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JOURNALS

OF THE

SPECIAL COUNCIL

OF THE PROVINCE OF

LOWER CANADA.

FROM THE 18TH APRIL TO THE 5TH MAY, 1838.

IN THE FIRST YEAR OF THE REIGN OF

QUEEN VICTORIA.

LIEUT. GEN. SIR JOHN COLBORNE, G. C. B. AND G. C. H.

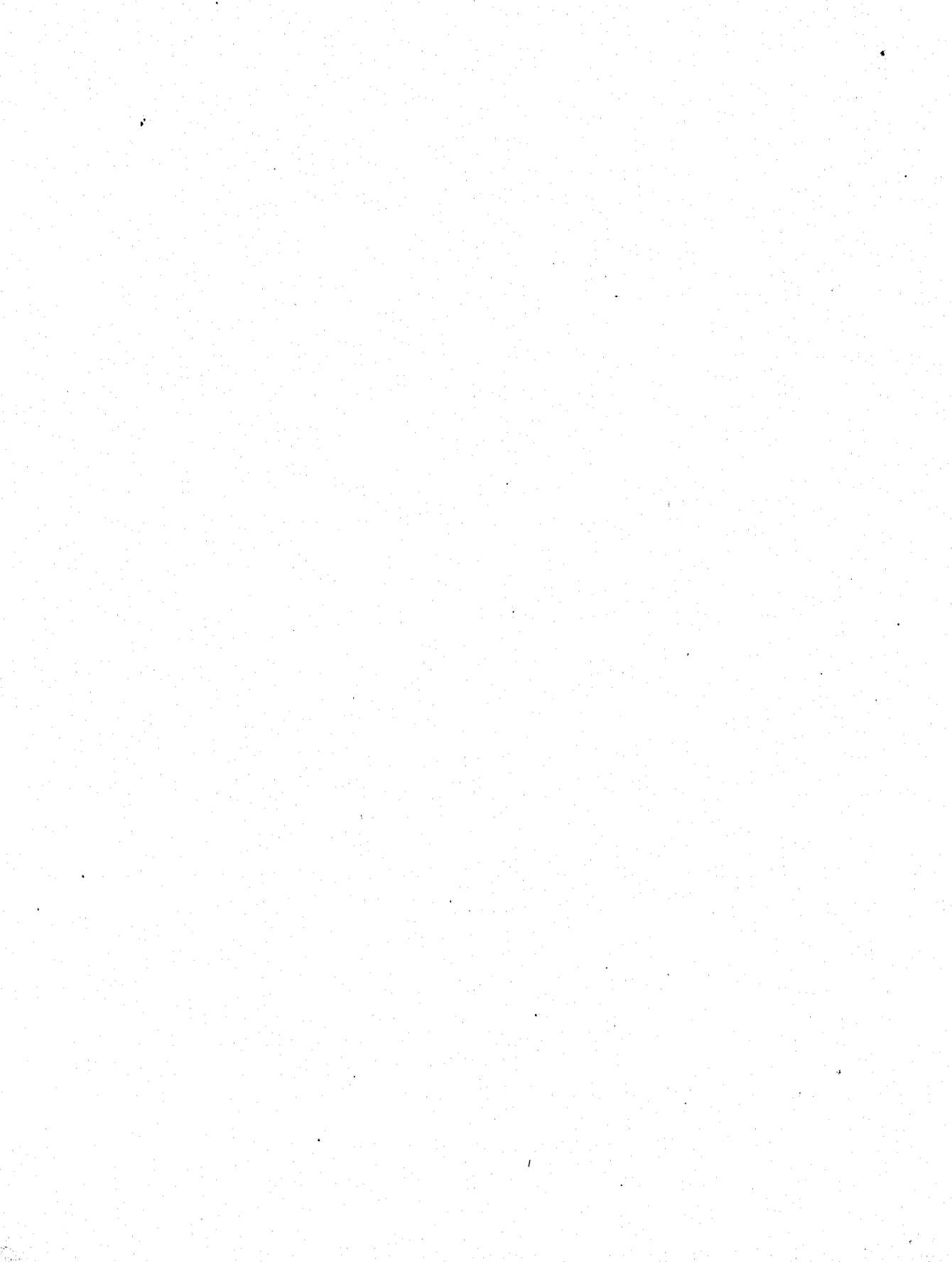
ADMINISTRATOR OF THE GOVERNMENT.

PRINTED BY ORDER OF THE SPECIAL COUNCIL.

MONTREAL :

PRINTED BY ANDREW H. ARMOUR AND HEW RAMSAY, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY, FOR THE DISTRICT
OF MONTREAL.

VOLUME I.



JOURNALS
OF THE
SPECIAL COUNCIL,
OF
LOWER CANADA.

ANNO 1°—VICTORIÆ REGINÆ.

AT a Session of the Special Council begun and holden at the Government House in the City of *Montreal*, in pursuance of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "*An Act to make temporary provision for the Government of Lower Canada.*"

WEDNESDAY, 18TH APRIL, 1838.

A List of the Members appointed to the Special Council having been officially delivered to the Clerk of the Council, containing the names of the following gentlemen, viz :—

James Cuthbert.
Toussaint Pothier.
Charles E. C. De Lery.
James Stuart.
Peter M. Gill.
Marc P. De Sales Laterrière.
Barthelemi Joliette.
Pierre De Rocheblave.
John Neilson.
Amable Dionne.
Samuel Gerrard.

Jules Quesnel.
William P. Christie.
Charles E. Casgrain.
William Walker.
Joseph E. Faribault.
John Molson.
Etienne Mayrand.
Paul Holland Knoulton.
Turton Penn.
Joseph Dionne, and
Ichabod Smith.

Robert Lester Morrogh and Alexander Maurice Delisle, Esquires, Commissioners, appointed by *Dedimus Potestatem*, for administering the Oath to the Members of the Council, were introduced in the Council Chamber.

The Oath prescribed by the Act 1st Victoria, cap. IX, was then administered to the following Members of the Council, who appeared, and they having subscribed the Roll containing the Oath,—they took their seats at the Council Table, viz:—

James Cuthbert.
Toussaint Pothier.
James Stuart.
Peter M. Gill.
Barthelemi Joliette.
Pierre De Rocheblave.
John Neilson.
Samuel Gerrard.
Jules Quesnel.
William P. Christie.
William Walker.
Joseph E. Faribault.
John Molson.
Etienne Mayrand.
Paul Holland Knoulton, and
Turton Penn, Esquires.

The Commissioners then withdrew.

His Excellency Lieutenant General Sir JOHN COLBORNE, G. C. B. and G. C. H., Administrator of the Government, having been informed that the Members of the Council had taken the Oath and their seats.

He entered the Council Chamber and took his seat at the Head of the Council Table.

The names of the Councillors were then called over by the Clerk.

Excuses from the following Gentlemen, for not being present at the opening of the Council, were laid upon the table by the Clerk, viz :—

Messrs. *Charles E. C. De Lery.* .
Marc P. De Sales Laterrière.
Amable Dionne, and
Charles E. Casgrain.

His Excellency laid before the Council the following documents, which were read by the Clerk, and are as followeth :—

PROVINCE OF }
 LOWER CANADA. } J. COLBORNE.

By His Excellency Lieutenant General Sir John Colborne, Knight Grand Cross, of the Most Honorable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Commander of Her Majesty's Forces in the Provinces of Lower Canada and Upper Canada, and Administrator of the Government of the said Province of Lower Canada, &c. &c. &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME,—GREETING :—

A PROCLAMATION.

WHEREAS by the Ninth Chapter of the Statute of the Parliament of the United Kingdom of *Great Britain and Ireland*, intituled, "*An Act to make temporary provision for the Government of Lower Canada,*" passed in the first year of the Reign of our Sovereign Lady the Queen VICTORIA, it is among other things enacted that the said Act shall be proclaimed by the Governor of the said Province of *Lower Canada*, within the said Province, and shall commence and take effect, within the said Province, from the Proclamation thereof; And, whereas, it is further enacted in and by the said Act of Parliament, that for the purpose of that Act any person authorized to execute the Commission of Governor of the Province of *Lower Canada*, shall be taken to be the Governor thereof;—And, whereas, I, the said Sir JOHN COLBORNE have been and am duly authorized and empowered by Our Sovereign Lady the Queen, to execute the Commission of Governor of the said Province of *Lower Canada*; Now, therefore, know ye, that I, the said Sir JOHN COLBORNE, being authorized to execute the Commis-

sion of Governor within the said Province, by virtue of the Power and Authority reposed in Me by Her Majesty, and of the said Act of the said Parliament, do, by this Proclamation, proclaim the said Act of the said Parliament of the United Kingdom of *Great Britain* and *Ireland*, so that the said Act of the said Parliament shall and may commence and take effect, within the said Province, from the day of the date of these presents.

Given under my Hand and Seal at Arms, at the Government House, in the City of *Montreal*, in the Province of *Lower Canada*, the twenty seventh day of March, in the year of our Lord, one thousand eight hundred and thirty-eight, and in the first year of Her Majesty's Reign.

By His Excellency's Command,

D. DALY,

Secretary of the Province.

ANNO PRIMO

VICTORIÆ REGINÆ.

CAP. IX.

An Act to make temporary provision for the Government of *Lower Canada*.

10th FEBRUARY 1838.

WHEREAS in the present state of the Province of *Lower Canada*, the House of Assembly of the said Province, constituted under the Act passed in the Thirty-first Year of His Majesty King *George* the Third, intituled, "*An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,*" cannot be called together without serious detriment to the interests of the said Province, by reason whereof the Government of the said Province cannot be duly administered according to the Provisions of the said Act:—And whereas it is expedient to make temporary provision for the Govern-

ment of *Lower Canada*, in order that Parliament may be enabled, after mature deliberation, to make permanent arrangements for the Constitution and Government of the said Province, upon such a basis as may best secure the rights and liberties, and promote the interests of all classes of Her Majesty's subjects in the said Province : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from the Proclamation of this Act in the said Province, as herein-after provided, until the First Day of November, in the Year One Thousand, Eight Hundred and Forty, so much of the said Act of the Thirty-First Year of King George the Third, and of any other Act or Acts of Parliament, as constitutes or provides for the constitution or calling of a Legislative Council or Legislative Assembly for the Province of *Lower Canada*, or as confers any powers or functions upon the said Legislative Council and Legislative Assembly, or either of those bodies, shall cease and be of no force.

The powers of the present Legislature of *Lower Canada* suspended.

Her Majesty may appoint a Special Council for the affairs of *Lower Canada*.

II. And be it enacted, That it shall be lawful for Her Majesty, by any Commission or Commissions, to be from time to time issued under the Great Seal of the United Kingdom, or by any instructions under Her Majesty's Signet and Sign Manual, and with the advice of Her Privy Council, to constitute a Special Council for the affairs of *Lower Canada*, and for that purpose to appoint, or authorize the Governor of the Province of *Lower Canada* to appoint, such, and so many Special Councillors as to Her Majesty shall seem meet, and to make such Provision as to Her Majesty shall seem meet for the removal, suspension, or resignation of all or any such Councillors. Provided always that no Member of the said Special Council shall be permitted to sit or to vote therein, until he shall have taken and subscribed before the Governor of the Province of *Lower Canada*, or before some person authorized by the said Governor to administer such Oath, the same Oath which is now required to be taken by the Members of the Legislative Council and Assembly before sitting or voting therein respectively.

Members of the Council to take an Oath.

The Governor and Council may make Laws or Ordinances for the Government of Lower Canada.

III. And be it enacted, that from and after such Proclamation as aforesaid, and until the said first day of November, in the year one thousand eight hundred and forty, it shall be lawful for the Governor of the Province of *Lower Canada*, with the advice and consent of the majority of the said Councillors present at a meeting or meetings to be for that purpose from time to time convened by the Governor of the said Province, to make such Laws or Ordinances, for the peace, welfare, and good government of the said Province of *Lower Canada*, as the Legislature of *Lower Canada*, as now constituted, is empowered to make; and that all Laws or Ordinances so made, subject to the Provisions hereinafter contained for disallowance thereof by Her Majesty, shall have the like force and effect as Laws passed before the passing of this Act by the Legislative Council and Assembly of the said Province of *Lower Canada*, and assented to by Her Majesty, or in Her Majesty's name, by the Governor of the said Province. Provided always, that no such Law or Ordinance shall be made, unless the same shall have been first proposed by the said Governor for adoption by the Council, nor unless the said Governor, and five at least of the said Councillors, shall be actually present when such Law or Ordinance shall be made. Provided also, that no Law or Ordinance so made, shall continue in force beyond the first day of November, in the year one thousand eight hundred and forty-two, unless continued by competent authority. Provided also, that it shall not be lawful, by any such Law or Ordinance, to impose any Tax, Duty, Rate, or Impost, save only in so far as any Tax, Duty, Rate, or Impost, which at the passing of this Act is payable within the said Province, may be thereby continued. Provided also, that it shall not be lawful, by any such Law or Ordinance, to alter, in any respect, the Law now existing in the said Province, respecting the Constitution or Composition of the Legislative Assembly thereof, or respecting the right of any person to vote at the election of any Member of the said Assembly, or respecting the qualifications of such voters, or respecting the Division of the said Province into Counties, Cities, and Towns, for the purpose of such elections; nor shall it be lawful, by any such Law or Ordinance, to repeal, suspend, or alter any provision of any Act of the Parliament of *Great Britain*, or of the Parliament of the United Kingdom, or of any Act of the Legislature of *Lower Ca-*

Such Laws to be proposed by the Governor.

Limiting their Duration.

Proviso as to imposing Taxes

Laws or Ordinances not to affect the existing Laws respecting Rights of Elections, &c.

nada, as now constituted, repealing or altering any such Act of Parliament.

No Law or Ordinance to appropriate the Monies in hand for repayment of the sum of £142,160, unless on Certificate of Commissioners of Treasury;

nor to an amount exceeding the appropriation of 1832.

IV. Provided always, and be it enacted, that it shall not be lawful by any such Law or Ordinance, to appropriate any monies which now are, or which shall hereafter be, in the hands of the Receiver General of the said Province of *Lower Canada*, towards the re-payment of any sum or sums of money, which shall have been issued out of the sum of one hundred and forty two thousand one hundred and sixty pounds fourteen shillings and sixpence, granted to Her Majesty, by an Act passed in the last Session of Parliament, for advances on account of charges for the administration of Justice and the Civil Government of the Province of *Lower Canada*, unless upon a certificate from three or more of the Commissioners of Her Majesty's Treasury, setting forth the several sums which shall have been so advanced for any of the purposes aforesaid. Provided also, that, exclusive of any such re-payment, as aforesaid, no appropriation to be made by any such Law or Ordinance of the monies aforesaid, in respect of the Public Service, for any one year, shall exceed the total amount of the sums appropriated by Law within the said Province, for the Public Service thereof, for the year one thousand eight hundred and thirty two.

Laws or Ordinances may be disallowed by Her Majesty in Council.

V. And be it enacted, that the Governor of the said Province is hereby required, by the first convenient opportunity, to transmit to one of Her Majesty's Principal Secretaries of State, an authentic copy of every Law or Ordinance made under the authority of this Act; and that it shall be lawful, at any time within two years after such Law or Ordinance shall have been so received by such Secretary of State, for Her Majesty, Her Heirs or Successors, by Her or Their Order in Council, to declare Her or Their disallowance of such Law or Ordinance; and that such disallowance, together with a Certificate under the Hand and Seal of such Secretary of State, testifying the day on which such Law or Ordinance was received, as aforesaid, being signified by such Governor, by Proclamation, within the said Province, shall make void and annul the same from and after the date of such signification.

This Act not to affect Laws,
&c. now in force, etc.

VI. And be it enacted, that nothing herein contained shall be taken to affect or invalidate any Law, Statute, or Ordinance now in force within the said Province of *Lower Canada*, or in any part thereof, except in so far as the same is repugnant to this Act.

Proclamation of this Act.

VII. And be it enacted, that this Act shall be proclaimed by the Governor of the said Province of *Lower Canada*, within the said Province, and shall commence and take effect within the said Province, from the Proclamation thereof.

The Term "Governor" defined.

VIII. And be it enacted, that for the purposes of this Act, any person authorized to execute the Commission of Governor of the Province of *Lower Canada* shall be taken to be the Governor thereof.

Act may be altered, etc.

IX. And be it enacted, that this Act may be altered or repealed by any Act to be passed in the present Session of Parliament.

PROVINCE OF
LOWER CANADA. }

J. COLBORNE.

By His Excellency Sir John Colborne, Knight Commander of the Most Honorable Military Order of the Bath, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Lieutenant General Commanding Her Majesty's Forces in the Provinces of Lower Canada and Upper Canada, and Administrator of the Government of the said Province of Lower Canada.

A PROCLAMATION.

WHEREAS, by certain Letters Patent bearing date at *Westminster*, the first day of July, in the sixth year of the reign of our late Sovereign Lord WILLIAM THE FOURTH, our said late WILLIAM THE FOURTH did constitute and appoint ARCHIBALD, EARL OF GOSFORD to be Captain General and Governor in Chief, in and over the Province of *Upper Canada*, and in and over the Province of *Lower Canada*, respectively.

And, whereas, in and by the said Letters Patent, it is provided that in case of the death or of the absence of the said Archibald Earl of Gosford out of the said Province of

Upper Canada, or out of the Province of *Lower Canada*, in either of such cases, all and singular the powers and authorities granted to the said *Archibald Earl of Gosford* should be given and granted to the Lieutenant Governor for the time being, of such Provinces respectively, or of either of them as the case might be, or in the absence of any such Lieutenant Governor, to such person or persons as might by Warrant under the Sign Manual be authorised and appointed to be the Administrator of the Government of the said Province or either of them, such powers and authorities to be by him or them executed and enjoyed during the Royal pleasure; but if, upon the death or absence of the said *Archibald Earl of Gosford* out of the said Provinces of *Upper Canada* or *Lower Canada*, or either of them, no person shall be upon the place commissioned and appointed to Administer the Government of the said Provinces until the return of the said *Archibald Earl of Gosford* from any such absence, or until the Royal pleasure could be further made known, the Senior Military Officer for the time being, in command of the Forces within the said Provinces of *Upper Canada* or *Lower Canada*, as the case may be, should take upon him the Administration of the Government thereof, and should execute in the said Provinces respectively, the said Commission and the Instructions therein mentioned, and the several powers and authorities therein contained in the same manner and to all intents and purposes as other the Captain General and Governor in Chief should or ought to do.

And, whereas, by reason of the absence of His Excellency the said *Archibald Earl of Gosford*, from and out of the said Provinces of *Upper Canada* and *Lower Canada*, and under and by virtue of the above provision in the said Letters Patent contained, the Administration of the Civil Government of Her Majesty's Province of *Lower Canada*, hath devolved upon Me, the said Lieutenant General SIR JOHN COLBORNE, being the Senior Officer Commanding HER MAJESTY'S Forces within the said Provinces of *Upper* and *Lower Canada*, with all and every the Powers and authorities by the said Letters Patent, vested in the said *Archibald Earl of Gosford*; I have, therefore, with the advice of Her Majesty's Executive Council of this Province, thought fit to issue this Proclamation, to make known the same, and I do hereby require and command that all and singular Her Majesty's Officers and Ministers in the said Province do continue in the due execution of their several and respective Offices, Places, and Employments; and that Her Majesty's loving subjects, and others whom it may concern, do take notice hereof and govern themselves accordingly.

Given under my Hand and Seal at Arms, at the Government House, in the City of *Montreal*, in the Province of *Lower Canada*, the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and thirty-eight, and in the first year of Her Majesty's Reign.

By His Excellency's Command,

D. DALY,
Secretary of the Province.

PROVINCE OF }
 LOWER CANADA. }

J. COLBORNE.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith:—

TO OUR MUCH BELOVED AND FAITHFUL SPECIAL COUNCILLORS OF OUR PROVINCE OF LOWER CANADA—GREETING:—

WHEREAS by an Act, passed in the Parliament of Our United Kingdom of *Great Britain and Ireland*, in the first year of Our Reign, intituled, “An Act to make temporary provision for the Government of *Lower Canada*,” it is enacted, that it shall be lawful for Us, by Commission or Commissions to be from time to time issued under the Great Seal of Our United Kingdom, or by any Instrument under our Signet and Sign Manual, and with the Advice of Our Privy Council, to Constitute a Special Council for the affairs of *Lower Canada*; And whereas by Our Royal Instructions given at Our Palace of *Buckingham*, on the fifteenth day of February, in the year of our Lord one thousand eight hundred and thirty-eight, and in the first year of Our Reign, We did, under and by virtue of the powers vested in Us in and by the said Act of Parliament, and by and with the advice of Our Privy Council, constitute a Special Council for the Affairs of *Lower Canada*; And whereas We have assigned, nominated and appointed you to be Our Special Councillors in that behalf; Now, **THEREFORE**, We do command and enjoin you, and every of you, and all others in this behalf interested, that on the **EIGHTEENTH** day of the present month of **APRIL**, at Our Government House, in Our City of *Montreal*, in Our said Province of *Lower Canada*, personally you be and appear, to treat, do, act and conclude upon those things which, by Our Governor in Chief in and for Our said Province, or by the Officer administering the Government of Our said Province of *Lower Canada*, for the time being, by and with the advice and consent of Our said Special Council for the affairs of *Lower Canada*, by the favour of God, may be ordained.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of *Lower Canada* to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Lieutenant General Sir **JOHN COLBORNE**, Knight Grand Cross of the Most Honourable Military Order of the Bath and of the Royal Hanoverian Order, Commander of Our Forces in Our Provinces of *Lower Canada* and *Upper Canada*, and Administrator of the Government of Our said Province of *Lower Canada*.

