it would be better that the hon. member should be satisfied with an expression of opinion.

Mr. MOFFATT, had great pleasure in rising to respond to the call which had been made upon him by the hon. member for Durham though he could not see why he should be held responsible for what had been said in the British House of Commons. He denied the statement that goods were smuggled across to the United States to the amount of three fourths. He had on a previous occasion stated that owing to the Custom House regulations of the United States, he believed it almost impossible to carry on any very large smuggling trade, nor could he imagine how Mr. Roebuck, who had at least access to sources of information could have fallen into such an error. He believed that the quantity of goods conveyed into the U. S. from Canada was entirely limited to those trifling articles, which travellers might take with them on leaving the country. He thought that the trade might perhaps be very much extended when the canals were finished, and proper facilities afforded for traffic upon them; that however, would not be a smuggling trade, but a legitimate one, arising out of the increased facilities which would then exist, and which would enable large establishments to import into the United States by way of the St. Lawrence, as cheaply as they could by way of the Atlantic, just as the people of U. C. did now, who went and purchased at N. Y. on more favourable terms than they could do at Montreal. With respect to British connection, he would take this opportunity of saying that in his opinion the alteration in the English Corn Law might not prove so injurious as was usually supposed, but whatever his opinions as an individual might be, there was no doubt that the great bulk of the people were averse to the change. The principle of Free Trade, in his opinion would be beneficial to Great Britain, but with respect to the colony, he thought that the Government should not be hurried too fast. It would be better to wait and see what was proposed, and then if Canadians found that the proposition could be modified so as to be less injurious to them, it would be their duty to attempt to do so. He looked at this question with a great deal of anxiety. His hon. friend the Solicitor General has said truly that Colonial dependence, implied protection, and to a certain extent it implied protection to the British manufacturer, as well as to the Colonial producer. If the last were removed, the first must be abolished, and he did fear that when the British Minister rose in his place year after to propose grants for the colonies the British people would begin to ask what advantage the colonies were to them? That was what made him look upon Free Trade with anxiety. It was not its immediate effects but its prospective results, when in five, six, seven or ten years hence the people at home would begin to reflect upon it with a view to their interest to maintain the colonies. If they arrived at at

negative conclusion, it would be most injurious to Canada for her only hope of improvement rested on her maintaining her connection with Great Britain.

Mr. MERRITT.—The hon. member who brought forward this motion could not, he was sure, find any precedent for the course he had adopted. The action taken by the House in Upper Canada, on the celebrated motion relative to Mr. Hume, was perhaps something like it, but that was called forth by a paper, written and signed, while this had no other foundation than a newspaper report of a speech. He would ask if it was worthy of the dignity of the House, to take up such a matter? What did hon. members see done by other Legislative bodies? After all the talk and froth of the Congress of the United States, what did the British Parliament do? Why nothing at all, they did not deign to notice it. And yet this House was called upon to take notice of a mere newspaper report. If this was a proper motion on which to base a discussion on free trade, he would be happy to enter into it, and he regretted that no opportunity as far as he knew, had been afforded for such a discussion. He would make one remark on the question of smuggling, that the prevention did not arise so much from the precaution of the United States, as from the want of demand for British manufactures.—There was scarcely an article of that description that went across Lake Champlain, as far as he could ascertain, and as the facilities by that route were as great as they would ever be, he feared that the anticipations of the hon. member for Montreal would never be realised. While on the other hand, the trade from the U.S. was increasing to an alarming extent. With regard to smuggling, there was one fact which ought to be kept constantly in mind, it was, that smuggling could never be prevented as long as it could be done cheaper than the duty could be paid. Thus, if the duty on tea were reduced to 1d. per lb., it can be entered and sold cheaper than if it were smuggled, but at 1d. the smuggling could be done cheaper and the revenue would fall off. If smuggling was to be prevented, he could see no more effectual plan than placing the duties so low, that smuggling would not be remunerative.

Mr. MEYERS made a few remarks, but he was inaudible in the Reporters gallery.

Mr. VIGER thought that these resolutions were quite unnecessary, and would furnish a precedent which would have to be followed up daily. He had himself, heard things stated by a most able minister in reference to Canadian affairs which produced roars of laughter, when their absurdity was exposed by the comments of Sir James McIntosh. He could name one speech of Mr. Stanley, now Lord Stanley, in which there were no less than five assertions absolutely false.

Mr. DRUMMOND hoped the hon. member would withdraw his motion. He had no doubt that the intention of the hon. member was highly laudable, but he could see no good effect that would arise from pressing it. Already the debate has gone from Mr. Roebuck's speech to Free Trade—from Free Trade to smuggling—and from smuggling to a separation of the colony from the mother country. There were subjects enough to detain them to the month of August, the time which the hon. Attorney General West said was to be the utmost limit of the session. He thought it high time to give it up, for he did not think that the House was called upon to discuss the propriety of the expressions complained of. If it began to take notice of newspaper reports, there would never be an end to its labours. With the best intention to give correct reports, reporters were often liable to fall into error.

Hon. members themselves were frequently deceived, although they sat within the enclosure of the House, and it was therefore not surprising that others not so favorably situated should make mistakes also. He had often been misreported himself. For instance he was made to say that a rule of the order of Jesuits, prevented them from acquiring any property except for the conversion of Indians, though it was well known that when Ignatius Loyola established that order, the Indians could scarcely have been thought of. As to the propriety of the words imputed to the hon. Solicitor General, all he could say was that there were too many men in all countries actuated by selfish motives, and he thought it was not advisable to discuss the question, but to allow the session to close, every one being in good humour.

Mr. CAYLEY, said that he would be very glad to adopt the suggestion of the hon. member for Lincoln if he could find out what that smuggling point was.

Mr. BALDWIN thought that there could be no doubt that there were misrepresentations in the speech of Mr. Roebuck, but that very fact would shew how very wrong it was to make newspaper reports the subject of grave animadversion. There was an ancient, who was said to turn every thing into gold that he touched, and he (Mr. B.) was sometimes said to turn everything he touched into Responsible Government. Well this was another example in his opinion of the advantage of this responsibility. It also shewed that Canadian Legislators ought to be allowed to manage Canadian affairs and also the utter incapacity of persons at a distance to understand them.

Mr. DUGGAN, withdrew the resolution as he was satisfied with the expression of opinion.

Mr. LA FONTAINE, advised hon. members who wished their speeches of to-day to be correctly reported, to write them out themselves. He would not wonder to see the speech of the hon. member for Lincoln so reported as to make a British Legislator believe that Canada was a nation of smugglers.

Rebellion Losses—Lower Canada.

The House then went into a Committee of Supply on the estimates. On the item of £9-987 for the payment of the claims due for Rebellion Losses, allowed by the Commissioners, appointed to take evidence upon that subject being called.

Mr. SMITH (Attorney General East) explained, that this vote was intended to give authority to the Government to borrow a sum on debentures, at 6 per cent., guaranteed by the marriage fee fund of Lower Canada; the fund arising from a similar source in U. C. to be appropriated to certain charitable institutions, hitherto charged on the Civil List.

Mr. LA FONTAINE was not opposed to the payment of the Rebellion losses, but objected to the marriage license fund being appropriated to that purpose. Catholics did not contribute towards that fund for it was not necessary for them to apply to the civil authority for such license; and when he considered the source whence the fund was derived he foresaw that sooner or later it would give rise to differences and discussion among the religious denominations and every one knows that since the Union with Upper Canada there had been too much of such discussions; he would therefore, prefer that the marriage license fund should be abolished altogether, and that the several denominations who contribute towards it, should each have the disposal of their own share. With regard to the change in the appropriation of that part of the marriage fund derived from Upper Canada he should say that he thought it would

be made the pretext either of refusing the present allowances to the charities of Lower Canada or of proposing that these charities be aided from some special fund.

Atty. Gen. SIMON denied that the Government had any such intention with regard to the charities of Lower Canada as that imputed to them by the hon. member for Terrebonne. The item was adopted.

Mr. Baldwin's notice of motion respecting the Clergy Reserves.

Mr. Baldwin gives notice that he will on an early day next session move the following resolutions on the subject of the conduct of Her Majesty's Provincial Ministers with reference to the suspension of the sale of the Clergy Reserve lands.