At Our Government House, in Our City of *Montreal*, in Our said Province of *Lower Canada*, the third day of April, in the year of Our Lord one thousand eight hundred and thirty-eight, and in the first year of Our Reign.

D. DALY,
Secretary of the Province.

J. C.

PRAYERS.

O **ETERNAL GOD!** Lord of Heaven and Earth, the Great and Mighty Councillor. We, Thy poor Servants assembled before Thee, humbly acknowledge our great and manifold Sins and imperfections, and thereby our unworthiness to receive any Grace and Assistance from Thee ; yet, most merciful Father, since by Thy Providence, We are called to this Special Council, to advise of those things which concern Thy Glory, the Interests of Piety, the Prosperity of Our Queen, and the weal of Her People, We most earnestly beseech Thee, by the brightness of Thy Spirit, to expel darkness and vanity from our minds and partiality from our speeches, and grant unto us, such wisdom and integrity of heart as becometh the servants of Jesus Christ, the subjects of a Gracious Queen and the Members of this Special Council. Let not us, O Lord ! who are met together for the public good of the whole land, be more careless and remiss, than we use to be in our own private matters ; Give Grace we beseech Thee, That every one of us, may labour to shew a good Conscience to Thy Majesty, a good zeal to Thy Word, and a loyal heart to our Queen, and a Christian love to our Country, and the Common Weal of the British Empire. O Lord ! so unite and conjoin the hearts of Her most Excellent Majesty the Queen, and Her Representative here, and both Houses of the British Parliament, and of this Council, as they may be an indissoluble Bond, giving strength to all just and equal laws already enacted, and enacting such as are further requisite for the bridling of the Wicked and the encouragement of all Godly and well affected Subjects ;—That so Thy Great Blessings may be continued to us, and Thy Grievous Judgments turned from us, and this only for Jesus Christ's sake, Our most Glorious Mediator and Advocate ; To whom with Thy Blessed Majesty and the Holy Ghost, be given all Honour and Praise, Power and Dominion, henceforth and for evermore. Amen.

His Excellency laid before the Council the Rules and Orders for Her Majesty's Special Council, constituted under the Statute 1st Victoria, Cap. 9.

His Excellency then proposed to the Council the following Ordinances :

An Ordinance to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor and Special Council of the Province shall take effect.

Which was read for the first time.

An Ordinance to continue two certain Acts therein mentioned, (Registry Offices)

Which was read for the first time.

An Ordinance to authorize the apprehending and detention of certain persons, and to suspend for a limited time as to such persons a certain Ordinance therein mentioned.

Which was read for the first time.

An Ordinance to continue a certain Act therein mentioned, (Transportation of Convicts.)

Which was read for the first time.

An Ordinance to continue a certain Act, therein mentioned, (Lessors and Lessees.)

Which was read for the first time.

His Excellency was then pleased to name the Honorable *James Cuthbert*, to preside at the Council Table, during His Excellency's absence.

His Excellency then withdrew.

The Honble. Mr. *Cuthbert* having taken the Chair,

The Rules and Orders laid before the Council by His Excellency, were read by the Clerk, *seriatim*.

On motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *McGill*,

RESOLVED, That the Rules for regulating the proceedings of the Council be translated into French, and that the rules in the English and French languages be printed for the use of the Members of the Council.

On motion of the Honble. Mr. *McGill*, seconded by the Honble. Mr. *Stuart*,

RESOLVED, That the Council do now adjourn until One o'Clock tomorrow, and that the hour of meeting for the despatch of Business, shall hereafter be at the same hour every day.

The Presiding Member accordingly declared the Council to be adjourned until tomorrow at One o'Clock. P. M.

THURSDAY, 19TH APRIL, 1838.

PRESENT.

The Honble. *Mr. Cuthbert*, Presiding Member.

Messrs. *Pothier*.

Stuart.

McGill.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Quesnel.
Christie.
Walker.
Faribault.
Molson.
Mayrand.
Knoulton, and
Penn.

PRAYERS.

The Council proceeded to take into consideration the Rules and Orders laid before them yesterday.

The first and second of the said Rules being severally read, they were agreed to.

The third Rule being read, it was

ORDERED, That after the word "Governor" in the said Rule, the following be added, "or in his absence, the Presiding Member."

The third Rule, as amended, was then agreed to.

The fourth Rule being read, it was

ORDERED, That after the word "Governor" in the said Rule, the following be added, "or in his absence, the Presiding Member."

The fourth Rule, as amended, was then agreed to.

The fifth and sixth Rules being severally read, they were agreed to.

The seventh Rule being read, it was

ORDERED, That after the word "Governor" in the said Rule, the following be added, "or in his absence, the Presiding Member."

The seventh Rule, as amended, was then agreed to.

The eighth Rule being read, it was agreed to.

The ninth Rule being read, it was

ORDERED, That after the word "Governor" in the said Rule, the following be added, "or in his absence, the Presiding Member."

The ninth Rule, as amended, was then agreed to.

The tenth Rule being read, it was

ORDERED, That after the word "Governor" in the said Rule, the following be added, "or in his absence, the Presiding Member."

The tenth Rule, as amended, was then agreed to.

The eleventh Rule being read, it was

ORDERED :—That after the word “ Governor ” in the said Rule, the following be added, “ or in case of his absence, it be so determined by a Majority of the Members present.”

The eleventh Rule, as amended, was then agreed to.

The twelfth and thirteenth Rules being severally read, they were agreed to.

The fourteenth Rule being read, it was

ORDERED, That after the word “ Governor ” in the said Rule, the words “ and a majority of the Council ” be struck out, and the following substituted :—“ or in case of his absence, it be so determined by a majority of the Members present.”

The fourteenth Rule, as amended, was then agreed to.

The fifteenth to the twenty-third Rules inclusively, being severally read, they were agreed to.

The twenty-fourth Rule being read, it was

ORDERED, That after the word “ Governor ” in the said Rule, the following be added :—“ or in his absence the Presiding Member.”

The twenty-fourth Rule as amended, was then agreed to.

The twenty-fifth and last Rule being read, it was agreed to.

On motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *M' Gill*,—

RESOLVED, That the Rules now read and approved by the Members present be submitted for the sanction of His Excellency the Administrator of the Government, when presiding in the Council.

On motion of the Honble. Mr. *M' Gill*, seconded by the Honble. Mr. *Pothier*,

ORDERED, That an Ordinance to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor and Special Council of the Province shall take effect, be read a second time to-morrow.

On motion of Mr. *Knoulton*, seconded by the Honble. Mr. *M' Gill*.

ORDERED, That an Ordinance to continue two certain Acts therein mentioned, (Registry Offices) be read a second time tomorrow.

Colonel *Rowan*, Civil Secretary to His Excellency the Administrator, was ad-

mitted in the Council Chamber, and delivered to the Presiding Member, a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as follows :

J. COLBORNE,

Administrator.

The Administrator of the Government transmits to the Special Council for their consideration and adoption, the six accompanying Ordinances ; viz—

An Ordinance for indemnifying persons who since a certain date have acted in apprehending, &c., persons suspected of High Treason or Treasonable Practices, &c. &c.

An Ordinance to continue a certain Act therein mentioned, (providing a fund for sick Emigrants.)

An Ordinance to continue a certain Act therein mentioned, (for recovering Seamen's Wages.)

An Ordinance to continue a certain Act therein mentioned, (for ascertaining the Damages on Protested Bills of Exchange.)

An Ordinance authorizing the repayment out of the monies in the hands of the Receiver General of this Province, of certain sums advanced from the Imperial Treasury.

An Ordinance to authorize the appointment of Commissioners to investigate the claims of certain Loyal Inhabitants of this Province, for losses sustained during the late unnatural Rebellion.

GOVERNMENT HOUSE, }
Montreal, 19th April, 1838. }

The Ordinances mentioned in the preceding Message were severally read for the first time.

On motion of the Honble. Mr. *Pothier*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That an Ordinance to authorize the apprehending and detention of certain persons, and to suspend for a limited time, as to such persons, a certain Ordinance therein mentioned, be read a second time to-morrow.

On motion of Mr. *Walker*, seconded by Mr. *Quesnel*,

ORDERED, That an Ordinance to continue a certain Act therein mentioned, (Transportation of Convicts) be read a second time to-morrow.

On motion of Mr. *Quesnel*, seconded by the Honble. Mr. *Pothier*,

ORDERED, That an Ordinance to continue a certain Act therein mentioned (Lessors and Lessees,) be read a second time to-morrow.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*.

ORDERED, That an Ordinance to continue a certain Act therein mentioned, (Emigrant Tax,) be read a second time on Saturday next.

On motion of Mr. *Walker*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That an Ordinance to continue a certain Act therein mentioned (Seamen's Wages,) be read a second time tomorrow.

On motion of Mr. *Penn*, seconded by Mr. *Walker*,

ORDERED, That an Ordinance to authorize the appointment of Commissioners, to investigate the claims of certain Loyal Inhabitants of this Province, for losses sustained during the late unnatural rebellion, be read a second time to-morrow.

On motion of the Honble. Mr. *M'Gill*, seconded by the Honble. Mr. *Pothier*,

ORDERED, That an Ordinance to continue a certain Act therein mentioned, (Protested Bills of Exchange,) be read a second time on Saturday next.

On motion of Mr. *Molson*, seconded by Mr. *Penn*,

ORDERED, That an Ordinance for indemnifying persons, who since the day of 1837, have acted in apprehending, imprisoning or detaining in custody persons suspected of High Treason, or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned, be read a second time on Saturday next.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That an Ordinance authorizing the repayment out of the monies in the hands of the Receiver General of this Province, of certain sums advanced from the Imperial Treasury, be read a second time to-morrow.

Then, on motion of the Hon. Mr. *Neilson*, seconded by the Hon. Mr. *M'Gill*,

The Council adjourned.

FRIDAY, 20TH APRIL, 1838.

PRESENT.

The Hon. *Mr. Cuthbert*, Presiding Member.Messrs. *Pothier*.*Stuart*.*M^cGill*.*Joliette*.*De Rocheblave*.*Neilson*.*Gerrard*.*Quesnel*.*Christie*.*Walker*.*Faribault*.*Molson*.*Mayrand*.*Knoulton*, and*Penn*.

PRAYERS.

An Ordinance to declare and ascertain the period when the Laws and Ordinances, made and passed by the Governor and Special Council of the Province, shall take effect, was, according to order, read a second time.

On motion of the Honble. *Mr. Stuart*, seconded by *Mr. Gerrard*,

RESOLVED, That the discussion on this Ordinance be adjourned till to-morrow, at the meeting of the Council.

An Ordinance to continue two certain Acts therein mentioned, (Registry Offices,) was, according to order, read a second time.

On motion of the Honble. *Mr. Stuart*, seconded by *Mr. Gerrard*,

RESOLVED, That the discussion on this Ordinance be adjourned till to-morrow, at the meeting of the Council.

An Ordinance to authorize the apprehending and detention of certain persons, and to suspend for a limited time, as to such persons, a certain Ordinance therein mentioned, was, according to order, read a second time.

On motion of the Honble. *Mr. Stuart*, seconded by the Honble. *Mr. Pothier*,

RESOLVED, That the discussion on this Ordinance be adjourned till to-morrow, at the meeting of the Council.

An Ordinance to continue a certain Act therein mentioned, (Transportation of Convicts,) was, according to order, read a second time.

On motion of the Honble. Mr. *Stuart*, seconded by Mr. *Molson*,

RESOLVED, That the discussion on this Ordinance be adjourned till to-morrow, at the meeting of the Council.

An Ordinance to continue a certain Act therein mentioned (Lessors and Lessees,) was, according to order, read a second time.

On motion of the Honble. Mr. *Stuart*, seconded by Mr. *Molson*.

RESOLVED, That the discussion on this Ordinance be adjourned till to-morrow, at the meeting of the Council.

An Ordinance to continue a certain Act therein mentioned, (Seamen's wages,) was, according to order, read a second time.

On motion of Mr. *Walker*, seconded by the Honble. Mr. *Stuart*,

RESOLVED, That the discussion on this Ordinance be adjourned till to-morrow, at the meeting of the Council.

An Ordinance to authorize the appointment of Commissioners to investigate the claims of certain Loyal Inhabitants of this Province, for losses sustained during the late unnatural Rebellion, was, according to order, read a second time.

On motion of Mr. *Penn*, seconded by Mr. *Quesnel*,

RESOLVED, That the discussion on this Ordinance be adjourned till to-morrow, at the meeting of the Council.

An Ordinance authorizing the repayment out of the monies in the hands of the Receiver General of this Province of certain sums advanced from the Imperial Treasury, was, according to order, read a second time.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Stuart*,

RESOLVED, That the discussion on this Ordinance be adjourned till to-morrow, at the meeting of the Council.

His Excellency the Administrator of the Government having entered the Council Chamber, he took his seat at the head of the Table.

His Excellency was pleased to acquaint the Council, that he sanctioned the Rules and Orders for regulating their proceedings, as amended by the Council.

His Excellency then withdrew.

The Honble. Mr. *Cuthbert* resumed the Chair.

On motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *Joliette*,

RESOLVED, That the Rules for the conduct of the proceedings before this Council, as now sanctioned by His Excellency the Administrator of the Government, be entered on the Journals, and together with the Act of the Imperial Parliament under which this Council has been constituted, be printed for the use of the Members.

The said Rules are as followeth, viz:—

RULES AND ORDERS.

No. 1.—Every Session of the Special Council shall be convened by Proclamation issued under the Great Seal of the Province, twenty-one days before the time fixed for such Session.

No. 2.—No Member shall absent himself from Council, without informing the Governor of the reasons of such absence.

No. 3.—His Excellency the Governor, or, in his absence, the Presiding Member, shall preserve order, and shall decide on all disputed points of order.

No. 4.—As soon as five Special Councillors and the Governor, or, in his absence, the Presiding Member, shall be present, after the hour appointed for the meeting of the Council, the Governor, or, in his absence, the Presiding Member, will take the Chair; and prayers having been first read, the Governor, or, in his absence, the Presiding Member, will direct the Clerk, or, in his necessary absence, the Assistant Clerk, to begin the proceeding of the days, by reading the minutes of the last Council, which having been approved, are to be confirmed by the Governor, or, in his absence, the Presiding Member.

No. 5.—No Law or Ordinance shall be made unless the same shall be first proposed by the Governor for adoption by the Council.

No. 6.—With the exception of questions of privilege, which shall take precedence of all others, and the presentation of Petitions (hereinafter provided for,) all business shall be taken in the order in which it appears on the "*Order Book*," unless by permission of the Governor, on good reasons being shewn for such deviation.

No. 7.—Every motion and amendment must be in writing, and must be seconded before it can be submitted to the Governor, or, in his absence, to the Presiding Member.

No. 8.—No Member shall be allowed to read any speech.

DISCUSSION.

No. 9.—If two or more Members rise to speak at the same time, the Governor, or, in his absence, the Presiding Member, shall call on the person entitled in his opinion to pre-audience.

No. 10.—It shall be competent to any Member to divide the Council upon any Bill or question, and upon such division taking place, as upon all similar occasions, the Council is to proceed to vote, (beginning with the junior Councillor present,) the Clerk, or, in his necessary absence, the Assistant Clerk, minuting the vote of each Member; after which the Governor, or, in his absence, the Presiding Member, shall declare which side has the majority. Every Member present is required to give his vote on every division.

No. 11.—An adjournment of the discussion may be moved by any Member; but such adjournment shall not take place unless approved by the Governor, or, in case of his absence, it be determined, by a majority of the Members present.

No. 12.—In discussing any question, no Member shall be at liberty to speak more than once, (except in explanation) provided however that the mover of any question be allowed the privilege of reply.

No. 13.—Every Member shall in discussing any question, address the Chair; and shall stand whilst so doing; and should he wish to allude to the speech or opinion of any other Member, he must do so without naming him. Official Members may be designated by their appointment.

No. 14.—All imputations of improper motives shall be considered as highly disorderly, and such conduct shall be minuted, if it shall appear to the Governor, or, in case of his absence, it be so determined, by a majority of the Members present, to be necessary.

ORDINANCES.

No. 15.—On any Law or Ordinance being proposed by the Governor, the Clerk, or, in his necessary absence, the Assistant Clerk shall read the Title and Marginal Notes thereof; but it shall be competent for any Member to move that the Law or Ordinance be read at length, and if such motion be agreed to, the same shall be read accordingly.

No. 16.—Immediately after every Law or Ordinance shall be read a first time, any Member may move that it be read a second time, which motion having been seconded and carried, such second reading shall be had on the next day of the meeting, unless some more remote day shall be appointed for the second reading of the same.

No. 17.—Upon the second reading of every Law or Ordinance, any Member shall

be at liberty to move an amendment of such Law or Ordinance, and upon the motion being seconded by some other Member, the several provisions of such Law or Ordinance and proposed amendment, shall be discussed, and such discussions may be adjourned from time to time, as occasion may require.

No. 18.—The Council having resumed its sitting, the Law or Ordinance may be read a third time, on the motion of any Member.

No. 19.—After a Law or Ordinance has been read a third time, and passed, with the Governor's assent, it shall be fairly transcribed by the Clerk, and signed by His Excellency, and the Great Seal of the Province shall be affixed thereto.

No. 20.—No alteration shall take place on the third reading of a Law or Ordinance, and the only question to be put by the Governor, if he shall see fit, shall be,—“*That this Ordinance do now pass.*”

THE CLERK.

No. 21.—The Clerk, or, in his necessary absence, the Assistant Clerk, shall keep an Order Book, in which shall be entered and numbered in succession, the subjects intended to be brought under discussion at each sitting.

No. 22.—He shall read all matters brought before the Council: he shall keep a Journal of proceedings, in which shall be entered, in the order of succession, all subjects brought before the Council, and shall number the proceedings of each day, as of one general number.

No. 23.—He shall take care to have every Law or Ordinance written in a fine text hand, before the third reading.

PETITIONS.

No. 24.—All Petitions addressed to His Excellency the Governor, on Laws and Ordinances, before the Governor and Council, (and no other shall be received,) shall be presented immediately after the Governor, or, in his absence, the Presiding Member, shall have taken the Chair.

No. 25.—When any Law or Ordinance, to which any such Petition relates, is under discussion, it shall be competent for any Member to move, that such Petition be read, and then the question shall be put whether the Petition be received.

Then, on motion of the Hon. Mr. Neilson, seconded by Mr. Walker,

The Council adjourned.

SATURDAY, 21ST APRIL, 1838.

PRESENT.

The Honble. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

Stuart.

M'Gill.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Quesnel.

Christie.

Walker.

Faribault.

Molson.

Mayrand.

Knoulton, and

Penn.

PRAYERS.

The Presiding Member informed the Council, that a Commission had been issued under the Great Seal, appointing *William Burns Lindsay*, Esquire, Clerk of this Special Council.

Also a Commission appointing *George Barthelemy Faribault*, Esquire, an Assistant Clerk to this Special Council.

And also a Commission appointing *Charles De Lery*, Esquire, an Assistant Clerk to this Special Council.

ORDERED :—That the said Commissions be entered on the Journals of this Council.

**Commission appointing *William B. Lindsay*, Esquire, to be Clerk
of the Special Council.**

PROVINCE OF }
LOWER CANADA. }

J. COLBORNE.

VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain*
and *Ireland*, Queen, Defender of the Faith.

To Our Faithful and Loving Subject, *William Burns Lindsay*, Esquire, of Our City
of Quebec, GREETING :—

WHEREAS We have power, by and with the advice and consent of the Special
Council constituted for the affairs of *Lower Canada*, to make Laws for the peace,
welfare, and good Government thereof, pursuant to the Statute in that case lately made
and provided: Know you therefore, that having confidence in your loyalty, ability,
and integrity, you, the said *William Burns Lindsay*, We have nominated, constituted,
and appointed, and by these presents do nominate, constitute, and appoint, to the
Office and place of Clerk of the said Special Council, for performing all and every the
duties thereunto belonging. To have and to hold the said Office and place by you for
and during Our pleasure and your actual residence within Our said Province. Together
with all the rights, powers, authorities, profits, and emoluments which to the same
Office and place of Clerk of the said Special Council do belong, or of right ought to
belong and to appertain.

IN TESTIMONY whereof, We have caused these Our Letters to be made Patent, and
the Great Seal of our said Province of *Lower Canada* to be hereunto affixed.

WITNESS Our Trusty and Well-Beloved Sir JOHN COLBORNE, Knight Grand Cross
of the most Honorable Military Order of the Bath, and of the Royal Hanoverian Guelphic
Order, Lieutenant General and Commander of Our Forces in the Provinces of
Lower Canada and *Upper Canada*, and Administrator of the Government of the said
Province of *Lower Canada*.

At Our Government House, in Our City of *Montreal*, in Our said Province
of *Lower Canada*, the Twelfth day of April, in the year of Our Lord
one thousand eight hundred and thirty-eight, and in the first year of
Our Reign:

J. C.

D. DALY,

Secretary.

FIAT.