1. Resolved, that in consequence of this House being led to apprehend that the sale of the Clergy Reserve lands had been suspended by an order of the Provincial Government and from a just distrust of the influence by which such a measure might have been dictated and an anxious desire to obtain full accurate and authentic information upon a subject of so much importance, they did on the seventeenth day of April last address His Excellency the Administrator of the Government praying that His Excellency would cause to be laid before them a copy of any communications which he might have received from Her Majesty's Secretary of State for the colonies relative to suspending such sales. In reply to which address His Excellency by his Message of the 14th of the said month was pleased to transmit for the information of this House the copy of a Report of a Committee of the Executive Council approved by the late Governor General suggesting certain alterations in the regulations prescribed for the sale of those lands and by which message His Excellency was also pleased to inform them that such report had been transmitted to Her Majesty's Secretary of State for the colonies and was still under the consideration of the Imperial Government.

2. Resolved.—That the said message of His Excellency containing no reference to any despatch from the Imperial Government on the subject of such sales necessarily conveyed an implied assurance (fully confirmed by his Excy's subsequent message hereinafter mentioned) that no such communication had been received. Nevertheless, the fact of such sales being suspended having in the meantime been confirmed by the public announcement thereof in the official Gazette, this House with a view to the avoiding of any possible misconception did on the 14th of April last adopt another address to His Excellency praying that he would cause to be laid before them copies of any correspondence memoranda or recommendation that might have taken place between the Government of this Province and the Colonial Secretary on the subject of the sale or management of the Clergy Reserves. To which address His Excellency was pleased to reply by His message of the 17th of April last informing us that he had received no communication from Her Majesty's Secretary of State relating to suspending the sale of the Clergy Reserve lands.

3. Resolved.—That this House with a view to the further investigation of the grounds upon which Her Majesty's Provincial Government had thought fit to adopt, the policy of suspending such sales did afterwards on the 15th of May last, address His Excellency the Governor General, praying that His Excellency would cause to be laid before them a copy of the circular or letter of instructions addressed from the office of the commissioner of crown lands in April last to the local agents of that

department in the different sections of the province informing them of the pleasure of the Government that the sales of Clergy Reserve lands should be suspended. In compliance with which address His Excellency on the 19th of May was pleased to cause to be laid before this House copies of three circulars from the said department dated respectively the 13th 16th and 20th of April last; in the first of which bearing the signature of the hon. Denis Benjamin Papineau, Her Majesty's Commissioner of Crown lands the head of the said department, member of her Majesty's Executive Council, and one of the representatives in this Province; it is stated that in consequence of "a despatch from the Right hon. the Secretary of State for the Colonies with reference to the low rates at which those lands in the several Districts have been valued, the sale of the Clergy Reserves in the Western section of the Province is suspended for the present by command of the Governor in Council; and in the second of which circulars bearing the signature of the assistant commissioner of Crown lands, it is stated that in consequence of a despatch from the Secretary of State in reference to Clergy Reserves and on account of the low rate at which some of these lands have been valued the sale of the Clergy Reserves in both sections of the Province is by command of His Excellency the Administrator of the Government suspended until further orders.

4. Resolved.—That this House unable to reconcile with the information communicated to them in His Excellency's answers (which answers the said Denis Benjamin Papineau as one of the confidential advisers of the Crown in this Province must have advised and for which he is necessarily responsible) the statement contained in the circular which as head of his department he addressed to his agents in the different sections of the Province, and they are constrained to conclude either that Her Majesty's Provincial Ministers do not call for that full and unreserved communication to them of the correspondence to and from the Imperial Government on the local affairs of the Province which is necessary for the efficient discharge of their public duties and essential to the successful conduct of Her Majesty's Provincial Government for which they are responsible; or that the statement in such circular was intended to screen the Provincial Ministers from the odium which any interference likely to produce an apprehension in the public mind of a contemplated change of policy with respect to such sales was so well calculated to bring down upon them, and to transfer such odium to Her Majesty's Imperial Ministers.

ROUTINE BUSINESS.

MONDAY, 8th June.

Messrs. Laurin, LaFontaine, Morin and Metchot, were appointed managers on the part of the Assembly of the conference on the bill to regulate the notarial profession in Lower Canada.

The Committee on petition of Messrs. Adams and Hope, presented a report recommending their case to the consideration of the Government and on motion of Mr. Jessup the report was adopted.

Mr. Chabot presented a report on petitions of Mrs. Eleanor Teed and Adolpheus Jacquis expressing an opinion that reparation should be made by the Government for the injustice done to them during the late troubles.

The Committee on petition of A. LaFramboise et al., respecting the late Municipal Election in Montreal, presented a report.

Mr. Secretary Daly presented a return to the address for information respecting the amount of Harbor dues at Toronto, and of the balance still due to the Government on account of the Loans for improving the Toronto Harbor.

The bill to repeal the Municipal Law of Lower Canada was again committed.

A message was received from the Legislative Council agreeing to the bill granting a Civil List to Her Majesty.

The bill to amend the Judicature Act of Lower Canada was returned from the Council with amendments.

Mr. Merritt moved that the petitions of Robert F. Gourlay, be entered on the Journals. Carried.

A report of the progress made in the Geological Survey of the Province in 1844, was laid on the table by Atty Gen Smith.

The committee on the bill relating to the administration of justice in I. C., presented a report stating that they have not been able to report finally on the matter in consequence of the advanced state of the session, but urging that the consideration of the subject may be resumed next session.

Mr. Christie moved that the Report of the Special Committee on the state of the Judicial and Parliamentary Records be adopted. Carried.—And an address was ordered praying His Excellency to take the same into consideration, and to enter thereupon as to him may seem meet.

Mr. Smith, Wentworth, moved that the order for the second reading of the bill from the Council to amend the Marriage Act of U. C. be revoked. Lost on the following division:—

YEAS.—Cayley, Christie, DeWitt, Ermatinger, Gowan, Hale, Lantier, Merritt, Seymour, Smith, (Wentworth)—10.

NAYS.—Armstrong, Boutillier, Chauveau, Desautour, Foster, L. Fontaine, Latérière, Leslie, Nelson, Papineau, Taché, Watts—12

The bill to amend the law for the establishment of municipal authorities in L. C., was passed.

Mr. Moffatt moved that the bill to facilitate the partition of lands in Lower Canada be now considered. Lost.

Mr. Stewart, of Bytown, moved that the bill to amend the ordinance vesting act be now considered.

On which the yeas and nays were taken as follows:—

YEAS.—Messrs Baldwin, Cauchon, Cayley, Chauveau, Christie, Daly, DeWitt, Drummond, Ermatinger, Gowan, Jobin, Laurin, LeMoine, Macdonald (Cornwall), Mcconnell, Metchot, Monro, Petrie, Robinson, Seymour, Smith (Vassissouoi), Stewart (Bytown), Stewart (Prescott), Taché, Taschereau, Williams. 26.

NAYS.—Messrs Armstrong, Berthelot, Boutillier, Chabot, Desautour, Foster, LaFontaine, Latérière, Macdonnell (Stormont), Merritt, Moffatt, Morin, Nelson, Papineau, Rousseau, Scott, Viger. 18.

The bill was accordingly read second and third time and passed.

Mr. LaFontaine moved that the House do adjourn. Lost.

Mr. Drummond moved that the bill to amend the ordinance, respecting the erection of parishes, be now read a second time.

Mr. Moffatt moved in amendment that the Partition of Lands Bill be read. Lost. Yeas were, Messrs Christie, Ermatinger, Foster, Latérière, Leslie, Macdonnell (Stormont), Merritt, Moffatt, Robinson, and Scott.

Mr. Morin moved that the House do adjourn. Carried.

LEGISLATIVE COUNCIL.

TUESDAY, JUNE 9, 1846.