Recorded in the Register's Office of the Records, at *Quebec*, the 12th day of April, 1838, in the Fifteenth Register of Letters Patent and Commissions.

D. DALY,
Reg.

Commission appointing *George B. Faribault*, Esquire, to be Assistant Clerk of the Special Council.

PROVINCE OF }
LOWER CANADA. }

J. COLBORNE.

VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith.

To Our Faithful and Loving Subject, *George B. Faribault*, Esquire, of Our City of *Quebec*, GREETING:—

WHEREAS we have power, by and with the advice and consent of the Special Council constituted for the affairs of *Lower Canada*, to make Laws for the peace, welfare, and good Government thereof, pursuant to the Statute in that case lately made and provided: Know you therefore, that having confidence in your loyalty, ability, and integrity, you, the said *George B. Faribault*, We have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint to the Office and place of Assistant Clerk of the said Special Council, for performing all and every the duties thereunto belonging. To have and to hold the said Office and place by you for and during Our pleasure and your actual residence within Our said Province. Together with all the rights, powers, authorities, profits, and emoluments which to the same Office and place of Assistant Clerk of the said Special Council do belong, or of right ought to belong and appertain.

IN TESTIMONY whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of *Lower Canada* to be hereunto affixed.

WITNESS our Trusty and Well-Beloved Sir JOHN COLBORNE, Knight Grand Cross of the most Honorable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Lieutenant General and Commander of Our Forces in the Provinces of *Lower Canada* and *Upper Canada*, and Administrator of the Government of the said Province of *Lower Canada*.

At Our Government House, in Our City of *Montreal*, in Our said Province of *Lower Canada*, the Twelfth day of April, in the year of Our Lord one thousand eight hundred and thirty-eight, and in the first year of Our Reign.

D. DALY,
Secretary.

J. C.

FIAT.

Recorded in the Register's Office of the Records, at *Quebec*, the 12th day of April, 1838, in the Fifteenth Register of Letters Patent and Commissions.

D. DALY,
Reg.

Commission appointing *Charles De Lery*, Esquire, to be Assistant Clerk of the Special Council.

PROVINCE OF
LOWER CANADA. }

J. COLBORNE.

VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith.

To Our Faithful and Loving Subject *Charles De Lery*, Esquire, of Our City of *Quebec*, GREETING:—

WHEREAS We have power, by and with the advice and consent of the Special Council, constituted for the Affairs of *Lower Canada*, to make Laws for the peace, welfare, and good Government thereof, pursuant to the Statute in that case lately made and provided: Know you therefore, that having confidence in your loyalty, ability, and integrity, you, the said *Charles De Lery*, We have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint to the Office and place of Assistant Clerk of the said Special Council, for performing all and every the duties thereunto belonging. To have and to hold the said Office and place by you for and during Our pleasure and your actual residence within Our said Province. Together with all the rights, powers, authorities, profits, and emoluments which to the same Office and place of Assistant Clerk of the said Special Council do belong, or of right ought to belong and to appertain.

IN TESTIMONY whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of *Lower Canada* to be hereunto affixed.

WITNESS Our Trusty and Well-Beloved Sir JOHN COLBORNE, Knight Grand Cross of the most Honorable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Lieutenant General and Commander of Our Forces in the Provinces of *Lower* and *Upper Canada*, and Administrator of the Government of the said Province of *Lower Canada*.

At Our Government House, in Our City of *Montreal*, in Our said Province of *Lower Canada*, the twelfth day of April, in the year of Our Lord one thousand eight hundred and thirty-eight, and in the first year of Our Reign.

D. DALY,
Secretary.

J. C.

FIAT.

Recorded in the Register's Office of the Records, at *Quebec*, the 12th day of April, 1838, in the Fifteenth Register of Letters Patent and Commissions.

D. DALY,
Reg.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*,

ORDERED, That One Hundred Copies of the Journals of this Special Council be printed under the direction of the Honorable the Presiding Member, for the use of the Members of the Council, and that no person, other than such as he may appoint, do presume to print the same.

According to order, the Council resumed the discussion on the Ordinance to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor and Special Council of the Province shall take effect.

On motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *De Rocheblave*,

ORDERED, That the following amendments be made to the said Ordinance :

Page 1, line 3—After "Governor," insert "or Person authorized to execute the Commission of Governor."

" " " 8—After "Governor," insert "or Person authorized to execute the Commission of Governor."

" " " 10—After "effect," insert "should be declared and ascertained."

" " " 12 and 13—After the first "the," leave out "Governor of the Province of *Lower Canada*," and insert "Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof."

" 2, " 11—Leave out from "of the" inclusive to "Assistant Clerk" also inclusive, in the seventeenth line of the same page, and insert "which shall hereafter pass or be made by the Governor or person authorized to execute the Commission of Governor of this Province, with the advice and consent of the Special Council for the affairs of this Province, state under his signature as such Clerk, or Assistant Clerk, immediately after the signature of the Governor or Person authorized as aforesaid."

" " " 20—After "Governor," insert "or Person authorized to execute the Commission of Governor."

On motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That the said Ordinance, as amended, be fairly written.

According to order, the Council resumed the discussion on the Ordinance to continue two certain Acts therein mentioned (Registry Offices).

The Honble. Mr. *Stuart* moved, seconded by the Honble. Mr. *Pothier*,

That the following amendment be made to the said Ordinance :

Preamble—Strike out all the words from “whereas,” inclusive, in the third line of the first page, to the word “and,” also inclusive, in the twelfth line of the second page.

The Council divided on the proposed amendment.

FOR THE AMENDMENT.

Messrs. *Pothier*.

Stuart.

M^cGill.

Joliette.

De Rocheblave.

Gerrard.

Quesnel.

Christie.

Walker.

Faribault.

Molson.

Mayrand.

Knoulton.

Penn.

AGAINST THE AMENDMENT.

Mr. *Neilson*.

So the amendment was carried in the affirmative.

Colonel *Rowan*, Civil Secretary to His Excellency the Administrator, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as follows :

J. COLBORNE,

Administrator.

The Administrator of the Government thinks it necessary to lay before the Special Council, the accompanying *Writs of Habeas Corpus*, served on *Lieutenant*

Colonel Wetherall, which, it is obvious, if they are not complied with, may greatly embarrass the Military Authorities, under present circumstances.

The granting of these *Writs*, the Administrator is persuaded, will induce the Council to devote its immediate attention to the measure now before it, proposing the suspension of the *Habeas Corpus Act*.

GOVERNMENT HOUSE, }
Montreal, 21st April, 1838. }

The *Writs* referred to in the preceding Message, are as followeth, viz :

PROVINCE OF LOWER CANADA, }
DISTRICT OF MONTREAL. }

VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, Queen, Defender of the Faith :

To *George Augustus Wetherall*, Esquire, Lieutenant Colonel of Our First or Royal Regiment, and Commandant of the Garrison of *Montreal*.

We command you, that you have the body of *Louis Michel Viger*, detained in your Custody (as it is said) under safe and secure conduct before Our trusty and well beloved The Honorable *James Reid*, Chief Justice of Our Court of King's Bench at *Montreal*, or the Honorable *Jean Roch Rolland*, one of the Justices of Our said Court, immediately after the receipt of this Writ, to do and undergo all and singular those things which Our said Justices or either of them shall then and there consider of him in his behalf.

Witness the Honorable *Jean Roch Rolland*, one of Our Justices of Our said Court, at *Montreal*, this twenty first day of April, in the first year of Our Reign.

(Signed,) A. M. DELISLE, *Clk. of the Crown.*

By virtue of an Ordinance passed in the 24th year of His Majesty *Geo. III.*

(Signed,) J. R. ROLLAND.

PROVINCE OF LOWER CANADA, }
DISTRICT OF MONTREAL. }

J. B. R.

VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, Queen, Defender of the Faith :

To *George Augustus Wetherall*, Esquire, Lieutenant Colonel of Our First or Royal Regiment, and Commandant of the Garrison of *Montreal*.

We command you, that you have the body of *Toussaint Peltier*, detained in your Custody (as it is said) under safe and secure conduct before Our trusty and well beloved the Honorable *James Reid*, Chief Justice of Our Court of King's Bench at *Montreal*, or the Honorable *Jean Roch Rolland*, one of the Justices of Our said Court, im-

mediately after the receipt of this Writ, to do and undergo all and singular those things which Our said Justices or either of them shall then and there consider of him in his behalf.

Witness the Honorable *Jean Roch Rolland*, one of Our Justices of Our said Court, at *Montreal*, this twenty first day of April, in the first year of Our Reign.

(Signed,) A. M. DELISLE, *Clk. of the Crown.*

By virtue of an Ordinance passed in the 24th year of His Majesty *Geo. III.*

(Signed,) J. R. ROLLAND.
J. B. R.

On motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *M' Gill*,

RESOLVED, That in consequence of the Message now received from His Excellency the Administrator of the Government, the discussion on the Ordinance to continue two certain Acts therein mentioned, (Registry Offices) be postponed, and that the discussion on the Ordinance to authorize the apprehending and detention of certain Persons, and to suspend for a limited time as to such persons, a certain Ordinance therein mentioned, be now resumed.

According to order, the Council resumed the discussion on the said Ordinance.

On the application of Messrs. *Quesnel*, *Faribault* and *Mayrand*, they were permitted by the Council to withdraw, they being related to some of the parties now in confinement for Political offences.

On motion of the Honble. Mr. *Pothier*, seconded by the Honble. Mr. *M' Gill*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 1, line 2—After “ persons,” strike out all the words to the word “ Practices ” inclusive in the fifth line, and insert “ charged with High “ Treason, Suspicion of High Treason, Misprision of High “ Treason, and Treasonable Practices.”

“ “ “ 8 and 9—Strike out the words “ suspected of and.”

“ “ “ 9—After the word “ Treason,” insert “ Suspicion of High Treason.”

“ “ “ 10—After the word “ of,” insert “ High.”

“ 2, “ 5 and 6—Strike out the words “ Governor of the Province of Lower Canada,” and insert “ Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof.”

“ 4, “ 5—After the word “ aforesaid,” insert “ that”

Page 4, line 18—After the word “ of ” insert “ High.”

“ “ “ 20—Fill up the Blank with the words, “ Twenty-fourth day of August next.”

“ 5, “ 13—Fill up the Blank with the words “ Twenty-fourth day of August next.”

“ 6, “ 2—Fill up the Blank with the words, “ Twenty-fourth day of August next.”

On motion of the Honble. Mr. *Neilson*, seconded by Mr. *Penn*,

ORDERED, That the said Ordinance, as amended, be fairly written.

According to order, the Council resumed the discussion on the Ordinance to continue two certain Acts therein mentioned, (Registry Offices.)

On motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 2, lines 14 and 15—Strike out “ Legislative Council and Assembly of the said,” and insert “ Legislature of the.”

“ “ “ 16—Strike out “ Tenth and.”

“ “ “ 17—Strike out “ years” and insert “ year.”

“ “ “ 21—After “ *Missisquoi*,” insert “ in so far as the same is now in force.”

“ 3, “ 1 and 2—Strike out all the words “ as amended and continued by “ an Act of the Legislature of the said Province,” and insert “ and another Act of the same Legislature made and passed “ in the first year of the Reign of His late Majesty, King *William* “ the Fourth,” intituled, ‘ An Act to amend an Act passed in “ the eleventh year of the Reign of His late Majesty, intituled, “ An Act to establish Registry Offices in the Counties of *Drummond*, *Sherbrooke*, *Stanstead*, *Shefford* and *Missisquoi*, and to “ extend the provisions of the said Act’ and also another Act of “ the same Legislature.”

“ “ “ 17 and 18—Strike out “ Governor of the said Province of *Lower* “ *Canada*,” and insert “ Administrator of the Government of “ this Province, authorized to execute the Commission of the “ Governor thereof.”

“ 4, “ 2 and 3—Strike out “ the before mentioned,” and insert “ an.”

“ “ “ 5—After “ *Ireland*,” insert “ passed in the first year of the Reign of Her present Majesty.”

Page 4, lines 10 and 11—Strike out “Legislative Council and Assembly” and insert “Legislature.”

“ “ “ 11, 12, 13 and 14—Strike out “ passed in the tenth and eleventh
“ years of the Reign of His late Majesty *George* the Fourth.”

“ “ “ 17—After “ *Missisquoi*,” insert “ in so far as the same is now unrepealed and in force.”

“ “ “ 18 and 19—Strike out “Legislative Council and Assembly,” and insert “ same Legislature.”

“ “ “ 20— } Strike out “ passed in the fourth year of the Reign of
“ 5, “ 1 and 2— } His late Majesty, King *William* the Fourth.”

“ “ “ 2—After “ to” insert “ extend the provisions of the Act to.”

“ “ “ 8—After “ which,” insert “ said Acts.”

On motion of Mr. *Penn*, seconded by the Honble. Mr. *Neilson*,

RESOLVED, That the further discussion on this Ordinance be postponed until the next sitting day.

On motion of the Honble. Mr. *M^cGill*, seconded by the Honble. Mr. *Pothier*,

ORDERED, That when this Council adjourns, it adjourns until Monday morning next, at half-past Nine o’Clock.

The Council then adjourned accordingly.

MONDAY, 23^D APRIL, 1838.

Half-past Nine o’Clock, A. M.

PRESENT.

The Honble. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

Stuart.

M^cGill.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Walker.
Molson.
Knoulton, and
Penn.

Joseph Dionne, Esquire, having previously taken the prescribed Oath and subscribed the Roll containing the same, took his seat at the Council Table.

PRAYERS.

His Excellency the Administrator of the Government having entered the Council Chamber, he took his seat at the Head of the Table.

On motion of the Honble. Mr. *M^cGill*, seconded by the Honble Mr. *Cuthbert*,

ORDERED, That an Ordinance to declare and ascertain the period when the Laws and Ordinances, made and passed by the Governor, or Person authorized to execute the Commission of Governor, and Special Council of the Province, shall take effect, be now read for a third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“That this Ordinance do now pass,”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of the Honble. Mr. *M^cGill*, seconded by Mr. *Walker*,

ORDERED, That an Ordinance to authorize the apprehending and detention of Persons charged with High Treason, Suspicion of High Treason, Misprision of High Treason, and Treasonable Practices, and to suspend, for a limited time, as to such persons, a certain Ordinance therein mentioned, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“That this Ordinance do now pass,”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

His Excellency then withdrew.

The Honble. Mr. *Cuthbert* resumed the Chair.

Then on motion of Mr. *Walker*, seconded by the Honble. Mr. *Neilson*,

The Council adjourned until one o'clock, P. M. this day.

MONDAY, 23^D APRIL, 1838.

One o'Clock P. M.

PRESENT.

The Hon. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

Stuart.

M^r Gill.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Quesnel.

Christie.

Walker.

Faribault.

Mayrand.

Knoulton.

Penn, and

Joseph Dionne.

PRAYERS.

According to order, the Council resumed the further discussion on an Ordinance to continue two certain Acts therein mentioned, (Registry Offices.)

Mr. *Knoulton* moved, seconded by the Honble. Mr. *Stuart*, that the following amendment be made to the said Ordinance.

After the word "longer," at the end of the first clause, add the following proviso, viz:—

" Provided always that nothing in this Act contained shall extend,
" or be construed to extend to continue the second section of

“ the said Act, secondly above mentioned passed as aforesaid
 “ in the first year of His said late Majesty *William* the Fourth,
 “ which said second section is in the words following, to wit :—
 “ ‘ And be it further Enacted by the authority aforesaid, that
 “ every person owning or claiming to own any landed or
 “ immoveable property whatsoever, situate within any of the
 “ said Counties of *Drummond, Sherbrooke, Stanstead, Shef-*
 “ *ford* and *Missisquoi*, by virtue of any Act or Deed in Law,
 “ or instrument in writing, executed before the passing of the
 “ Act herein cited and amended, except the Letters Patent
 “ of His Majesty, shall before the first day of May, one thou-
 “ sand eight hundred and thirty-two, enregister the same in
 “ the Registry Office of the County in which such land or
 “ immoveable property shall be situate, and every such legal
 “ instrument, which shall not be so enregistered, shall be
 “ utterly void, and of no effect whatsoever against subsequent
 “ purchasers for a valuable consideration ;’ but that the said
 “ section of the said Act, from and after the first day of May
 “ next, shall expire and cease to have any force or effect
 “ whatsoever.’ ”

The Council divided on the proposed amendment.

FOR THE AMENDMENT.

Messrs. *Pothier.*
Stuart.
M^cGill.
Gerrard.
Quesnel.
Christie.
Walker.
Mayrand.
Knoulton.
Joseph Dionne.

AGAINST THE AMENDMENT.

Messrs. *Joliette.*
De Rocheblave.
Neilson.
Faribault.
Penn.

So the amendment was carried in the affirmative.

On motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *Pothier*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 4, line 19—After “ Province,” insert, “ intituled an Act to amend an Act

“ passed in the eleventh year of the Reign of His late Majesty,
 “ intituled, ‘ An Act to establish Registry Offices in the Counties
 “ of *Drummond, Sherbrooke, Stanstead, Shefford* and *Missis-*
 “ *quoi*, and to extend the provisions of the said Acts,’ save and
 “ except the second section of the said last mentioned Act.”

Page 5, line 11—Fill up the blank with the words, “ First day of November,
 “ which will be in the year of Our Lord, one thousand eight
 “ hundred and forty-two.”

Title.—Strike out all the words after “ continue,” and insert, “ certain
 “ Acts of the Legislature of this Province, relating to the esta-
 “ blishment of Registry Offices.”

On motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *Pothier*,

ORDERED, That the said Ordinance, as amended, be fairly written,

According to order, the Council resumed the discussion on an Ordinance to conti-
 nue a certain Act therein mentioned, (Transportation of Convicts.)

On motion of Mr. *Walker*, seconded by the Honble. Mr. *Stuart*,

ORDERED, That the following amendments be made to the said Ordinance.

Preamble—Strike out all the words from “ whereas ” inclusive, in the third
 line of the first page, to the word “ and,” also inclusive, in the
 sixteenth line of the second page.

Page 2, lines 18 and 19—Strike out “ Legislative Council and Assembly,” and insert,
 “ Legislature.”

“ “ “ 19—Strike out “ said.”

“ 3, “ 12 and 13—Strike out “ the Governor of the said Province of *Lower*
 “ *Canada*,” and insert, “ the Administrator of the Government
 “ of this Province authorized to execute the Commission of
 “ the Governor thereof.”

“ “ “ 15—Strike out “ *Lower Canada*,” and insert, “ the said Province.”

“ “ “ 17 and 18—Strike out “ the before mentioned,” and insert, “ an.”

“ “ “ 20—After “ *Ireland*,” insert, “ passed in the first year of the Reign
 “ of Her present Majesty.”

Page 4, lines 5 and 6—Strike out “Legislative Council and Assembly,” and insert,
“Legislature.”

“ “ “ 18—Fill up the blank with the words, “first day of November,
“ which will be in the year of Our Lord, one thousand eight
“ hundred and forty-two.”

Title—After “mentioned,” insert, “intituled ‘An Act for the Transpor-
“ tation of certain Offenders from this Province to *England*,
“ to be thence again Transported to *New South Wales* or *Van*
“ *Diemen’s Land.*’”

On motion of Mr. *Walker*, seconded by the Honble. Mr. *Stuart*,

ORDERED, That the said Ordinance, as amended, be fairly written.

The order of the day being read, for the discussion on an Ordinance to continue a certain Act therein mentioned, (Lessors and Lessees.)

On motion of Mr. *Quesnel*, seconded by Mr. *Penn*,

RESOLVED, That the discussion on this Ordinance be postponed till the next sitting day.

The order of the day being read, for the discussion on an Ordinance to continue a certain Act therein mentioned, (Seamen’s Wages.)

On motion of Mr. *Walker*, seconded by Mr. *Penn*,

RESOLVED, That the discussion on this Ordinance be postponed till the next sitting day.

The order of the day being read, for the discussion on an Ordinance to authorize the appointment of Commissioners to investigate the claims of certain Loyal Inhabitants of this Province for losses sustained during the late unnatural Rebellion.

On motion of Mr. *Penn*, seconded by the Honble. Mr. *M^cGill*,

RESOLVED, That the discussion on this Ordinance be postponed till the next sitting day.

Then on motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Pothier*,

The Council adjourned.

TUESDAY, 24TH APRIL, 1838.

PRESENT.

The Honble. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

Stuart.

M. Gill.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Quesnel.

Christie.

Walker.

Faribault.

Molson.

Mayrand.

Knoulton.

Penn, and

Joseph Dionne.

PRAYERS.

According to order, the Council resumed the further discussion on an Ordinance to continue a certain Act therein mentioned, (Lessors and Lessees.)

On motion of the Honble. Mr. *Pothier*, seconded by Mr. *Quesnel*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 1, line 3—Strike out all the words after “whereas,” to the word “whereas” inclusive, in the fifteenth line of the second page.

“ 2, “ 16 and 17—Strike out “Legislative Council and Assembly,” and insert, “Legislature,”

“ “ “ 17—Strike out “said.”

“ 3, “ 11 and 12—Strike out “Governor of the said Province,” and insert, “the Administrator of the Government of this Province, “authorized to execute the Commission of the Governor “thereof.”

Page 3, lines 14 and 15—Strike out “*Lower Canada*,” and insert, “the said Province.”

“ “ “ 17—Strike out “the before mentioned Act of,” and insert, “an Act passed by.”

“ 4, “ 2—After “*Ireland*,” insert, “in the first year of the Reign of Her present Majesty.”

“ “ “ 7 and 8—Strike out “Legislative Council and Assembly,” and insert, “Legislature.”

“ “ “ 17—Fill up the blank with the words, “first day of May, one thousand eight hundred and thirty-nine.”

Title, “ 2—After “Act,” strike out, “therein mentioned,” and insert, “intituled an Act to regulate the exercise of certain Rights of Lessors and Lessees.”

On motion of the Honble. Mr. *Polhier*, seconded by Mr. *Quesnel*,

ORDERED, That the said Ordinance, as amended, be fairly written.

According to order, the Council resumed the further discussion on the Ordinance to continue a certain Act therein mentioned, (Seamen’s Wages.)

On motion of Mr. *Walker*, seconded by Mr. *Penn*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 1, line 3—Strike out all the words after “whereas,” to the word “whereas” inclusive, in the second line of the 3d page.

“ 3, “ 4—Strike out “Legislative Council and Assembly,” and insert, “Legislature.”

“ “ “ 5—Strike out “said.”

“ “ “ 18—Strike out “the Governor of the said Province of *Lower Canada*,” and insert, “the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof.”

“ 4, “ 4—Strike out “*Lower Canada*,” and insert, “the said Province.”

“ “ “ 6 and 7—Strike out “the before mentioned,” and insert, “an ”

“ “ “ 9—After “*Ireland*,” insert, “passed in the first year of the Reign of Her present Majesty.”

“ “ “ 15 and 16—Strike out “Legislative Council and Assembly,” and insert, “Legislature.”

Page 5, line 10—Fill up the blank with the words, “first of November, one thousand eight hundred and forty-two.”

Title, “ 2—After “mentioned,” insert, “intituled ‘An Act to provide less
“expensive means for the recovery of Wages due to Seamen
“of Vessels, belonging to or registered in this Province.’”

On motion of Mr. *Walker*, seconded by Mr. *Penn*,

ORDERED, That the said Ordinance, as amended, be fairly written.

According to order, the Council resumed the further discussion on an Ordinance to authorize the appointment of Commissioners to investigate the claims of certain Loyal Inhabitants of this Province for losses sustained during the late unnatural Rebellion.

On motion of Mr. *Penn*, seconded by Mr. *Walker*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 1, line 11—Strike out the words, “and other buildings,” and insert, “build-
“ings and other property and effects.”

“ “ “ 17 and 18—Strike out “Governor of the Province of *Lower Canada*,”
and insert, “Administrator of the Government of this Pro-
“vince, authorized to execute the Commission of the Gover-
“nor thereof.”

The Honble. Mr. *Neilson* moved, seconded by the Honble. Mr. *M^cGill*,

That the following amendment be made to the said Ordinance.

After “Rebellion,” at the end of the first clause, add the following words—“and also into the means which may be possessed by
“the parties who may have occasioned such losses, to indemnify
“the sufferers, and the legal recourse which the said sufferers
“may have against the said parties.”

The Council divided on the proposed amendment.

FOR THE AMENDMENT.

Messrs. *Stuart*.
M^cGill.
Joliette.
De Rocheblave.
Neilson.
Quesnel.
Faribault.
Mayrand.
Knoulton.
Joseph Dionne.

AGAINST THE AMENDMENT.

Messrs. *Pothier*.
Gerrard.
Christie.
Walker.
Molson.
Penn.

So the amendment was carried in the affirmative.

On motion of Mr. *Penn*, seconded by Mr. *Walker*,

ORDERED, That the said Ordinance, as amended, be fairly written.

According to order, the Council resumed the further discussion on an Ordinance, authorizing the repayment out of the monies in the hands of the Receiver General of this Province, of certain sums advanced from the Imperial Treasury.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 2, line 5—Strike out, "Governor of the said Province," and insert, "Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof."

" 5, " 3 and 4—Strike out, "Governor of Lower Canada," and insert, "Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof."

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*,

ORDERED, That the said Ordinance, as amended, be fairly written.

An Ordinance to continue a certain Act therein mentioned, (Emigrant Tax,) was, according to order, read a second time.

The Honble. Mr. *M^cGill* moved, seconded by Mr. *Penn*,

That this Ordinance be not now proceeded with.

The Council divided on the motion.

FOR THE MOTION.

Messrs. *Stuart*.

M^cGill.

Christie.

Penn.

AGAINST THE MOTION.

Messrs. *Pothier*.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Quesnel.

Walker.

Faribault.

Molson.

Mayrand.

Knoulton.

Joseph Dionne.

So the motion passed in the negative.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 1, line 3—Strike out all the words after “whereas,” to the word “whereas” inclusive, in the first line of the third page.

“ 3, “ 3 and 4—Strike out “Legislative Council and Assembly,” and insert, “Legislature.”

“ “ “ 4—Strike out “said.”

“ 4, “ 15, 16 and 17—Strike out “the Governor of the said Province of “*Lower Canada*,” and insert, “the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof.”

“ “ “ 19—Strike out “*Lower Canada*,” and insert, “the said Province.”

“ 5, “ 2 and 3—Strike out “the before mentioned,” and insert, “an.”

“ “ “ 5—After “*Ireland*,” insert, “passed in the first year of the Reign of Her present Majesty.”

“ “ “ 12—Strike out “Legislative Council and Assembly,” and insert, “Legislature.”

“ 6, “ 6—Fill up the blank with the words “first day of May, in the year “one thousand eight hundred and thirty-nine.”

Title—After “mentioned,” insert, “making provision for the assistance of Sick and Indigent Emigrants.”

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*,

ORDERED, That the said Ordinance, as amended, be fairly written.

An Ordinance for indemnifying persons, who, since the day of one thousand eight hundred and thirty seven, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason, or Treasonable Practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned, was, according to order, read a second time.

On motion of Mr. *Molson*, seconded by Mr. *Walker*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 3, line 19—Strike out “the Governor of the said Province of *Lower Canada*,” and insert, “the Administrator of the Government of this

“ Province, authorized to execute the Commission of the
“ Governor thereof.”

Page 4, lines 3 and 4—Strike out “ *Lower Canada*,” and insert, “ the said Province.”

“ 5, “ 9—Fill up the blank with the words, “ first day of October.”

Title—Fill up the blank with the words, “ first day of October.”

On motion of Mr. *Molson*, seconded by Mr. *Walker*,

ORDERED, That the said Ordinance, as amended, be fairly written.

An Ordinance to continue a certain Act therein mentioned, (Protested Bills on Exchange,) was, according to order, read a second time.

On motion of the Honble. Mr. *M'Gill*, seconded by Mr. *Gerrard*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 1, line 3—Strike out all the words after “ whereas,” to the word “ whereas” inclusive, in the eighteenth line of the second page.

“ 2, “ 19—Strike out “ Legislative Council and Assembly,” and insert, “ Legislature.”

“ 3, “ 1—Strike out “ said.”

“ 4, “ 2 and 3—Strike out “ Governor of the said Province of *Lower Canada*,” and insert, “ Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof.”

“ “ “ 6—Strike out “ *Lower Canada*,” and insert, “ the said Province.”

“ “ “ 8 and 9—Strike out “ the before mentioned Act of,” and insert, “ An Act passed by.”

“ “ “ 11—After “ *Ireland*,” insert, “ in the first year of the Reign of Her present Majesty.”

“ “ “ 17 and 18—Strike out “ Legislative Council and Assembly,” and insert, “ Legislature.”

“ 5, “ 17—Fill up the blank with the words “ first day of November, one thousand eight hundred and forty-two.”

Title—After “ mentioned,” insert, “ relating to Protested Bills of Exchange.”

On motion of the Honble. Mr. *M'Gill*, seconded by Mr. *Gerrard*,

ORDERED, That the said Ordinance, as amended, be fairly written.

Then on motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*,

The Council adjourned.

WEDNESDAY, 25TH APRIL, 1838.

PRESENT.

The Honble. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

Stuart.

M^r Gill.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Quesnel.

Christie.

Walker.

Faribault.

Molson.

Mayrand.

Knoulton.

Penn, and

Joseph Dionne.

PRAYERS.

Colonel *Rowan*, Civil Secretary to His Excellency the Administrator, was admitted in the Council Chamber, and delivered to the Presiding Member two Messages from His Excellency.

And then he withdrew.

And the said Messages were read by the Presiding Member, and are as follows :—

J. COLBORNE,

Administrator.

The Administrator of the Government transmits herewith, for consideration and adoption by the Special Council, a proposed Ordinance for continuing certain Acts

relating to the District of *Saint Francis*. And another for making provision for the Civil Expenditure of the Provincial Government from the 1st of April, 1837, to the 10th of April, 1838, together with the Estimates on which it is founded, as prepared by the Inspector General of Accounts.

GOVERNMENT HOUSE, }
Montreal, 25th April, 1838. }

J. COLBORNE,
Administrator.

With reference to the accompanying Documents, the Administrator of the Government suggests, for the consideration of the Special Council, whether an Ordinance in conformity with the Imperial Act 1 *Victoria*, Cap. 9, might not be passed to authorize such sums to be granted in aid, and for the relief of several Public Institutions, and for the repair of Public Works, as may appear to the Special Council to be immediately required to promote the interests of the Province.

GOVERNMENT HOUSE, }
Montreal, 25th April, 1838. }

An Ordinance to make provision for defraying the Civil Expenditure of the Provincial Government, from the first day of April, 1837, to the tenth April, 1838, was read for the first time.

On motion of Mr. *Walker*, seconded by the Honble. Mr. *Neilson*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

An Ordinance for continuing certain Acts relating to the District of *Saint Francis*, was read for the first time.

On motion of Mr. *Knoulton*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

On motion of Mr. *Penn*, seconded by Mr. *Walker*,

RESOLVED, That such part of His Excellency's Message, as relates to the repair of Public Works, be taken into consideration to-morrow.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M^cGill*,

RESOLVED, That such part of the Message of His Excellency which suggests grants in favour of several Public Institutions, be taken into consideration to-morrow.

Then on motion of the Honble. Mr. *M^cGill*, seconded by the Honble. Mr. *Stuart*.

The Council adjourned.

THURSDAY, 26TH APRIL, 1838.

PRESENT.

The Honble. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

Stuart.

M^cGill.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Quesnel.

Christie.

Walker.

Faribault.

Molson.

Mayrand.

Knoulton.

Penn, and

Joseph Dionne.

PRAYERS.

His Excellency the Administrator of the Government having entered the Council Chamber, he took his seat at the head of the table.

On motion of Mr *Quesnel*, seconded by Mr. *Walker*,

ORDERED, That an Ordinance to continue a certain Act therein mentioned, making provision for the assistance of Sick and Indigent Emigrants, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of the Honble. Mr. *Stuart*, seconded by Mr. *Knoulton*,

ORDERED, That an Ordinance to continue certain Acts of the Legislature of this Province relating to the Establishment of Registry Offices, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of Mr. *Quesnel*, seconded by Mr. *Walker*,

ORDERED, That an Ordinance to continue a certain Act intituled, “ An Act to regulate the exercise of certain rights of Lessors and Lessees,” be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of Mr. *Walker*, seconded by Mr. *Penn*,

ORDERED, That an Ordinance to continue a certain Act therein mentioned, intituled, “ An Act to provide less expensive means for the recovery of Wages due to Seamen of vessels belonging to or registered in this Province,” be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

{ It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of Mr. *Penn*, seconded by Mr. *Walker*,

ORDERED, That an Ordinance to authorize the appointment of Commissioners to investigate the claims of certain Loyal Inhabitants of this Province for losses sustained during the late Unnatural Rebellion, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of Mr. *Walker*, seconded by Mr. *Penn*,

ORDERED, That an Ordinance to continue a certain Act therein mentioned, intitled, “ An Act for the transportation of certain Offenders from this Province to *England*, to be thence again transported to *New South Wales* or *Van Diemen's Land*,” be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of the Honble. Mr. *M' Gill*, seconded by Mr. *Gerrard*,

ORDERED, That an Ordinance to continue a certain Act therein mentioned, relating to Protested Bills of Exchange, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

His Excellency then withdrew.

The Honble. Mr. *Cuthbert* resumed the Chair.

An Ordinance to make provision for defraying the Civil Expenditure of the Provincial Government, from the first day of April, 1837, to the tenth April, 1838, was, according to order, read a second time.

On motion of Mr. *Walker*, seconded by the Honble Mr. *Neilson*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 2, line 1—Strike out “Governor of this Province,” and insert, “Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof.”

“ “ “ 2—Strike out, “of the majority.”

On motion of Mr. *Walker*, seconded by the Honble. Mr. *Neilson*,

ORDERED, That the said Ordinance, as amended, be fairly written.

An Ordinance for continuing certain Acts relating to the District of *Saint Francis*, was, according to order, read a second time.

On motion of Mr. *Knoulton*, seconded by the Honble. Mr. *Stuart*,

RESOLVED, That the discussion on this Ordinance be adjourned till to-morrow, at the meeting of the Council.

The orders of the day, for taking into consideration such parts of His Excellency's Message of yesterday, as relates to the repair of Public Works, and which suggests grants in favour of several Public Institutions, being read,

On motion of Mr. *Penn*, seconded by the Honble. Mr. *Neilson*,

RESOLVED, That an Humble Address be presented to His Excellency the Administrator of the Government, thanking him for his Message of the twenty-fifth instant, relating to sums to be granted in aid and for the relief of several Public Institutions, and for the repairs of Public Works; and assuring His Excellency, that the Council will most respectfully take into consideration any Ordinance, or Ordinances, that may be proposed for their adoption, for the aforesaid purposes.

ORDERED, That the Honbles. Messrs. *Pothier* and *Stuart* do wait on His Excellency the Administrator of the Government with the said Address.

Then on motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Stuart*,
The Council adjourned.

FRIDAY, 27TH APRIL, 1838.

PRESENT.

The Hon. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

Stuart.

M. Gill.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Quesnel.

Christie.

Walker.

Faribault.

Molson.

Mayrand.

Knoulton.

Penn, and

Joseph Dionne.

PRAYERS.

Thomas Austin, Esquire, having previously taken the prescribed Oath, and subscribed the Roll containing the same, took his seat at the Council Table.

The Honble. Mr. *De Rocheblave* moved to resolve, seconded by the Honble. Mr. *Joliette*,

That all the proceedings of the Council be entered on the Journals, in the English and French languages.

ORDERED, That the consideration of the said motion be postponed until to-morrow.

According to order, the Council resumed the discussion on an Ordinance for continuing certain Acts relating to the District of *Saint Francis*.

On motion of the Honble. Mr. *Stuart*, seconded by Mr. *Knoulton*,

ORDERED, That the following amendments be made to the said Ordinance.

Preamble—Strike out all the words from “whereas” inclusive in the sixth line of the first page, to the word “and” also inclusive in the fifteenth line of the second page.

Page 2, line 15—Strike out “further.”

- “ “ “ 17 and 18—Strike out “Provincial Legislature of *Lower Canada*,” and insert, “Legislature of this Province.”
- “ “ “ 21 and 22—Strike out “Governor of *Lower Canada*,” and insert, “Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof.”
- “ 3, “ . 1—Strike out “*Lower Canada*,” and insert, “the said Province.”
- “ “ “ 3 and 4—Strike out “the before mentioned,” and insert, “an.”
- “ “ “ 6—After “*Ireland*,” insert, “passed in the first year of the Reign of “Her present Majesty.”
- “ “ “ 16—Strike out all the words after “Majesty,” to the word “to” inclusive in the nineteenth line of the fifth page, and insert the following: “King *George* the Fourth, intituled, ‘An Act to erect “certain Townships therein mentioned into an Inferior District, “to be called the Inferior District of *Saint Francis*, and to establish Courts of Judicature therein;’ and a certain other “Act of the same Legislature, made and passed in the eleventh “year of the Reign of His said late Majesty King *George* the “Fourth, intituled, ‘An Act to continue further for a limited “time a certain Act passed in the third year of His Majesty’s “Reign, intituled, ‘An Act to erect certain Townships therein “mentioned into an Inferior District, to be called the Inferior “District of *Saint Francis*, and to establish Courts of Judica-

“ ture therein, and to make further provision for the due
 “ Administration of Justice in the said Inferior District ;’ and
 “ a certain other Act of the same Legislature, made and passed
 “ in the second year of the Reign of His late Majesty King
 “ *William* the Fourth, intituled, ‘An Act to make further pro-
 “ vision with regard to Appeals from the Provincial Court of
 “ the Inferior District of *Saint Francis*, to establish Circuits
 “ therein, and to extend the benefit of Trial by Jury to the
 “ said Inferior District ;’ and also a certain other Act of the
 “ same Legislature, made and passed in the third year of the
 “ Reign of His late Majesty King *William* the Fourth, intituled,
 “ ‘An Act further to continue for a limited time, and to amend
 “ a certain Act therein mentioned, relating to the Inferior
 “ District of *Saint Francis*,’ shall, with such amendments as
 “ may have been made to the same respectively, be held, taken
 “ and considered to have been, and to have continued to be
 “ in full force and virtue, from the times of passing the same
 “ respectively, to the present time, and shall be, continue, and
 “ remain in full force and virtue until.”

Title, line 1—Strike out “ further.”

“ “ 3 and 4—Strike out “ Provincial Legislature of *Lower Canada*,” and
 insert, “ Legislature of this Province.”

On motion of the Honble. Mr. *Stuart*, seconded by Mr. *Knoulton*,

ORDERED, That the said Ordinance, as amended, be fairly written.

The Honble. Mr. *Pothier* reported that the Honble. Mr. *Stuart* and himself, had, according to order, waited on His Excellency the Administrator of the Government, with the Address of this Council of yesterday, and that His Excellency had been pleased to receive the same graciously.

Colonel *Rowan*, Civil Secretary to His Excellency the Administrator, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as follows :—

J. COLBORNE,

Administrator.

The Administrator of the Government transmits herewith for consideration

and adoption by the Special Council, two proposed Ordinances for establishing an efficient system of Police in the Districts of *Quebec* and *Montreal*.

GOVERNMENT HOUSE, }
Montreal, 27th April, 1838. }

An Ordinance for establishing an efficient system of Police in the District of *Quebec*, was read for the first time.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Pothier*,

ORDERED, That the said Ordinance be read a second time at the next sitting day.

An Ordinance for establishing an efficient system of Police in the District of *Montreal*, was read for the first time.

On motion of the Honble Mr. *Stuart*, seconded by Mr. *Quesnel*,

ORDERED, That the said Ordinance be read a second time at the next sitting day.

Then on motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *M'Gill*,

The Council adjourned.

SATURDAY, 28TH APRIL, 1838.

PRESENT.

The Honble. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

Stuart.

M'Gill.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Quesnel.

Christie.

Walker.

Faribault.

Molson.

Mayrand.
Knoulton.
Penn.
Joseph Dionne, and
Austin.

PRAYERS.

The order of the day, being read, for taking into consideration a motion made yesterday by the Honble Mr. *De Rocheblave*, viz:—"That all the proceedings of this Council be entered on the Journals in the English and French languages—"

The Presiding Member informed the Council, that having had an interview with His Excellency the Administrator, on the subject of the said motion, His Excellency had been pleased to say, that directions had been given to the Government Translator, to translate the proceedings of the Council in the French language, and that they would be printed in both languages.

His Excellency the Administrator of the Government having entered the Council Chamber, he took his seat at the head of the table.

On motion of Mr. *Molson*, seconded by Mr. *Penn*,

ORDERED, That an Ordinance for indemnifying persons, who, since the first day of October, one thousand eight hundred and thirty seven, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of High Treason or Treasonable Practices, and in the suppression of Unlawful Assemblies, and for other purposes therein mentioned, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

"That this Ordinance do now pass"

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto by the Secretary of the Province.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*,

ORDERED, That an Ordinance authorizing the repayment out of the monies in the hands of the Receiver General of this Province, of certain sums advanced from the Imperial Treasury, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass ”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto by the Secretary of the Province.

On motion of Mr. *Walker*, seconded by the Honble. Mr. *Neilson*,

ORDERED, That an Ordinance to make provision for defraying the Civil Expenditure of the Provincial Government from the first day of April, one thousand eight hundred and thirty-seven, to the tenth day of April, one thousand eight hundred and thirty-eight, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass ”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of the Honble. Mr. *Stuart*, seconded by Mr. *Knoulton*,

ORDERED, That an Ordinance to continue, for a limited time, certain Acts of the Legislature of this Province, relative to the District of *Saint Francis*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass ”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

His Excellency then withdrew.

The Honble. Mr. *Culbert* resumed the Chair.

The Presiding Member informed the Council, that His Excellency had been pleased to put in his hands, two Messages, which he read, and are as followeth :

J. COLBORNE,

Administrator.

With reference to the statement contained in the accompanying Petition from the President and Directors of the Bank of *Montreal*, the Administrator of the Government transmits to the Special Council for consideration a proposed Ordinance to incorporate certain persons therein named, under the name of the President, Directors and Company of the Bank of *Montreal*.

GOVERNMENT HOUSE, }
Montreal, 28th April, 1838. }

The Petition referred to in the preceding Message is as followeth :

To His Excellency Sir JOHN COLBORNE, Knight Grand Cross of the Most Honorable Military Order of the Bath, and of the Royal Hanoverian Order, Commander of Her Majesty's Forces in the Provinces of Lower and Upper Canada, and Administrator of the Government of the said Province of Lower Canada, &c. &c. &c.