This day at three o'clock, P. M., His Excellency the Governor General proceeded in state to the Chamber of the Legislative Council, in the Parliament Building. The members of the Legislative Council being assembled, His Excellency was pleased to command the attendance of the Legislative Assembly, and that House being present, the following Bills were presented to in Her Majesty's name, by His Excellency the Governor General, viz:—An act to repeal two certain Ordinances therein mentioned relating to Winter Roads in that part of the Province heretofore Lower Canada, in so far as regards the District of Quebec, the District of Gaspé and that part of the District of Three Rivers which is now in the Municipal District of Pointe-à-la-Paix.

An act to enable the Ministers of the Associate Presbyterian Synod of North America to keep Registers of Baptisms, Marriages and Burials performed by them, and for other purposes.

An act to revive and amend the act of Upper Canada incorporating "The Cobourg Rail Road Company," and for other purposes therein mentioned.

An act to amend the act incorporating the St. Lawrence and Atlantic Railroad Company.

An act for lighting the City of Quebec with Gas.

An act to consolidate and amend the Registry Laws of that part of this Province, which was formerly Upper Canada.

An act to authorize and enforce the attendance of witnesses from any part of this Province, before the Courts of Superior Criminal Jurisdiction.

An act to incorporate the Cobourg Manufacturing Company.

An act to alter and amend the Charter of the Great Western Rail Road Company.

An act to amend the act of incorporation of the Town of Cornwall, and to establish a Town Council therein, in lieu of a Board of Police.

An act to empower Commissioners for inquiring into matters connected with the public business, to take evidence on oath.

An act to divide the Municipalities of Hochelaga, and of Three Rivers, respectively, into distinct Municipalities, and further to provide for the support of Schools, and the management of local affairs therein.

An act to amend the act to detach the Island of Orleans from the County of Montmorency, for the purposes of Registration.

An act to incorporate the British and Canadian School Society of the District of Quebec.

An act to amend an act therein mentioned, and to make better provision for the Election of Councillors and Assessors of and for the City of Montreal.

An Act to authorize the Quebec Trinity House to licence as Pilots a certain class of persons therein mentioned.

An act to amend and extend the Laws relative to the Turnpike Roads in the neighbourhood of Montreal.

An act to regulate the poundage to be received by Sheriffs on Executions, and for other purposes therein mentioned.

An act to alter and amend the act incorporating the Town of Hamilton, and to erect the same into a City.

An act to incorporate the Montreal and Lachine Railroad Company.

An act to continue for a limited time certain acts and ordinances therein mentioned.

An act to alter and amend the act of Incorporation of the Town of Cobourg.

An act to amend the act of Incorporation of the City of Toronto.

An act to provide for the removal of the Registry Office of the County of Nicolet, from the place where it is now kept to Bécancoeur.

An act to amend the Law relative to the Administration of Justice in Lower Canada.

An act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada.

An act to continue and amend the Bankrupt Laws now in force in this Province.

An act for defraying the expenses of the Administration of Justice in Criminal Matters in that part of the Province formerly Upper Canada.

An act to amend a certain act, intitled, "An act to amend a certain Ordinance therein

mentioned relative to the Turnpike Roads near Quebec."

An act for the further prevention of Smuggling.

An act to Incorporate certain persons under the name of the Etobicoke and Monro Sixth Line Road Company.

An act to amend the Laws relative to District Councils in Upper Canada.

An act to amend the act of Lower Canada therein mentioned, extending certain privileges to persons of the Jewish persuasion.

An act to amend the Law constituting the Board of Works.

An act to establish a separate Registry Office in the Lower part of the County of Dorchester.

An act to amend an act passed in the last Session of this Parliament, entitled—"An act to amend, consolidate, and reduce into one act, the several Laws now in force establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada."

An act to explain a certain provision of the Ordinance vesting act, and to remove certain difficulties which have occurred in carrying the said provisions into effect.

An act to provide for the appointment of Magistrates for the more remote parts of this Province.

An act to reverse the attainder of Peter Matthews, and to avoid the forfeiture of his Estates and property.

An act to make provision for confirming certain acts of Registrars in that part of this Province formerly Upper Canada.

An act to repeal certain enactments therein mentioned, and to make better provision for elementary instruction in Lower Canada.

An act to repeal certain Laws therein mentioned to provide for the better defence of this Province, and to regulate the Militia thereof.