The Petition of the Undersigned, all of the City of *Montreal*.

MOST RESPECTFULLY SHEWETH,

That by the twenty-fifth Chapter of the Act of the Parliament of this Province, passed in the first year of the Reign of His Majesty King *George* the Fourth, of blessed memory, certain persons therein named, including several of the undersigned, were incorporated by the name of "The President, Directors, and Company, of the Bank of *Montreal*," and by virtue thereof, carried on the business of Banking with much benefit to themselves and their fellow Stockholders, and they have reason to believe with equal, if not greater, advantage to the Community in general, and to the Agricultural and Commercial Classes in this City and District in particular, until the first day of June last, when the said Act, and one subsequently passed to amend and continue the same, expired.

That in anticipation of that event, the undersigned and others, in the month of March last, by certain Articles of Agreement, associated themselves together for the purpose of purchasing from the Stockholders of the said Incorporated Institution all their Interest therein, and of assuming and continuing the business, and to that end,

they subscribed a Capital of Five Hundred Thousand Pounds Currency, in Shares of Fifty Pounds each.

That having succeeded in their object of acquiring the property and interest of the Stockholders in the said Incorporated Institution, the undersigned, and their fellow Stockholders, assumed, and have hitherto continued the business under the same name, and they feel confident, with as much benefit to all classes as the peculiar circumstances of the times would admit of.

That about four-fifths of the amount of the subscribed Capital of the Association has been actually paid in.

That in the opinion of the Association, (of which the undersigned are the President and Directors,) their sphere of usefulness would be much enlarged, if the benefits of an Ordinance, or Act of Incorporation, somewhat similar to the expired one before mentioned, were extended to them, as they are assured that such an Act would tend generally to the restoration of mutual confidence, and to the revival of Agricultural and Commercial enterprise, which, by the events of the last few months, has received so severe a shock.

The undersigned therefore, on their own behalf, and on that of their fellow Stockholders in the said Association, most respectfully appeal to your Excellency, and pray that your Excellency will be pleased to propose to the Special Council appointed for the affairs of this Province, for their advice and consent, and, with their advice and consent, to ordain a Law incorporating the undersigned and their associates, for the purposes of Banking, with such privileges and immunities, and under such regulations and restrictions, as to your Excellency shall seem meet.

And, as in duty bound, your Petitioners will not cease to pray, &c. &c. &c.

Montreal, 25th April, 1838.

(Signed,) PETER MCGILL, *President.*
 JOSEPH MASSON, *Vice Pres.*
 CHAS. BROOKE.
 THOS. B. ANDERSON.
 JOS. SHUTER.
 JOHN M'PHERSON.
 JAS. LOGAN.
 J. REDPATH.
 JOHN MOLSON.
 JOHN TORRANCE.
 WM. LUNN.
 J. JAMIESON.

J. COLBORNE,

Administrator.

The Administrator of the Government transmits for the consideration of the Special Council a proposed Ordinance for preventing the mischiefs arising from the printing and publishing Newspapers, Pamphlets, and papers of a like nature by persons not known, and for regulating the printing and publication of such Newspapers, Pamphlets, and papers in other respects, being persuaded that the present state of the Province, and the efforts which disaffected persons have recently made to circulate Seditious Publications, require the passing of a Law of this description.

The Administrator transmits, also for consideration and adoption, an Ordinance to enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection.

GOVERNMENT HOUSE, }
Montreal, 28th April, 1838. }

An Ordinance to incorporate certain persons therein named, under the name of the President, Directors and Company of the Bank of *Montreal*, was read for the first time.

On motion of Mr. *Gerrard*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

An Ordinance for preventing the mischiefs arising from the printing and publishing Newspapers, Pamphlets, and papers of a like nature, by persons not known, and for regulating the printing and publication of such Newspapers, Pamphlets, and papers in other respects, was read for the first time.

On motion of Mr. *Walker*, seconded by Mr. *Penn*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

An Ordinance to enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection, was read for the first time.

On motion of the Honble. Mr. *De Rocheblave*, seconded by the Honble. Mr. *Joliette*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

An Ordinance to appropriate certain sums of money therein mentioned to the encouragement of Education in this Province, was read for the first time.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Stuart*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

An Ordinance for establishing an efficient system of Police in the District of *Quebec*, was, according to order, read a second time.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble Mr. *Stuart*,

RESOLVED, That the discussion on this Ordinance be adjourned till the next sitting day.

An Ordinance for establishing an efficient system of Police in the District of *Montreal*, was, according to order, read a second time.

On motion of the Honble. Mr. *Stuart*, seconded by Mr. *Quesnel*,

RESOLVED, That the discussion on this Ordinance be adjourned till the next sitting day.

Then on motion of the Honble. Mr. *De Rocheblave*, seconded by the Honble. Mr. *Pothier*,

The Council adjourned till Monday next.

MONDAY, 30TH APRIL, 1838.

PRESENT.

The Honble. *Mr. Cuthbert*, Presiding Member.

Messrs. *Pothier*.

Stuart.

M^r. Gill.

Joliette.

De Rocheblave.

Neilson.

Gerrard.

Quesnel.

Christie.

Walker.

Faribault.

Molson.

Mayrand.

Knoulton.

Penn.

Joseph Dionne, and

Austin.

PRAYERS.

The Honorables *Charles E. C. De Lery*, and *Amable Dionne*, and *Charles E. Casgrain*, Esquire, having previously taken the prescribed oath, and subscribed the Roll containing the same, took their seats at the Council Table.

An Ordinance to incorporate certain persons therein named, under the name of the President, Directors, and Company of the Bank of *Montreal*, was, according to order, read a second time.

On motion of the Honble. Mr. *M'Gill*, seconded by the Honble. Mr. *Neilson*,

RESOLVED, That the discussion on this Ordinance be adjourned till the next sitting day.

According to order, the Council resumed the discussion on the Ordinance for establishing an efficient system of Police in the District of *Quebec*.

On motion of the Honble. Mr. *Neilson*, seconded by Mr. *Quesnel*,

RESOLVED, That the further discussion on this Ordinance be postponed till Thursday next.

According to order, the Council resumed the discussion on the Ordinance for establishing an efficient system of Police in the District of *Montreal*.

On motion of the Honble. Mr. *Stuart*, seconded by Mr. *Quesnel*,

RESOLVED, That the further discussion on this Ordinance be postponed till Thursday next.

An Ordinance for preventing the mischiefs arising from the printing and publishing Newspapers, Pamphlets, and papers of a like nature by persons not known, and for regulating the printing and publication of such Newspapers, Pamphlets, and papers in other respects, was, according to order, read a second time.

On motion of Mr. *Walker*, seconded by the Honble. Mr. *M'Gill*,

RESOLVED, That the discussion on this Ordinance be postponed till the next sitting day.

Colonel *Rowan*, Civil Secretary to His Excellency the Administrator, was admitted in the Council Chamber, and delivered to the Presiding Member two Messages from His Excellency.

And then he withdrew.

And the said Messages were read by the Presiding Member, and are as followeth:—

J. COLBORNE,

Administrator.

The Administrator of the Government transmits to the Special Council a Petition

from the Committee of the *American Presbyterian Free School*, praying for pecuniary aid in support of the said School; and he suggests to the Council the expediency of providing aid for that Institution to the amount of One hundred pounds.

GOVERNMENT HOUSE, }
 Montreal, 30th April, 1838. }

The Petition referred to in the preceding Message, is as followeth, viz :—

PROVINCE OF }
 LOWER CANADA. }

To His Excellency Lieutenant General Sir JOHN COLBORNE,
 Knight of the Most Honorable Military Order of the Bath
 and of the Royal Hanoverian Guelphic Order, Commander
 of Her Majesty's Forces in the Provinces of Lower Cana-
 da and Upper Canada, and Administrator of the Govern-
 ment of the said Province of Lower Canada, &c. &c. &c.

The Petition of the Committee of the *American Presbyterian Free School*.

HUMBLY SHEWETH,

That in the month of April, 1836, a Free School for the instruction of the Poor, without distinction of religious sect or national origin, was commenced in this City under the denomination of the *American Presbyterian Free School*, and has since been supported at an expense of nearly two hundred and fifty pounds, by the voluntary contributions of a few friends of Education.

That during the two years of its existence, the School has afforded gratuitous instruction to more than four hundred children, of which number, two hundred and thirty-six were unable to read when admitted; the number of scholars now receiving gratuitous instruction, is ninety-one; the branches taught are reading, writing, arithmetic, and geography, with religious and moral instruction, at suitable times. The Committee have always endeavoured to secure teachers competent to the fulfilment of their important duties, on the score as well of intelligence as of unblemished morals and religious feelings, and with such success, that the School has become one of superior merit, and more applications for admission are made than can possibly be received.

That a limited number of benevolent individuals, hoping in this way to benefit the Country, have thus far made strenuous efforts to sustain the School, in the hope, from time to time, of receiving pecuniary aid from the Provincial Legislature, in the manner in which such aid has been usually extended to other institutions of a similar nature.

That the political situation of the Country for the last two years, in suspending all

legislation, has disappointed the expectations of the founders and supporters of the School, who, unable to incur permanently the heavy expense necessary for sustaining the Institution, will be obliged to discontinue or greatly diminish it, and thus deprive a large number of the children of the Poorer Classes of our Population of the means of instruction.

Wherefore your Excellency's Petitioners pray, that your Excellency will be pleased to take the subject of their petition into your favorable consideration, and by and with the advice and consent of your Special Council, will grant such pecuniary aid in support of the said School, as your Excellency may deem fit.

(Signed,) JNO. E. MILLS.	} <i>Committee.</i>
G. W. PERKINS.	
SAMUEL HEDGE.	
HENRY LYMAN.	

J. COLBORNE,
Administrator.

The Administrator of the Government transmits, for consideration and adoption of the Special Council, an Ordinance to appropriate certain sums of money therein mentioned for the encouragement of Agriculture.

An Ordinance to appropriate certain sums of money therein mentioned to the support of certain Charitable Institutions, and for other purposes.

GOVERNMENT HOUSE,
Montreal, 30th April, 1838. }

An Ordinance to appropriate certain sums of money therein mentioned for the encouragement of Agriculture, was read for the first time.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

An Ordinance to appropriate certain sums of money therein mentioned to the support of certain Charitable Institutions, and for other purposes, was read for the first time.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*,

ORDERED, That the said Ordinance be read a second time, at the next sitting day.

An Ordinance to enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection, was, according to order, read a second time.

On motion of the Honble. Mr. *De Rocheblave*, seconded by the Honble. Mr. *Pothier*,

ORDERED, That the following amendments be made to the said Ordinance :—

Page 1, line 19—Strike out “Governor of *Lower Canada*,” and insert, “Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof.”

“ “ “ 21—Strike out “*Lower Canada*,” and insert, “the said Province.”

Title, “ 1—After “enable the,” insert, “Governor, or person administering the.”

The Honble. Mr. *De Rocheblave* moved, seconded by the Honble. Mr. *Pothier*,

That the said Ordinance, as amended, be fairly written.

The Council divided on the motion.

FOR THE MOTION.

Messrs. *Pothier*.
De Lery.
M^cGill.
Joliette.
De Rocheblave.
Amable Dionne.
Gerrard.
Quesnel.
Christie.
Casgrain.
Walker.
Faribault.
Mayrand.
Knoulton.
Penn.
Joseph Dionne.
Austin.

AGAINST THE MOTION.

Mr. *Neilson*.

So the motion was carried in the affirmative, and

ORDERED, accordingly.

An Ordinance to appropriate certain sums of money therein mentioned to the encouragement of Education in this Province, was, according to order, read a second time.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *De Lery*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 1, line 11—Strike out “ Governor of *Lower Canada*,” and insert “ Administra-
tor of the Government of this Province, authorized to execute
“ the Commission of the Governor thereof.”

“ “ “ 14—Strike out “ *Lower Canada*,” and insert “ the said Province.”

“ 5, “ 24—After “ *Montreal*,” insert, “ and a further sum of One hundred
“ pounds currency to the Committee of the *American Presbyte-*
“ *rian* Free School at *Montreal*, as an aid in support of the said
“ School.”

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That the said Ordinance, as amended, be fairly written.

Then on motion of the Honble. Mr. *M'Gill*, seconded by the Honble. Mr. *Neilson*,

The Council adjourned.

TUESDAY, 1ST MAY, 1838.

PRESENT.

The Honble. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

De Lery.

Stuart.

M'Gill.

Joliette.

De Rocheblave.

Neilson.

Amable Dionne.

Gerrard.

Quesnel.

Christie.

Casgrain.

Walker.

Faribault.

Molson.

Mayrand.
Knoulton.
Penn, and
Joseph Dionne.

PRAYERS.

According to order, the Council resumed the discussion on an Ordinance to incorporate certain persons therein named, under the name of the President, Directors, and Company of the Bank of *Montreal*.

On motion of the Honble. Mr. *M' Gill*, seconded by the Honble. Mr. *Neilson*,

ORDERED, That the following amendment be made to the said Ordinance:—

Page 22, line 13—After “prescribed,” insert the following proviso, “Provided always that the said Corporation hereby ordained, constituted, and declared, shall assume and pay, and be held bound and liable to pay, all and every the notes in circulation, and all other the debts and liabilities of the Corporation, created and continued by the Acts of the Parliament of this Province here-in before mentioned, passed in the first and in the tenth and eleventh years of the Reign of His Majesty King *George* the Fourth; and also all and every the notes in circulation, and all other the debts and liabilities of the Association herein before mentioned, which, on the first day of June last, assumed and continued the business of the said Corporation, created and continued to that day by the said Acts. And the said Corporation, by this Ordinance, ordained, constituted, and declared to be a corporate body by the name aforesaid, shall be, and they are hereby authorized and empowered in the name aforesaid, to demand, recover, have, and receive, all the debts remaining due and owing to the said Corporation, which expired on the first day of June last, and to the said Association which assumed and carried on the business thereof as aforesaid, in like manner as if the said debts were due and owing to the said Corporation hereby ordained and constituted.”

On motion of the Honble. Mr. *M' Gill*, seconded by the Honble. Mr. *Neilson*,

ORDERED, That the said Ordinance, as amended, be fairly written.

According to order, the Council resumed the discussion on an Ordinance for preventing the mischiefs arising from the printing and publishing Newspapers, Pamphlets, and papers of a like nature, by persons not known, and for regulating the printing and publication of such Newspapers, Pamphlets, and papers in other respects.

On motion of Mr. *Walker*, seconded by the Honble Mr. *M'Gill*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 1, line 14—Strike out, “the Governor of *Lower Canada*,” and insert, “the
“ Administrator of the Government of *Lower Canada*, authorized
“ to execute the Commission of the Governor thereof.”

“ 2, “ 2—Fill up the blank with the word “ thirty.”

“ “ “ 9—After “ Newspaper,” insert, “ or for the purpose of posting or ge-
“ neral circulation in detached pieces as such Newspapers.”

“ 6, “ 29—Fill up the blank with the word “ eight.”

“ 7, “ 17—Fill up the blank with the word “ twenty.”

“ 8, “ 15—Fill up the blank with the word “ five.”

“ 12, “ 18—Fill up the blank with the word “ twenty.”

“ 17, “ 25—After “ same,” insert the following clause: “ And be it further
“ Ordained and Enacted by the authority aforesaid, that this Or-
“ dinance shall continue and be in force until the first day of
“ November, which shall be in the year of our Lord, one thou-
“ sand eight hundred and forty, and no longer.”

Title, “ 5—Strike out from “ and” inclusive, to “ respect,” also inclusive in the
eighth line, and insert, “ and for other purposes.”

On motion of Mr. *Walker*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That the said Ordinance, as amended, be fairly written.

An Ordinance to appropriate certain sums of money therein mentioned for the
encouragement of Agriculture, was, according to order, read a second time.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 1, line 10—Strike out, “ Governor of *Lower Canada*,” and insert, “ Adminis-
“ trator of the Government of this Province, authorized to exe-
“ cute the Commission of the Governor thereof.”

“ “ “ 14—Strike out “ *Lower Canada*,” and insert, “ the said Province.”

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That the said Ordinance, as amended, be fairly written.

An Ordinance to appropriate certain sums of money therein mentioned to the sup-

port of certain Charitable Institutions and for other purposes, was, according to order, read a second time.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 1, lines 12 and 13—Strike out “Governor of *Lower Canada*,” and insert, “Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof.”

“ “ “ 16—Strike out “*Lower Canada*,” and insert, “the said Province.”

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That the said Ordinance, as amended, be fairly written,

The Council was adjourned during pleasure.

After some time the Council was resumed.

Colonel *Rowan*, Civil Secretary to His Excellency the Administrator, was admitted in the Council Chamber, and delivered to the Presiding Member two Messages from His Excellency.

And then he withdrew.

And the said Messages were read by the Presiding Member, and are as followeth :

J. COLBORNE,
Administrator,

The Administrator of the Government transmits to the Special Council, for consideration and adoption,

An Ordinance to provide for the better defence of this Province, and to regulate the Militia thereof.

An Ordinance to authorize the Commissioners appointed under a certain Act of the Legislature of this Province therein mentioned, to borrow a further sum of money to be applied to the improvement and enlargement of the Harbour of *Montreal*, and for other purposes.

An Ordinance to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein, to escape from Justice.

GOVERNMENT HOUSE, }
Montreal, 1st May, 1838. }

J. COLBORNE,
Administrator.

The Administrator of the Government transmits to the Special Council the accompanying applications from the Merchants, Traders, and other Inhabitants of *Montreal*, and the President and Directors of the Bank of *Montreal*, and the City Bank, praying that the Chartered Banks may be authorized to suspend specie payments conditionally, and also a Petition from the Local Directors and Manager of the Bank of *British North America*, praying that an Ordinance may be passed granting them certain powers.

The Administrator, without recommending the adoption of any of these proposals or suggestions of the Banks, requests that the Special Council will take the matter into consideration, and will be glad to have their opinion how far the interests of the Province require that the several Banks should be protected by the adoption of the measures proposed in these documents.

GOVERNMENT HOUSE, }
Montreal, 1st May, 1838. }

The documents referred to in the preceding Message are as followeth :—

PROVINCE OF }
LOWER CANADA. }

*To His Excellency Lieutenant General Sir JOHN COLBORNE,
Knight Grand Cross of the Most Honorable Military Order
of the Bath, Administrator of the Government of Her Ma-
jesty's Province of Lower Canada, &c. &c. &c. &c.*

**The Memorial of the undersigned Merchants, Traders, and other
Inhabitants of the City of *Montreal*.**

MOST RESPECTFULLY SHEWETH,

That in the early part of the month of May last year, the Banking Institutions in the *United States* universally suspended the payment of their notes in specie.

That with a view to prevent the withdrawal of specie from this Province for sale in the *United States*, where it, immediately after the suspension by the Banks there, bore a high premium, and thus to counteract the disastrous results which such operations must inevitably have occasioned to the trade and prosperity of this Province, Public Meetings of the Merchants and other Citizens of *Montreal* and *Quebec* were convened, at which it was unanimously resolved to solicit the Banks to suspend payments in specie until such period as the Banks in the *United States* should resume.

That the Banks in the Cities of *Montreal* and *Quebec* accordingly suspended pay-

ments in specie, and your Memorialists are satisfied, that the adoption of that measure, whilst it has injured no one, has been the means of saving the Province from Commercial disasters, which could not by any other means have been averted, as well as of preventing such an amount of distress and suffering amongst a portion of the population immediately dependant on the Mercantile body, as must necessarily have caused a large emigration of that class of persons so necessary to the prosperity of the Province.

That the lamentable effects that have flowed, from an ill-judged perseverance in an opposite policy in *Upper Canada*, are recognizable in the almost entire prostration there of the Commercial and Agricultural interests, and the depreciation in the value of real estate and of most marketable commodities.

That this state of things in *Upper Canada* has at last compelled its Legislature to enact, that the Chartered Banks within its limits be authorized to suspend payments in specie, which they have accordingly done.

That expectations have been for some time entertained, that the Banks in the *United States*, or at least those in the State of *New York*, would resume their payments in specie next month; but the recent proceedings of a Convention, held in the City of *New York*, render it certain that the resumption will not take place as was anticipated, it having been resolved that the adoption of that course, previous to the month of January next, would be attended with far spread ruin, and commercial embarrassment.

That under these circumstances, and taking moreover into consideration that the value of the principal gold and silver coins current in this Province, is, by the respective Laws of *Upper Canada* and the *United States*, fixed at a higher relative value to the specie dollar than they bear by Law in *Lower Canada*, a due regard for the Commercial and general prosperity of this Province, renders it imperiously necessary that the Banks should not resume specie payments.

Wherefore, your Memorialists most respectfully pray that your Excellency will be pleased to propose to the Special Council for the affairs of this Province, and with their consent and advice, by an Ordinance to render it lawful for the Chartered and Incorporated Banks, and the Bank of *British North America* in this Province, to suspend payments in specie for such a limited period as in your Excellency's wisdom and that of your Special Council may be deemed proper, and that the notes of these Banks be taken in payment of Custom House Duties.

And your Memorialists, as in duty bound, will ever pray.

Montreal, 28th April, 1838.

(114 signatures.)

To His Excellency Lieutenant General Sir JOHN COLBORNE,
Knight Grand Cross of the Most Honorable Military Order
of the Bath and of the Royal Hanoverian Guelphic Order,
Commander of Her Majesty's Forces in the Provinces of
Lower and Upper Canada, and Administrator of the Gov-
ernment of the said Province of Lower Canada, &c. &c. &c.

**The Petition of the undersigned, the President and Directors of the
Bank of Montreal.**

HUMBLY SHEWETH,

That for several years past, it has been found to be impracticable to retain in this Province any considerable amount of British gold and silver coins, in consequence of the Laws of the *United States* and of *Upper Canada*, having established for them in those countries a higher current value, than that which has been given to them by Law in this Province, and that the supply of other or foreign gold and silver coins, legally current here, has long been inadequate to the wants of the community.

That in the spring of last year, the Banks of the *United States* suddenly suspended the redemption of their notes in specie, which caused a further enhancement of the value of gold and silver coins of all descriptions, Foreign as well as British, so much so, as to render it an object of speculation to export the small amount of gold and silver coins in this Province, to the great commercial marts in the neighbouring States, where it was sure to command a high premium.

That at that time a large proportion of all the specie in the Province, (except that belonging to Government,) was in the Vaults of the Banks, and an immediate demand of the redemption of their notes in circulation was threatened, and even commenced by speculators, and also by many holders of notes who became alarmed at an aspect which appeared to them to threaten the ruin of all the Banking Institutions of the Country.

That in this crisis, and in the absence of any efficient Legislature, Public Meetings were held in *Montreal* and *Quebec*, and they resulted in unanimous recommendations to the Banks, to save themselves and the public generally, from the impending ruin, by adopting the same measure as that which had been so suddenly commenced in the *United States*. Upon these recommendations, the Banks of the Province suspended all payments, in specie, and have ever since continued to do so.

That as this was done at a time when the Banks had ample supplies of specie in their Vaults, the confidence of the public in their ability to redeem their notes, whenever a return to the old order of things in the neighbouring States should put it in their power to do so with safety, remained, and it still remains unshaken. The inconvenience suffered in consequence of the suspension has been of comparatively small amount, and little or none of the commercial distress in the Province can be traced to

that event as its source, thus affording a strong contrast to the Province of *Upper Canada*, where the pursuit of an opposite policy, has been followed by restricted trade, much distress, weakened confidence in the Banking Institutions, and finally a compulsory resort to the very measure which the Legislature and people of the Province scorned to adopt in the first instance, as involving a breach of a great principle of national honour.

That although a partial resumption of payments in specie has recently been effected by a few of the Banks in the City of *New York*, it is of very trifling extent, and is in opposition to the opinion expressed at a Convention of Delegates from the principal Banks in the Northern, Eastern, and Western States, lately assembled in that city, namely, that the Banks generally cannot safely resume the redemption of their notes in specie before the first of October next, and perhaps not before the first of January next.

That while this state of things continues in the *United States*, the same causes which forced the Banks here to suspend payments in specie, imperatively urge them to continue to do so.

That notwithstanding the continued and, your Petitioners sincerely believe, well deserved confidence of the public in the stability of the Banks of this Province generally, your Petitioners conceive that it would be more satisfactory to all parties, if the suspension of payments in specie, were continued under the authority of Legislative enactment, whereby, on the one hand, the public would be guarded against any diminution of security, and on the other, the Banks would be shielded from the malevolent or ill-advised attacks of litigious individuals.

Your Petitioners therefore, trusting that the subject may be deemed worthy of serious consideration, humbly pray that your Excellency will be pleased, with the advice and consent of the Special Council for the affairs of this Province, to pass such an Ordinance or Law, as shall meet the exigencies of the case, and as your Excellency, in your wisdom, shall deem meet.

And your Petitioners will ever pray.

(Signed,) P. M'GILL, *President*,
CHA. BROOKE,
J. JAMIESON,
JOS. SHUTER,
W. LUNN,
J. MACPHERSON,
J. LOGAN,
JNO. MOLSON,
JOHN TORRANCE,
J. REDPATH.
THOMAS B. ANDERSON.

PROVINCE OF }
 LOWER CANADA. }

To His Excellency Lieutenant General Sir JOHN COLBORNE,
 Knight Grand Cross of the Most Honorable Military Order
 of the Bath and of the Royal Hanoverian Guelphic Order,
 Commander of Her Majesty's Forces in the Provinces of
 Lower Canada and Upper Canada, and Administrator of
 the Government of the said Province of Lower Canada,
 &c. &c. &c.

**The Petition of the President and Directors of the City Bank, incor-
 porated by Royal Charter.**

HUMBLY SHEWETH,

That the said Bank, in common with other Banks in this Province, has for some time past suspended payment in specie.

That such suspension, rendered necessary by the pecuniary difficulties existing in the adjoining *United States*, and the universal stoppage of specie payments by the Banks in that country, was adopted, in compliance with a strong and unanimous expression of public opinion, in order to prevent a total withdrawal of the precious metals from this Province, and the most disastrous consequences to its commercial interests.

That the causes which first induced this measure have not yet ceased to operate, and your Excellency's Petitioners are desirous of obtaining Legislative sanction, as well for the past as for the future suspension of payments in specie by the said City Bank, (in common with other Banks in this Province,) so long as circumstances of a public nature may render it expedient.

Wherefore your Excellency's Petitioners humbly pray, that your Excellency will be pleased to take the subject of this their Petition into your favourable consideration, and, by and with the advice and consent of your Special Council, will pass an Ordinance for sanctioning the past suspension of payment in specie by the said City Bank, (in common with other Banks in this Province,) and for authorizing a continuance thereof for the future, in such manner and subject to such restrictions as your Excellency's wisdom may see fit to impose.

And your Petitioners, &c. &c. &c.

(Signed,) JOHN FROTHINGHAM, *President*,
 JAMES HENDERSON,
 JOSEPH VALLEE,
 J. G. MACKENZIE,
 D. P. ROSS,
 STANLEY BAGG,
 S. S. WARD,
 A. MILLER, *Vice President*.

To His Excellency Sir JOHN COLBORNE, G. C. B., Administrator of the Government of Lower Canada, &c. &c. &c.

The Petition of the undersigned, the Local Directors and Manager of the Bank of *British North America, Montreal.*

RESPECTFULLY SHEWETH,

That during the year 1836 a Company or Co-partnership was formed in *London*, with a Deed of Settlement duly executed and enrolled, under the name or firm of "The Bank of *British North America*," for the purpose of establishing and carrying on Banks of Issue and Deposit in various Cities and places in the *British* possessions of *North America*.

That the said Company now consists of several hundred members, resident in *Great Britain*, *Ireland*, and the *North American* Settlements and Colonies, including some of the most wealthy and experienced Merchants in the Metropolis and the country generally.

That the subscribed Capital of the said Company is One Million of Pounds Sterling, distributed into Twenty Thousand Shares of Fifty Pounds each, on which shares two-fifths of the amount (Four Hundred Thousand Pounds) have been actually paid.

That besides the above Capital, the public, in their dealings with the said Bank, have the joint and several security of all its Proprietors, every one of whom is personally liable for its obligation to the utmost limit of his ability or means.

That the said Company, almost immediately after its formation, obtained an Act of the Imperial Parliament, (VI. William IV.) intituled "An Act to enable the Proprietors or Shareholders of a Company called '*The Bank of British North America*,' "to sue and be sued in the name of any of the Directors, or of the Secretary for the "time being, of the said Company," but that the provisions of this Act extend only to the United Kingdom.

That besides Establishments at various other places—namely, at *Toronto*, *Halifax*, *St. Johns New Brunswick*, and *St. Johns Newfoundland*; two Branches of the above Bank have for some time been established in this Province—namely, at *Quebec* and *Montreal*.

That the object of your Petitioners, with respect to these latter, is to obtain of your Excellency, with the advice and consent of the Special Council, not a Charter, nor an Act of Incorporation, but an Act or Ordinance, similar in its provisions to the Act of the Imperial Parliament above mentioned, so as to secure to the public, not less than to the Company, the most ample protection of their property which the Legislature can afford.

That moreover, whereas Petitions have been prepared, and are intended to be presented to your Excellency, praying that your Excellency may be pleased, with the

advice and consent aforesaid, to pass an Act or Ordinance, authorizing the Chartered and Incorporated Banks of this Province to suspend, for a limited period, the redemption of their notes in specie; and whereas the reasons adduced in furtherance of such a measure, in behalf of the Chartered and Incorporated Banks, are of equal force with respect to the aforesaid Branches of the Bank of *British North America*—the causes alleged having operated to prevent the issue of their notes, and to restrain their discounts, by which means they would otherwise have been, and in future would be, enabled to afford more effectual relief to the wants of the community.

That, finally, whereas by an Act of the Legislature of this Province, (10 and 11 Geo. IV. c. 5,) the issuing of any Promissory Notes, by any other than Chartered or Incorporated Banks, of a lower denomination than five dollars, is prohibited under heavy penalties; and whereas, owing to the peculiar circumstances of this Province, which have appeared to justify, on the ground of necessity, an evasion of this enactment, its effect, as your Petitioners humbly conceive, has been to deteriorate rather than improve the currency; and whereas, nevertheless, the Bank of *British North America*, so long as it remains subject to the provisions of this Statute, will not allow itself to be impelled, either by public or private considerations, to do or attempt anything in contravention:

May it therefore please your Excellency, that taking the premises into your favourable consideration, your Excellency will be pleased to recommend to the Special Council:—*First*, The passing of an Act or Ordinance, granting to the Branches of the Bank of *British North America*, which are now or may be hereafter established in this Province, power to sue and be sued in the name of any one of their respective Directors or Public Officers: *Secondly*, The insertion of a clause in such Act or Ordinance excepting the said Branches from the above mentioned prohibitory enactment, so far as respects any issue of their notes not under one dollar: and *Thirdly*, That in any Act or Ordinance which may be passed for legalizing a suspension of specie payments by the other Banks of this Province, or any of them, special provision be made to include the said Branches of the Bank of *British North America*.

And your Petitioners, as in duty bound, will ever pray.

(Signed,)

AUSTIN CUVILLIER,
ALBERT FURNISS,
J. FERRIER,
WILLIAM EDMONDSTONE,
CHARLES SCOTT, *Manager*.

} *Local Directors.*

An Ordinance to provide for the better defence of this Province, and to regulate the Militia thereof, was read for the first time.

On motion of Mr. *Molson*, seconded by Mr. *Knoulton*,

ORDERED, That the said Ordinance be read a second time at the next sitting day.

An Ordinance to authorize the Commissioners, appointed under a certain Act of the Legislature of this Province therein mentioned, to borrow a further sum of money to be applied to the improvement and enlargement of the Harbour of *Montreal*, and for other purposes, was read for the first time.

On motion of Mr. *Penn*, seconded by Mr. *Quesnel*,

ORDERED, That the said Ordinance be read a second time at the next sitting day.

An Ordinance to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein, to escape from Justice, was read for the first time.

On motion of Mr. *Walker*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That the said Ordinance be read a second time at the next sitting day.

On motion of Mr. *Penn*, seconded by Mr. *Quesnel*,

RESOLVED, That an humble Address be presented to His Excellency the Administrator of the Government, thanking him for his Message of this day, relating to the Chartered Banks of this City, and of the Bank of *British North America*, and assuring His Excellency that the Council will most respectfully take into favourable consideration any Ordinance or Ordinances that may be proposed for their consideration for the aforesaid purposes.

ORDERED, That the Honbles. Messrs. *De Lery* and *M'Gill*, do wait on His Excellency the Administrator of the Government with the said Address.

Then on motion of Mr. *Walker*, seconded by the Honble. Mr. *Neilson*,

The Council adjourned.

WEDNESDAY, 2^D MAY, 1835.

PRESENT.

The Hon. Mr. *Cuthbert*, Presiding Member
Messrs. *Pothier*.
De Lery.

Stuart.
M^cGill.
Joliette.
De Rocheblave.
Neilson.
Amable Dionne.
Gerrard.
Quesnel.
Christie.
Casgrain.
Walker.
Faribault.
Molson.
Mayrand.
Penn.
Joséph Dionne, and
Austin.

PRAYERS.

The Honble. Mr. *De Lery* reported that the Honble. Mr. *M^cGill* and himself had, according to order, waited on His Excellency the Administrator of the Government with the Address of this House of yesterday, and that His Excellency was pleased to say, that he would lay before the Special Council an Ordinance to meet the purposes contained in the Petitions of the Chartered Banks.

An Ordinance to provide for the better defence of this Province, and to regulate the Militia thereof, was, according to order, read a second time.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That the following amendments be made to the said Ordinance:—

Page 1, line 15—Strike out “the Governor of *Lower Canada*,” and insert, “His Excellency the Administrator of the Government of the said Province, authorized to execute the Commission of the Governor thereof.”

“ “ “ 19—Strike out “Province of *Lower Canada*,” and insert, “said Province.”

“ 2, “ 10—Strike out “sixteen,” and insert, “eighteen.”

“ “ “ 17—After “or,” insert, “actually serving, or enrolled for service.”

Page 2, line 25—After “several,” insert, “cities, towns.”

“ 7, “ 6—After “time,” insert, “or times.”

“ “ “ 7—Strike out “of meeting.”

“ “ “ 14—After “time,” insert, “or times.”

“ “ “ 14 and 15—Strike out “of meeting.”

“ “ “ 19—Strike out “and of,” and insert, “or.”

“ “ “ 28—After “day,” insert, “or days.”

“ “ “ 44—Strike out from “for” inclusive, to “company,” also inclusive in the 46th line.

“ 8, “ 22—Strike out “sixteen,” and insert, “eighteen.”

“ 13, “ 7 and 8—After “June,” strike out “at two hours after sun rise,” and insert, “between the hours of eleven o'clock in the forenoon and “noon.”

“ “ “ 16—After “given,” insert, “and in the Cities of *Quebec* and *Montreal*, “and Town of *Three Rivers*, the said muster shall be held, at “seven o'clock in the morning.”

“ “ “ 16—Strike out from “and provided” inclusive, to the end of the clause.

“ 16, “ 22—After “ballot,” insert, “or commanded at the discretion of the “officer commanding the Battalion.”

“ 17, “ 4—After “out,” insert, “or commanded.”

“ 20, “ 21—After “invaded,” insert, “or in a state of insurrection.”

“ “ “ 28—After “invasion,” insert, “or insurrection.”

“ 21, “ 8—After “militia,” insert, “as also their baggage, effects, munitions “and implements of war.”

“ 22, “ 7—After “disobedience,” strike out, “to this Act.”

“ “ “ 9—Strike out “a superior,” and insert, “his,” and after “officer,” insert, “or officers.”

“ 24, “ 6—After “and,” insert, “forty and no longer.”

On motion of the Honble. Mr. *M^r Gill*, seconded by the Honble. Mr. *Neilson*,

ORDERED, That the following amendment be also made to the said Ordinance:—

Page 3, line 2—After “Assembly,” insert, “Members of the Special Council.”

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M^cGill*,
ORDERED, That the said Ordinance, as amended, be fairly written.

An Ordinance to authorize the Commissioners, appointed under a certain Act of the Legislature of this Province therein mentioned, to borrow a further sum of money to be applied to the improvement and enlargement of the Harbour of *Montreal*, and for other purposes, was, according to order, read a second time.

On motion of Mr. *Penn*, seconded by Mr. *Quesnel*,

RESOLVED, That the discussion on this Ordinance be postponed till next sitting day.

An Ordinance to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein, to escape from Justice, was, according to order, read a second time.

On motion of Mr. *Walker*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That the following amendments be made to the said ordinance :—

Page 1, lines 13 and 14—Strike out “Governor of *Lower Canada*,” and insert, “the
 “Administrator of the Government of this Province, authorized
 “to execute the Commission of the Governor thereof.”

“ 2, “ 2—Strike out “*Lower Canada*,” and insert, “the said Province.”

“ 3, “ 10—Fill up the blank with the words, “than six.”

“ 4, “ 1—Fill up the blank with the word “three.”

“ 6, “ 18—Fill up the blank with the word “three.”

“ 7, “ 16—Strike out “revise,” and insert, “reverse.”

On motion of Mr. *Walker*, seconded by the Honble. Mr. *M^cGill*,

ORDERED That the said Ordinance, as amended, be fairly written.

Colonel *Rowan*, Civil Secretary to His Excellency the Administrator, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :—

J. COLBORNE,
 Administrator.

The Administrator of the Government transmits to the Special Council, for consideration and adoption,

An Ordinance to enable the Proprietors or Shareholders of a Company, called the Bank of *British North America*, to sue and be sued in the name of any one or more of its Local Directors or Manager for the time being, and for other purposes therein mentioned.

An Ordinance to authorize the payment of certain monies, due by the Commissioners for the erection of a Common Gaol in the District of *Montreal*.

GOVERNMENT HOUSE, }
Montreal, 2d May, 1838. }

An Ordinance to enable the Proprietors or Shareholders of a Company, called the Bank of *British North America*, to sue and be sued in the name of any one or more of its Local Directors or Manager for the time being, and for other purposes therein mentioned, was read for the first time.

On motion of the Honble. Mr. *M^cGill*, seconded by the Honble. Mr. *De Lery*,

ORDERED, That the said Ordinance be read a second time at the next sitting day.

An Ordinance to authorize the payment of certain monies, due by the Commissioners for the erection of a Common Gaol in the District of *Montreal*, was read for the first time.

On motion of the Honble. Mr. *De Rocheblave*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That the said Ordinance be read a second time at the next sitting day.

Then on motion of the Honble. Mr. *M^cGill*, seconded by Mr. *Walker*,

The Council adjourned.

THURSDAY, 3D MAY, 1838.

PRESENT.

The Honble. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

De Lery.

Stuart.

M^cGill.

Joliette.

De Rocheblave.

Neilson.

Amable Dionne.
Gerrard.
Quesnel.
Christie.
Casgrain.
Walker.
Faribault.
Molson.
Mayrand.
Knoulton.
Penn.
Joseph Dionne, and
Austin.

PRAYERS.

According to order, the Council resumed the discussion on an Ordinance for establishing an efficient system of Police in the District of *Quebec*.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Stuart*,

RESOLVED, That the further discussion on this Ordinance be postponed till Wednesday next.

According to order, the Council resumed the discussion on an Ordinance for establishing an efficient system of Police in the District of *Montreal*.

On motion of the Honble. Mr. *Stuart*, seconded by the Honble. Mr. *Neilson*,

RESOLVED, That the further discussion on this Ordinance be postponed till Wednesday next.

According to order, the Council resumed the discussion on an Ordinance to authorize the Commissioners, appointed under a certain Act of the Legislature of this Province therein mentioned, to borrow a further sum of money to be applied to the improvement and enlargement of the Harbour of *Montreal*, and for other purposes.

Messrs. *Quesnel* and *Penn* then acquainted the Council that His Excellency the Administrator of the Government had authorized them to inform the Council, that His Excellency had no objection that the Council should insert in the said Ordinance such sum or sums of money, as they might deem necessary for the purposes contemplated by the Ordinance.

On motion of Mr. *Penn*, seconded by Mr. *Quesnel*,

ORDERED, That the following amendments be made to the said Ordinance.

- Page 2, lines 12 and 13*—Strike out “Governor of *Lower Canada*,” and insert, “Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof.”
- “ “ “ 16 and 17—Strike out “*Lower Canada*,” and insert, “the said Province.”
- “ 3, “ 13—After “borrow,” insert, “with the approbation and consent of His Excellency the Governor, or the Administrator of the Government of this Province for the time being.”
- “ “ “ 20—After “sum,” insert, “or sums of money.”
- “ “ “ 21—Fill up the blank with the words “in the whole forty thousand pounds.”
- “ 4, “ 5—After “purpose,” add the following clauses :—

CLAUSE A.

“ And be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful for the said Commissioners, from and after the passing of this Act, in the improvement and enlargement of the said Harbour of *Montreal*, to proceed to the entire execution of the plan of Captain *Piper*, of which mention is made in the second section of the aforesaid Act first above mentioned, and to the completion of all and every the works which may be necessary for such entire execution of the said plan.”

CLAUSE B.

“ And be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful for the said Commissioners, to carry on the level of Commissioners’ Street and the prolongation thereof according to the plan and level of Captain *Piper* hereinbefore mentioned, and from and out of the monies to be borrowed as aforesaid, to indemnify any proprietor or proprietors of buildings and dwellings, for any injury or damage which they may sustain in consequence of such alteration in the levels.”

- “ 3, “ 3—After “months,” insert, “of January.”
- “ “ “ 4—After “and,” insert, “of July.”
- “ “ “ 17—After “widening,” insert, “and prolonging.”
- 6, “ 8—Fill up the blank with the words “forty thousand pounds.”

Page 7, line 5—After “the,” insert, “fifteenth.”

“ “ “ 6—After “of,” insert, “December.”

On motion of Mr. *Penn*, seconded by Mr. *Quesnel*,

RESOLVED, That the further discussion on this Ordinance be postponed till the next sitting day.

Colonel *Rowan*, Civil Secretary to His Excellency the Administrator, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :—

J. COLBORNE,
Administrator.

The Administrator of the Government transmits to the Special Council, for consideration and adoption,

An Ordinance to authorize the Incorporated and Chartered and other Banks in this Province, to suspend the redemption of their notes in specie, for a limited time.