An act for the appropriation of the Revenues arising from the Jewish Estates for the year one thousand eight hundred and forty-six.

An act to authorize the appropriation of nineteen thousand pounds to the improvement of the Gut of St. Lawrence.

An act to authorize the issue of Debentures for the erection of a Lunatic Asylum at Toronto.

An act for enabling Her Majesty to direct the issue of Debentures to a limited amount, and for giving relief to the city of Quebec.

An act to appropriate the sums therein mentioned to defray certain expenses of the Civil Government for the year one thousand eight hundred and forty-six, and certain other expenses not otherwise provided for.

An act to authorize the raising of the remainder of the Loan guaranteed by the Imperial Parliament.

An act to provide for the payment of certain Rebellion losses in Lower Canada, and to appropriate the proceeds of the Marriage License Fund.

An act for raising on the credit of the consolidated Revenue Fund, a sum of money required for certain public works.

His Excellency was pleased to reserve the following Bills for the further signification of Her Majesty's pleasure thereon, viz :

An act to incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto.

An act to amend an act passed in the eighth year of Her Majesty's reign, intitled, "An act to amend an act passed in the sixth year of the reign of His late Majesty King William the Fourth, intitled, "An act to incorporate the city of Toronto and Lake Huron Railroad Company."

An act for erecting a suspension Bridge over the Niagara River, at or near the Falls of Niagara.

An act for supplying the city of Quebec and parts adjacent thereto with water.

An act to restore the rights of certain persons attainted for High Treason.

An act to incorporate the Wolf Island, Kingston and Toronto Railroad Company.

An act to incorporate the Peterboro and Port Hope Railway Company.

An act to incorporate *La Banque des Marchands*.

An act to incorporate The Montreal and Kingston Railroad Company.

An Act for granting a Civil List to Her Majesty.

After which His Excellency the Governor General was pleased to close the Second Session of the Second Provincial Parliament, with the following

SPEECH.

Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly,

At this advanced period of the season, I could scarcely have entertained any reasonable expectation that the present Session of Parliament could be sufficiently prolonged to enable you to dispose of the various measures submitted to your deliberation, with the attentive consideration due to the highly important interests which many of them involved.

Your indefatigable attention to the laborious duties which have been imposed upon you, has however, enabled you to consider and to perfect the business with which you have been occupied, in a manner that, while it affords gratifying evidence of the cordial and united efforts of the several branches of the Legislature, will I have no doubt, prove highly beneficial to the best interests of the Province.

Gentlemen of the Legislative Assembly,

I thank you in the name of Her Majesty for the liberality with which you have provided the necessary supplies, which shall be expended with the utmost economy consistent with the efficiency of the Public Service.

I shall immediately take the necessary measures for raising the Loans authorized by you, for the prosecution and speedy completion of the Public Works.

Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly,

The truly loyal and patriotic spirit in which you have passed the Militia Bill, claims my warmest acknowledgments, and proves how confidently our Gracious Sovereign may always rely upon the attachment of Her Canadian subjects, and the promptitude and energy with which they would at all times be ready, should circumstances require it, to come forward in defence of their country, and in support of their connection with the Parent State.

I have had the satisfaction of assenting, in the Queen's name, to the greater part of the Enactments which you have passed.

In regard to the Bills which have been reserved for the decision of Her Majesty's government, that course has in each case been required by imperative reasons over which I could exercise no control.

The several Addresses which you have voted to the Queen, have been duly forwarded through the proper department to be laid at the foot of the Throne.

In returning to your homes where your presence is so much required, Gentlemen, I doubt not that you will use your utmost influence to inspire confidence in your respective Districts by encouraging that spirit of loyalty for which the Canadian people have always been distinguished, and by promoting as far as may be in your power those branches of useful and Productive Industry as well as of Commercial enterprise, upon which the welfare of the Colony so mainly depends. For they may be assured that however unfavorable the aspect of affairs may have appeared to them, there exists sufficient power and energy in this noble Province, if well directed, to make the most of the resources it unquestionably possesses; that with, under the blessing of Divine Providence, create new sources of wealth and prosperity, should those upon which they have hitherto relied be found ultimately to fail them.

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