GOVERNMENT HOUSE, }
Montreal, 3d May, 1838. }

An Ordinance to authorize the Incorporated and Chartered and other Banks in this Province, to suspend the redemption of their notes in specie, for a limited time, was read for the first time.

On motion of Mr. *Penn*, seconded by the Honble. Mr. *De Lery*.

ORDERED, That the said Ordinance be read a second time at the next sitting day.

An Ordinance to enable the Proprietors or Shareholders of a Company, called the Bank of *British North America*, to sue and be sued in the name of any one or more of its Local Directors or Managers for the time being, and for other purposes therein mentioned, was, according to order, read a second time.

On motion of the Honble. Mr. *McGill*, seconded by Mr. *Walker*,

RESOLVED, That the discussion on this Ordinance be adjourned till next sitting day.

An Ordinance to authorize the payment of certain monies due by the Commissioners for the erection of a Common Gaol in the District of *Montreal*, was, according to order, read a second time.

On motion of the Honble. Mr. *De Rocheblave*, seconded by Mr. *Quesnel*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 2, line 1—Strike out “the Governor of *Lower Canada*,” and insert, “His Excellency the Administrator of the Government of the said Province, authorized to execute the Commission of the Governor thereof.”

“ “ “ 6—Strike out “Province of *Lower Canada*,” and insert, “the said Province.”

On motion of the Honble. Mr. *De Rocheblave*, seconded by Mr. *Quesnel*,

ORDERED, That the said Ordinance, as amended, be fairly written.

Then on motion of the Honble. Mr. *Pothier*, seconded by Mr. *Gerrard*,

The Council adjourned.

FRIDAY, 4TH MAY, 1838.

PRESENT.

The Honble. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

De Lery.

Stuart.

M. Gill.

Joliette.

De Rocheblave.

Neilson.

Dionne.

Gerrard.

Quesnel.

Christie.

Casgrain.

Walker.

Faribault.

Molson.

Mayrand.

Knoulton.

Penn, and

Austin.

PRAYERS.

His Excellency the Administrator of the Government having entered the Council Chamber, he took his seat at the head of the table.

On motion of the Honble. Mr. *M'Gill*, seconded by Mr. *Gerrard*,

ORDERED, That an Ordinance to Incorporate certain persons therein named, under the name of "The President, Directors, and Company of the Bank of *Montreal*," be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

"That this Ordinance do now pass."

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of the Honble. Mr. *De Rocheblave*, seconded by Mr. *Quesnel*,

ORDERED, That an Ordinance to enable the Governor or Person Administering the Government of this Province, to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

"That this Ordinance do now pass."

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*,

ORDERED, That an Ordinance to appropriate certain sums of money therein mentioned to the encouragement of Education, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That an Ordinance to appropriate certain sums of money therein mentioned to the support of certain Charitable Institutions, and for other purposes, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That an Ordinance to appropriate certain sums of money therein mentioned for the encouragement of Agriculture, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of Mr. *Walker*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That an Ordinance to provide for the more speedy attainer of persons indicted for High Treason, who have fled from the Province, or remain concealed therein, to escape from Justice, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of Mr. *Walker*, seconded by the Honble. Mr. *M^cGill*,

ORDERED, That an Ordinance for preventing the mischiefs arising from the printing and publishing Newspapers, Pamphlets, and Papers of a like nature, by persons not known, and for other purposes, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of the Honble. Mr. *De Rocheblave*, seconded by Mr. *Quesnel*,

ORDERED, That an Ordinance to authorize the payment of certain monies due by the Commissioners, for the erection of a Common Gaol in the District of *Montreal*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

His Excellency then withdrew.

The Honble. Mr. *Culbert* resumed the Chair.

According to order, the Council resumed the further discussion on an Ordinance

to authorize the Commissioners appointed under a certain Act of the Legislature of this Province therein mentioned, to borrow a further sum of money to be applied to the improvement and enlargement of the Harbour of *Montreal*, and for other purposes.

On motion of Mr. *Penn*, seconded by Mr. *Quesnel*,

ORDERED, That the 5th, 6th, and 7th Clauses in the said Ordinance be struck out, and the following substituted :—

CLAUSE, C.

“ And whereas it may be deemed necessary and expedient for the
 “ greater improvement, utility, and convenience of the said Har-
 “ bour, and for the more easy communication between the City
 “ and the Harbour, that certain dwelling houses, land and pre-
 “ mises erected, and being on the south side of the Old Market
 “ Place, and between the said Market Place and the River,
 “ should be purchased and vested in the said Commissioners,
 “ and their successors, for the purposes of the said Acts, and of
 “ this Ordinance; and also, that certain pieces and parcels of
 “ land contiguous to the said Harbour, should be in like manner
 “ purchased and vested as aforesaid, for the purpose of widening
 “ and prolonging the street called Commissioners’ Street, in front
 “ of the said Harbour. Be it therefore further Ordained and
 “ Enacted by the authority aforesaid, that the said Commissioners,
 “ or their successors, at any time or times hereafter, may, and
 “ they are hereby authorized and empowered to contract, com-
 “ pound, compromise, and agree with the owners and occupiers
 “ of the said dwelling houses, land and premises, pieces and
 “ parcels of land, or any part of them for the purchase thereof;
 “ and it shall and may be lawful for all persons whomsoever,
 “ bodies Politic and Corporate, Guardians, Curators, Fiduciary
 “ Legatees and Trustees whatsoever, for themselves, their heirs
 “ and successors, and for and on behalf of those whom they re-
 “ present, or for whom they act, whether infants, lunatics, idiots,
 “ *femmes couvertes*, or other person or persons whomsoever, who
 “ are or shall be seized of or possessed of, or entitled to, such
 “ dwelling houses, land and premises, pieces and parcels of land
 “ as aforesaid, to contract for, sell and convey the same to the
 “ said Commissioners and their successors, for such price and
 “ prices, or consideration, as may be agreed upon between them
 “ the said parties respectively.”

CLAUSE, D.

“ And be it further Ordained and Enacted by the authority afore-
“ said, that in all cases where the said Commissioners or their
“ successors, and the said owners and occupiers of the premises
“ aforesaid, or of any part thereof, shall not, by voluntary
“ agreement, settle and determine the price and prices, compen-
“ sation and compensations, to be paid for the same premises,
“ or of any part thereof, such price or prices, compensation and
“ compensations, shall be ascertained, fixed, and determined, by
“ the award of arbitrators in manner following, that is to say :—
“ The said Commissioners, or their successors, shall and may
“ nominate and appoint one Arbitrator, being an indifferent and
“ disinterested person, and the said owners or occupiers respec-
“ tively, shall and may nominate and appoint one or other Ar-
“ bitrator, being also an indifferent and disinterested person, and
“ the said two Arbitrators, before proceeding to act as such Arbi-
“ trators, shall and may appoint a third Arbitrator, being like-
“ wise an indifferent and disinterested person ; which said three
“ Arbitrators, after having been previously sworn before one of the
“ Justices of the Court of King’s Bench, for the District of *Mon-*
“ *treal*, well, truly and honestly to execute the trust and duty of
“ Arbitrators as aforesaid, and, after notice to the parties respec-
“ tively of the time and place of their meeting, shall proceed to
“ ascertain, fix, and determine the price or prices, compensation
“ or compensations, to be paid by the said Commissioners or
“ their successors, for such dwelling houses, land and premises,
“ pieces and parcels of land aforesaid, and the award of any two
“ of the said Arbitrators to be named and appointed as aforesaid,
“ in and respecting the premises aforesaid, shall be final.”

CLAUSE, E.

“ And be it further Ordained and Enacted by the authority afore-
“ said, that in case the said owners or occupiers of the said
“ dwelling houses, land and premises, pieces and parcels of land,
“ or any of them, after due notice in this behalf from the said
“ Commissioners or their successors, shall refuse or neglect to
“ name and appoint an Arbitrator as aforesaid, being an indiffer-
“ ent and disinterested person as aforesaid, or if the two Arbitra-
“ tors, named and appointed as aforesaid, should refuse or ne-
“ glect to name and appoint a third Arbitrator as aforesaid, it
“ shall be lawful in such cases respectively for one of the Justi-

“ces of the Court of King’s Bench, for the District of *Montreal*,
 “on application in this behalf by the said Commissioners or their
 “successors, to name and appoint, instead of such owner or oc-
 “cupier so refusing or neglecting, an Arbitrator on his behalf, or
 “such third Arbitrator, to supply the place of the nomination
 “which ought to have been made by the two Arbitrators pre-
 “viously appointed : and the Arbitrator and third Arbitrator, so
 “as aforesaid, to be appointed by such Justice as aforesaid, after
 “having been respectively sworn by such Justice, well, truly,
 “and honestly, to execute the trust and duty of Arbitrator and
 “third Arbitrator as aforesaid, shall have the same power and
 “authority in the premises, and their award shall have the same
 “force and effect, as if such Arbitrator and third Arbitrator had
 “been named and appointed in the manner in the preceding sec-
 “tion, prescribed as aforesaid.”

CLAUSE, F.

“And be it further Ordained and Enacted by the authority afore-
 “said, that on payment of the price or prices, compensation or
 “compensations, to be fixed and determined as aforesaid, or in
 “case of refusal or neglect, to accept the same on the deposit
 “thereof, in the hands of the Prothonotary of the said Court of
 “King’s Bench, for the District of *Montreal*, for the use of the
 “person or persons entitled to the same, the right of property,
 “title, and interest, in and to such dwelling houses, land and pre-
 “mises, pieces or parcels of land, for which such price or prices,
 “compensation or compensations, shall be payable, shall be divest-
 “ed out of the owners and occupiers thereof, and the same shall
 “become and be vested in the said Commissioners and their
 “successors, for the purposes of the said Acts and of this Ordi-
 “nance.”

CLAUSE, G.

“And be it further Ordained and Enacted by the authority afore-
 “said, that it shall and may be lawful for the said Commissioners
 “or their successors, to pay such price and prices, compensation
 “and compensations as aforesaid, to be agreed upon, fixed, and
 “determined as aforesaid, from and out of the sum and sums of
 “money to be borrowed as aforesaid, in pursuance of the provi-
 “sions of this Ordinance.”

On motion of Mr. *Penn*, seconded by Mr. *Quesnel*,

ORDERED, That the said Ordinance, as amended, be fairly written.

According to order, the Council resumed the further discussion on an Ordinance to enable the Proprietors or Shareholders of a Company, called the Bank of *British North America*, to sue and be sued in the name of any one or more of its Local Directors or Manager for the time being, and for other purposes therein mentioned.

On motion of the Honble. Mr. *M. Gill*, seconded by Mr. *Walker*,

ORDERED, That the following amendments be made to the said Ordinance.

Page 3, line 10—After “notwithstanding,” add, “provided that no note or bill so issued, shall be of a less denomination, or amount, than five shillings of the current money of this Province.”

After the second clause, add the following clause, marked A.

CLAUSE, A.

“ And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to require from the Local Directors and Manager of the said Bank, a statement of the affairs of the Company, in conformity with the Schedule appended hereto, marked A., which statement the said Local Directors and Manager shall be bound to furnish under oath, when so required, as aforesaid. Provided always that such statement shall also set forth the amount of Capital actually placed at the disposal of the different Branches respectively.”

SCHEDULE A.

ABSTRACT FROM THE BOOKS OF THE BANK OF BRITISH NORTH AMERICA, MONTREAL, EXHIBITING A GENERAL STATEMENT OF THE AFFAIRS OF THE BRANCH.

Gold, Silver, and other Coined Metals, on hand	Capital Stock—Amount actually paid in
Bills and Cheques on Banks in these Provinces	Bank Notes in circulation
Ditto on other Banks elsewhere	Nett Profits on hand
Amount of all Debts due, including Notes, Bills of Exchange, and all Stock and Funded Debts of any description, except the Balances due from other Banks and Branches	Balances due other Banks and Branches
Balances due from other Banks and Branches	Bank Acceptances outstanding
Real Estate	Cash Deposits bearing Interest
	Cash Deposits, including all Sums whatsoever due from the Bank not bearing Interest, its Bills in circulation, Profits and Balances excepted
	Amount of Dividends unclaimed.

We do hereby certify, to the best of our knowledge and belief, that the above Statement of the Affairs of the Bank of *British North America*, at Montreal, is correct.

Sworn before me, at Montreal, }
 this day of 183

Page 4, line 8--After "being," insert, "provided the said lands, tenements, and
 "hereditaments, shall not exceed the yearly value of one thou-
 "sand pounds of the current money of this Province: provided
 "also that the said Bank may take and hold Mortgages *Hypo-*
 "*thèques* on real property, according to the Law of this Pro-
 "vince, by way of additional security, for debts contracted to the
 "said Bank in the course of its dealings, but on no account shall
 "money be lent on Mortgage *Hypothèque*, or upon land or other
 "fixed property, nor shall such be purchased by the said Bank
 "upon any pretext except as above mentioned."

After the third clause, add the following clauses, marked B., C., D., and E.

CLAUSE, B.

"And be it further Ordained and Enacted by the authority aforesaid,
 "that if any Officer, Manager, Clerk or Servant, of the said Bank
 "of *British North America*, entrusted with any bond, obligation,
 "bill obligatory or of credit, or any other bill or note, or any
 "security, money or effects, belonging to the said Bank of *British*
 "*North America*, or having any bond, obligation, or bill obliga-
 "tory or of credit, or any other bill or note, or any security,
 "money or effects of any other person or persons, lodged or de-
 "posited with the said Bank of *British North America*, or with
 "him as an Officer, Manager, Clerk, or Servant of the said Bank
 "of *British North America*, shall secrete, embezzle, or run away
 "with any such bill, bond, obligation, bill obligatory or of credit,
 "or any such other bill or note, security, money or effects, or any
 "of them, or any part of them, every such Officer, Manager,
 "Clerk, or servant, so offending, and being thereof convicted in
 "due form of Law, shall be deemed guilty of felony, and shall
 "suffer death as a felon, without benefit of Clergy."

CLAUSE, C.

"And be it further Ordained and Enacted by the authority aforesaid,
 "that if any person or persons shall forge or counterfeit the com-
 "mon seal of the said Company, or shall forge or counterfeit, or
 "alter any bond, obligation, bill obligatory or of credit, or any
 "other bill or note of the said Bank of *British North America*, or
 "any indorsement or indorsements thereon, with an intention to
 "defraud the said Bank, or any person or persons whomsoever;
 "or shall alter or pass any forged, counterfeit, or altered bond,
 "obligation, bill obligatory or of credit, or any other bill or note

“ of the said Bank of *British North America*, or indorsement or
 “ indorsements thereon, or shall demand the money therein men-
 “ tioned and contained, knowing the same to be forged, counter-
 “ feit, or altered, every such person for every such offence, upon
 “ conviction thereof in due form of Law, for the first offence shall
 “ be deemed and adjudged to be guilty of a misdemeanour, and
 “ on being lawfully convicted thereof, shall be liable for such of-
 “ fence to be imprisoned for a time, which shall not be less than
 “ six months, nor more than six years, and to be kept at hard
 “ labour, or to be publicly whipped, or to stand in the pillory, or
 “ undergo one or more of the said punishments, at the discretion
 “ of the Court before which such conviction shall take place; and
 “ shall for a second offence be deemed and adjudged to be guilty of
 “ felony.”

CLAUSE, D.

“ And be it further Ordained and Enacted by the authority aforesaid,
 “ that if any person shall engrave, form, make, or mend, any plate
 “ or plates, paper, rolling press, or other tool, instrument or
 “ material, devised, adapted, or designed, for stamping, forging,
 “ or making any false and counterfeit bill of exchange, promissory
 “ note, undertaking, or order for the payment of money, purport-
 “ ing to be the bill of exchange, promissory note, undertaking,
 “ or order, of the said Bank of *British North America*, or of any
 “ of the Officers or persons engaged in the management of the
 “ concerns of the Bank, in the name and on the behalf of the said
 “ Bank, or shall have in his possession any such plate or plates,
 “ engraven in any part, or any paper, rolling press, or other tool,
 “ instrument, or material, devised, adapted or designed, as afore-
 “ said, with the intent to use and employ the same, or to cause
 “ or permit the same to be used and employed in forging and
 “ making any such false and counterfeit bills of exchange, pro-
 “ missory notes, undertakings, or orders, every person so offend-
 “ ing, shall be deemed and taken to be guilty of felony, and being
 “ thereof convicted, shall suffer death as a felon, without benefit
 “ of Clergy.”

CLAUSE, E.

“ And be it further Ordained and Enacted by the authority afore-
 “ said, that it shall and may be lawful to and for any one Justice

“ of the Peace, on complaint made before him upon the oath of
 “ one credible person, that there is just cause to suspect that any
 “ one or more person or persons, is, or are, or hath, or have been
 “ concerned in making or counterfeiting any such false bills of
 “ exchange, promissory notes, undertakings, or orders, as afore-
 “ said, by warrant under the hand of such Justice, to cause the
 “ dwelling-house, room, work-shop, out-house, or other buildings,
 “ yard, garden, or other place, belonging to such suspected per-
 “ son or persons, or where any such person or persons shall be
 “ suspected to carry on any such making or counterfeiting, to be
 “ searched for any such false bills of exchange, promissory notes,
 “ undertakings, or orders, and if any such false bills of exchange,
 “ promissory notes, undertakings, or orders, or any such plates,
 “ rolling presses, or other tools, instruments, or materials, shall
 “ be found in the custody or possession of any person or persons
 “ whomsoever, not having the same by some lawful authority, it
 “ shall and may be lawful to, and for any person or persons
 “ whomsoever, discovering the same, to seize, and he and they
 “ are hereby authorized and required to seize such false or coun-
 “ terfeit bills of exchange, promissory notes, undertakings, or
 “ orders, and such plates, rolling presses, or other tools, instru-
 “ ments, or materials, and to carry the same forthwith before a
 “ Justice of the Peace of the County or District in which the
 “ same shall be seized, who shall cause the same to be secured
 “ and produced in evidence against any person or persons, who
 “ shall or may be prosecuted for any the offences aforesaid, in
 “ some Court of Justice proper for the determination thereof; and
 “ the same, after being so produced in evidence, shall by order of
 “ the Court before which such offender or offenders shall be tried,
 “ be defaced or destroyed, or otherwise disposed of, as such Court
 “ shall direct.”

On motion of the Honble. Mr. *M'Gill*, seconded by Mr. *Walker*,

ORDERED, That the said Ordinance, as amended, be fairly written.

An Ordinance to authorize the Incorporated and Chartered Banks in this Province to suspend the redemption of their notes in specie, for a limited time, was, according to order, read a second time.

On motion of Mr. *Walker*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That the following amendments be made to the said Ordinance :—

Page 2, lines 13 and 14—Strike out “Governor of *Lower Canada*,” and insert,
 “Administrator of the Government of this Province, authorized
 “to execute the Commission of the Governor thereof.”

“ “ “ 17—Strike out *Lower Canada*,” and insert, “the said Province.”

“ “ “ 18—Fill up the blank with the word “sixty.”

“ “ “ 19—Fill up the blank with the word “sixty.”

“ “ “ 21—Fill up the blank with the word “two.”

On motion of Mr. *Walker*, seconded by the Honble. Mr. *M. Gill*,

ORDERED, That the said Ordinance, as amended, be fairly written.

On motion of the Honble. Mr. *M. Gill*, seconded by the Honble. Mr. *De Lery*,

ORDERED, That when this Council adjourns, it adjourns until to-morrow, at four o'clock in the afternoon.

The Council then adjourned accordingly.

SATURDAY, 5TH MAY, 1838.

PRESENT.

The Honble. Mr. *Cuthbert*, Presiding Member.

Messrs. *Pothier*.

De Lery.

Stuart.

M. Gill.

Joliette.

De Rocheblave.

Neilson.

Amable Dionne.

Gerrard.

Quesnel.

Christie.

Casgrain.

Walker.

Faribault.

Molson.

Mayrand.

Knoulton.

Penn.

Joseph Dionne, and

Austin.

PRAYERS.

The Honble. Mr. *Neilson* moved to resolve, seconded by Mr *Gerrard*,

That it is just and expedient that the travelling expenses of the Clerk and Assistant Clerks of this Council from *Quebec* to *Montreal* and their return, as well as the expenses of their board and lodging during their attendance at the sittings of the said Council at *Montreal*, should be reimbursed them, and charged in the Contingent Accounts of this Council.

ORDERED, That the consideration of the said motion be postponed.

Colonel *Rowan*, Civil Secretary to His Excellency the Administrator, was admitted in the Council Chamber, and delivered to the Presiding Member a Message from His Excellency.

And then he withdrew.

And the said Message was read by the Presiding Member, and is as followeth :—

J. COLBORNE,

Administrator.

The Administrator of the Government, in transmitting for the consideration and adoption of the Special Council, "An Ordinance to make provision for the Survey of Lake *Saint Peter*," acquaints the Council, that if it should be deemed of importance to the interests of the Province, that the projected measure should be passed immediately, He proposes that the Standing Orders, respecting the reading of Ordinances, be dispensed with on this occasion.

GOVERNMENT HOUSE, }
Montreal, 5th May, 1838. }

The following Petition accompanied the said Message :—

To His Excellency Sir JOHN COLBORNE, G. C. B. Administrator of the Government of the Province of Lower Canada, &c. &c. &c.

The Petition of the *Montreal* Committee of Trade.

RESPECTFULLY SHEWETH,

That Lake *Saint Peter*, during the greater part of the season for navigation, is so shallow as not to admit of the passage of vessels through it, drawing more than from

ten to twelve feet of water. That the draught of water of the vessels usually employed in the trade between *Montreal* and the United Kingdom, averages from fourteen to sixteen feet, which renders it necessary to transfer to lighters a considerable portion of their cargoes to enable them to pass through the Lake, entailing upon the Trade of *Montreal* an immense annual expense, as well as causing detention to the Ships.

That from the shallowness of the water in Lake *Saint Peter*, preventing any but small vessels from completing their loading above the Lake, *Montreal* does not participate in any of the advantages derived from the trade in timber, the principal staple of *Canada*.

That your Petitioners are assured, by scientific men, that the Ship Channel in Lake *Saint Peter* could be deepened to sixteen feet at no very considerable expense. The advantages that would be derived from such an improvement are too apparent to render it necessary for your Petitioners to dwell upon them, and they humbly pray, that your Excellency will be pleased to recommend to the Special Council, that a sum of money should be appropriated to defray the expense of surveying Lake *Saint Peter*, with a view to ascertain the practicability of its being deepened, so as to admit the passage of large vessels across it.

And your Petitioners, as in duty bound, will ever pray.

Montreal, 5th May, 1838.

On behalf of the Committee of Trade.

(Signed,) AUSTIN CUVILLIER
Chairman.

An Ordinance to make provision for the Survey of Lake *Saint Peter*, was read for the first time.

The Honble. Mr. *M^cGill* moved to resolve, seconded by the Honble. Mr. *Stuart*,

That in conformity with His Excellency's Message of this day, the Standing Rules, with regard to the second and third reading of Ordinances, be suspended.

The Council divided on the motion.

FOR THE MOTION.

Messrs. *Pothier.*
De Lery.
Stuart.
M^cGill.
De Rocheblave.
Amable Dionne.
Gerrard.
Quesnel.
Christie.
Molson.
Knoulton.
Penn.
Austin.

AGAINST THE MOTION.

Messrs. *Joliette.*
Neilson.
Casgrain.
Walker.
Faribault.
Mayrand.
Joseph Dionne.

So the motion was carried in the affirmative, and

RESOLVED accordingly.

The said Ordinance was then read a second time.

On motion of the Honble. Mr. *M^cGill*, seconded by the Honble. Mr. *Stuart*,

ORDERED, That the following amendments be made to the said Ordinance :—

Page 1, line 8—Strike out “the Governor of *Lower Canada*,” and insert, “His Excellency the Administrator of the Government of this Province,
 “ authorized to execute the Commission of the Governor thereof.”

“ “ “ 11—Strike out “*Lower Canada*,” and insert, “the said Province.”

On motion of the Honble. Mr. *M^cGill*, seconded by the Honble. Mr. *Stuart*,

ORDERED, That the said Ordinance, as amended, be fairly written.

His Excellency the Administrator of the Government, having entered the Council Chamber, he took his seat at the head of the table.

On motion of the Honble. Mr. *Neilson*, seconded by the Honble. Mr. *Joliette*,

ORDERED, That an Ordinance to provide for the better defence of this Province, and to regulate the Militia thereof, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of Mr. *Penn*, seconded by Mr. *Quesnel*,

ORDERED, That an Ordinance to authorize the Commissioners appointed under a certain Act of the Legislature of this Province therein mentioned, to borrow a further sum of money to be applied to the improvement and enlargement of the Harbour of *Montreal*, and for other purposes, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto by the Secretary of the Province.

On motion of Mr. *Gerrard*, seconded by the Honble. Mr. *M'Gill*,

ORDERED, That an Ordinance to authorize the Incorporated and Chartered and other Banks in this Province, to suspend the redemption of their notes in specie, for a limited time, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“ That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto by the Secretary of the Province.

On motion of the Honble. Mr. *M'Gill*, seconded by Mr. *Walker*,

ORDERED, That an Ordinance to enable the Proprietors or Shareholders of a Company, called the Bank of *British North America*, to sue and be sued in the name of any one or more of its Local Directors or Manager for the time being, and for other purposes therein mentioned, be now read for the third time.

This said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

On motion of the Honble. Mr. *M^r Gill*, seconded by the Honble. Mr. *De Lery*,

ORDERED, That an Ordinance to make provision for the Survey of Lake *Saint Peter*, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question,

“That this Ordinance do now pass.”

It was

RESOLVED in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto, by the Secretary of the Province.

Then His Excellency the Administrator of the Government was pleased to make the following Speech :

GENTLEMEN,

At an important crisis you have been appointed members of the Special Council, constituted by an Act of the Imperial Government ; a measure which, it is admitted, I believe, had become indispensable, with reference both to the long neglected interests of *Lower Canada*, and recent events.

The full and constant attendance of the Council during the Session, and the assiduity with which the business of the Province has been transacted, will, I am persuaded, afford general satisfaction.

I return you my thanks for your attendance, and for the great attention you have devoted to the affairs which have been brought under your consideration ; and I trust, that the Ordinances which have been passed, will essentially contribute, under existing circumstances, to the welfare of the community.

The principal measures having been adopted, to which your immediate attention required to be drawn, I think it necessary to direct the Council to be prorogued.

Then the Presiding Member of the Council said :—

GENTLEMEN,

It is the will and pleasure of His Excellency the Administrator of the Government, that this Session of the Special Council be prorogued until Saturday, the sixteenth day of June next; and this Session of the Special Council is hereby accordingly prorogued until Saturday, the sixteenth day of June next.

A P P E N D I X

TO THE

FIRST VOLUME

OF THE

J O U R N A L S

OF THE

SPECIAL COUNCIL

OF THE PROVINCE OF

LOWER CANADA.

FIRST SESSION.



APPENDIX TO THE FIRST VOLUME
OF THE
JOURNALS OF THE SPECIAL COUNCIL
OF THE
PROVINCE OF LOWER CANADA.

FIRST SESSION.

LIST OF THE APPENDIX,

SHEWING :

ON WHAT DAYS THE PAPERS THEREIN MENTIONED WERE LAID
BEFORE THE COUNCIL.

APPENDIX.	1838.	
A.	April 19th.	COMMISSIONERS OF HER MAJESTY'S TREASURY :—Certificate of the Sums advanced out of the Grant of Parliament, on account of the charge for the Administration of Justice and of the Civil Government of <i>Lower Canada</i> .
B.	" 25th.	ESTIMATE OF THE CIVIL EXPENDITURE OF LOWER CANADA :—No. 1. Estimate of certain Expenses of the Civil Government of <i>Lower Canada</i> , incurred up to the 10th April, 1838, authorized to be paid out of the Revenues of the Crown. &c. No. 2. Estimate of certain Expenses of the Civil Government of <i>Lower Canada</i> , incurred up to 10th April, 1838, for which an appropriation is required.
C.	" "	MONTREAL HARBOUR—NATIONAL SCHOOL—INVALIDS, INSANE PERSONS AND FOUNDLINGS—MONTREAL GENERAL HOSPITAL :—Memoranda, respecting Petitions from certain Public Institutions, praying for aid from the Public Funds.
D.	May 2d.	NEW GAOL, MONTREAL :—Report of the Commissioners for the Erection of the New Gaol at <i>Montreal</i> .

APPENDIX

DUPLICATE.

(A.) *Certificate of the Lords Commissioners of Her Majesty's Treasury, of the Sums advanced out of the Grant of Parliament, on account of the charge for the Administration of Justice and of the Civil Government of the Province of Lower Canada.*

19th APRIL.

AFTER OUR HEARTY COMMENDATIONS. WHEREAS by an Act passed in the seventh year of His late Majesty King *William* the Fourth, and the first year of Her Majesty Queen *Victoria*, intituled, "An Act to apply the sum of Five Millions Two Hundred Thousand Pounds, out of the consolidated Fund, to the service of the year 1837, and to appropriate the supply granted in this Session of Parliament," there was granted to Her Majesty any sum or sums of money not exceeding one hundred and forty-two thousand one hundred and sixty pounds, fourteen shillings and sixpence, for advances on account of arrears of charges for the Administration of Justice and of the Civil Government of the Province of *Lower Canada*; And whereas certain sums have been advanced by Her Majesty's command out of the said Grant, for the purposes for which the said Grant was made; And whereas in and by an Act, passed in the first year of Her Majesty's Reign, intituled, "An Act to make temporary provision for the Government of *Lower Canada*," it is enacted that it shall not be lawful for any Law or Ordinance made by the Governor of the Province of *Lower Canada*, with the advice and consent of a majority of the Councillors, appointed in the manner by the said Act directed, present at a meeting to be convened for that purpose by the said Governor, to appropriate any monies which now are or shall hereafter be in the hands of the Receiver General of the Province, towards the repayment of any sum or sums of money which shall have been issued out of the said sum of one hundred and forty-two thousand one hundred and sixty pounds, fourteen shillings and sixpence, granted to Her Majesty by the Act above referred to, for advances on account of charges for the Administration of Justice and of the Civil Government of the Province of *Lower Canada*, unless upon a Certificate from three or more of the Commissioners of Her Majesty's Treasury, setting forth the several sums which shall have been so advanced for the purposes aforesaid. Now, THEREFORE, WE, The Right Honourable *William* Lord Viscount *Melbourne*, The Right Honourable *Thomas Spring Rice*, and *Robert Stewart*, Esquire, being three of the Commissioners of Her Majesty's Treasury, do hereby certify that the following sums have been advanced, by Her Majesty's command, out of the said Grant of one hundred and forty-two thousand one hundred and sixty pounds, fourteen shillings and sixpence, on account of the charge for the Administration of Justice and of the Civil Government of the Province of *Lower Canada*, as hereinafter set forth—that is to say, sixty-four thousand one hundred and forty-one pounds, three shillings—twenty-nine thousand two hundred

APPENDIX

(A.)
19th APRIL.

and thirty-six pounds, seventeen shillings—and six thousand seven hundred and twenty-nine pounds, nine shillings—being together, one hundred thousand, one hundred and seven pounds, nine shillings. That the said sum of sixty-four thousand one hundred and forty-one pounds, three shillings, was advanced on account of the payments made by the Commissary General, at Quebec, on the Warrants numbered Five, Six, and Eight, issued by the Governor of *Lower Canada*, dated respectively the tenth day of October, the tenth day of October, and the fourteenth day of October, one thousand eight hundred and thirty-seven;—That the said sum of twenty-nine thousand two hundred and thirty-six pounds, seventeen shillings, was advanced on account of the payment of one hundred and thirty-seven thousand seven hundred and seventy-seven dollars, and one hundred and sixty-eight three hundred and sixteenth parts of a dollar, advanced from the Military Chest for the Civil Government of *Lower Canada*, by order of the Governor of the Province of *Lower Canada*, bearing date the twenty-seventh day of November, one thousand eight hundred and thirty-four;—That the sum of six thousand seven hundred and twenty-nine pounds, nine shillings, was advanced to make the following payments in this Country—that is to say, five thousand one hundred and fifty-six pounds, ten shillings and one penny, to Earl *Aylmer*, being for arrears of salary due to His Lordship as late Governor General of *Lower Canada*; five hundred and seventy-two pounds, eighteen shillings and eleven pence, to Colonel *Craig*, being for arrears of salary due to him as late Civil Secretary to Earl *Aylmer*; seven hundred pounds to Mr. *Amyott*, being the arrears of his pension of four hundred pounds per annum, as late Secretary and Registrar of the Province, between the thirtieth day of June, one thousand eight hundred and thirty-five, and the first day of April, one thousand eight hundred and thirty-seven; three hundred pounds to Mr. *Buchanan*, being a moiety of his salary since the thirtieth day of September, one thousand eight hundred and thirty-five, as Agent for Emigration at the Port of *Quebec*, and for which provision was made in the said Grant of one hundred and forty two thousand one hundred and sixty pounds, fourteen shillings and sixpence; and that the whole of the said sum of one hundred thousand one hundred and seven pounds, nine shillings, so advanced, is now due and payable out of the Revenues of the Province of *Lower Canada*, in repayment of the said advances so made by Her Majesty's command.

Given under Our Hands, at the Treasury Chambers, *Whitehall*, this 13th day of February, 1838.

(Signed,) MELBOURNE.
T. SPRING RICE.
R. STEUART.

The Right Honourable *Charles Lord Glenelg*, Her Majesty's principal Secretary of State for the Colonies, and to all others whom it may concern.

Certificate of Sums advanced out of the Grant of Parliament, on account of the charge for the Administration of Justice and of the Civil Government of the Province of Lower Canada.

(No. 1.)

APPENDIX *Estimate of certain Expenses of the Civil Government of Lower Canada, incurred up to 10th April, 1838, which are authorized to be defrayed out of the revenues at the disposal of the Crown ; but in consequence of these revenues having fallen short in amount, an appropriation in aid, is required.*

(B.)

25th APRIL.

SERVICES.	STERLING.			TOTAL STERLING.		
Salary of the Administrator of the Government, from the 28th February to the 31st March, 1838, at the rate of £4,500 sterling per annum - - - - -	394	10	5			
“ of the Civil Secretary, from do. to do. at £500 sterling per annum.	43	16	9			
Contingent Expenses of the Civil Secretary's Office, from 11th October, 1837, to 10th April, 1838.	300	0	0			
JUDICIARY.						
Salary of the Chief Justice of the Province, from 1st October, 1837, to 31st March, 1838.	750	0	0	738	7	2
“ of the Chief Justice of <i>Montreal</i> , for the same period	550	0	0			
“ of six Puisne Judges, for the same period, at £450 each.	2,700	0	0			
“ of the Provincial Resident Judge, at Three Rivers, for the same period	450	0	0			
“ of two Provincial Judges for the same period, at £250 each.	500	0	0			
“ of the Judge of the Court of Vice Admiralty, for the same period	100	0	0			
For the Circuit Allowance for the Judges to do.	100	0	0			
Salary of the Attorney General, for the same period	150	0	0			
Carried forward £	5,300	0	0	738	7	2

APPENDIX (B.) 25th APRIL.	SERVICES.	STERLING.			TOTAL STERLING.		
	Brought forward £	5,300	0	0	738	7	2
	Salary of the Solicitor General, for the same period	100	0	0			
	“ of the Keeper of the Gaol at <i>Quebec</i> , for do.	62	10	0			
	Allowance to do. for two Turnkeys, for do.	36	0	0			
	Salary of the Keeper of the Gaol at <i>Montreal</i> , for do.	62	10	0			
	Allowance to do. for two Turnkeys, for do.	36	0	0			
	Salary of the Keeper of Gaol at <i>Three Rivers</i> , for do.	27	10	0			
	Allowance to do. for two Turnkeys, for do.	36	0	0			
	Salary of the Keeper of the Gaol and Court Hall at <i>Perce</i> , for do.	18	0	0			
	“ of the do. do. at <i>New Carlisle</i> , for do.	18	0	0			
	“ of the Keeper of the Gaol at <i>Sherbrooke</i> , for do.	12	10	0			
	Part of the Contingent Expenses of the Crown Law Officers for twelve months, to 10th April, 1838,	1,530	0	0			
	EXECUTIVE COUNCIL.				7,239	0	0
	Salary of three Members, from 1st October, 1837, to 31st March, 1838, at £50 each	150	0	0			
	“ of three others, from 22d August, 1837, to do. at the rate of £100 each per annum	182	17	6	332	17	6
	Total Sterling				£8,310	4	8

Montreal, 23d April, 1838.

(Signed,) JOS. CARY,

Insp. Gen. P. P. Acts.

APPENDIX

(No. 2.)

(B.) *Estimate of certain Expenses of the Civil Government of Lower Canada, incurred up to 10th April, 1838, for which an appropriation is required.*

25th APRIL.

SERVICE.	STERLING.	TOTAL. STERLING.
EXECUTIVE COUNCIL.		
Salary of the Registrar and Clerk, from 10th October, 1837, to 31st March, 1838,	250 0 0	
Allowance to do. for printing and stationery, from do. do.	25 0 0	
Salary of the Assistant Clerk, from do. to do.	91 0 0	
“ of the Messenger, from do. to do.	25 0 0	
“ of the Door Keeper and Office Servant, from do. to do.	25 0 0	
		416 0 0
CIVIL SECRETARY'S DEPARTMENT.		
Salary of one Assistant Civil Secretary, from 1st October, 1837, to 31st March, 1838.	100 0 0	
“ of one do. from 19th January, to do. at the rate of £200 sterling per annum,	39 9 0	
“ of two Assistants in the Office, from 1st October, 1837, to do.	182 0 0	
“ of the Keeper of the Office, from do. to do.	22 10 0	
“ of the Messenger, from do. to do.	22 10 0	
“ of an Extra Messenger, from do. to do.	20 9 6	
		356 18 6
“ of the Inspector General of Public Accounts, from 1st October, to 31st March, 1838,	150 0 0	
Balance of Allowance to do. for Clerks and Contingencies, from 1st April, 1837, to do.	150 0 0	
		300
Carried forward, £		1102 18 6

APPENDIX

(B.)

25th APRIL.

SERVICES.	STERLING.			TOTAL STERLING.		
Brought forward, £	485	7	7	5221	0	0
ADMINISTRATION OF JUSTICE— <i>Continued.</i>						
Salary to the Coroner of <i>Quebec</i> , from the 1st April, 1837, to 31st March, 1838,	100	0	0			
“ to the do. of <i>Montreal</i> , from do. to do.	100	0	0			
“ to the do. of <i>Three Rivers</i> , from do. to do.	50	0	0			
“ to the do. of <i>Gaspé</i> , from do. to do.	50	0	0			
“ to the Clerks of the Provincial Court and Clerks of the Peace for the District of <i>Gaspé</i> , and allowance for travelling expences, from do. to do.	60	0	0			
“ to the Clerk of the Crown at <i>Quebec</i> , from do. to do.	40	0	0			
“ to the do. do. of <i>Montreal</i> , from do. to do. .	40	0	0			
“ to the do. do. of <i>Three Rivers</i> from do. to do.	20	0	0			
“ of the Clerk of the Court of Appeals, from 1st April, 1836, to 31st March, 1838, at £120 per annum, .	240	0	0			
Allowance to do. for Stationery for the Court, from 1st April, 1837, to do.	6	0	0			
Salary of the Usher of the Court of Appeals, from do. to do.	27	0	0			
“ of the Interpreter to the Courts at <i>Quebec</i> , from do. to do.	40	0	0			
“ of the do. to do. at <i>Montreal</i> , from do. to do.	40	0	0			
“ of the do. to do. at <i>Three Rivers</i> , from do. to do.	25	0	0			
“ of the High Constable at <i>Quebec</i> , from do. to do.	36	0	0			
“ of the do. at <i>Montreal</i> , from do. to do.	36	0	0			
“ of the do. at <i>Three Rivers</i> , from do. to do.	27	0	0			
Carried forward, £	1422	7	7	5221	0	0

APPENDIX

SERVICES.

STERLING.

TOTAL
STERLING.

(B.)

25th APRIL.

		STERLING.	TOTAL STERLING.				
	Brought forward, £	1422	7	7	5221	0	0
ADMINISTRATION OF JUSTICE— <i>Continued.</i>							
Salary of the Crier of the Courts at <i>Quebec</i> , from 1st April, 1837, to 31st March, 1838,		20	0	0			
“ of the Tipstaff to do. at do. from do. to do.		18	0	0			
“ of the Crier of do. at <i>Montreal</i> , from do. to do.		20	0	0			
“ of the Tipstaff to do. at do. from do. to do.		18	0	0			
“ of the Crier and Tipstaff to do. at <i>Three Rivers</i> , from do. to do.		25	0	0			
“ of the Keeper of the Court House at <i>Quebec</i> , from do. to do.		54	0	0			
“ of the do. of do. at <i>Montreal</i> , from do. to do.		72	0	0			
“ of the do. of do. at <i>Three Rivers</i> , from do. to do.		36	0	0			
“ of the Keeper of the Court Hall at <i>Sherbrooke</i> , from do. to do.		18	0	0			
“ of the Physician attending the Gaol at <i>Quebec</i> , for a balance due from 1st April, 1836, to do.		300	0	0			
“ of the do. to do. at <i>Montreal</i> , do. from do. to do.		300	0	0			
“ of the do. to do. at <i>Three Rivers</i> , do. from do. to do.		110	0	0			
CONTINGENT EXPENSES OF THE ADMINISTRATION OF JUSTICE.					2413	7	7
Contingent Bills of Crown Law Officers, to 10th April, 1837,		400	0	0			
“ of the Sheriff of <i>Quebec</i> , to do.		1691	6	9			
“ of the do. of <i>Montreal</i> , to do.		2102	3	6			
“ of the do. of <i>Three Rivers</i> , to do.		650	0	0			
Carried forward, £		4843	10	3	7634	7	7

APPENDIX

(B.)

25th APRIL.

SERVICES.		STERLING.			TOTAL STERLING.		
	Brought forward, £	4843	10	3	7634	7	7
CONTINGENT EXPENSES OF THE ADMINISTRATION OF JUSTICE— <i>Continued.</i>							
	Contingent Bills of the Sheriff of <i>Saint Francis</i> , to 10th April, 1837,	21	0	0			
	“ of the do. of <i>Gaspé</i> , to do.	95	0	0			
	Contingencies of the Coroner of the District of <i>Quebec</i> , up to 10th April, 1838,	440	0	0			
	“ of the do. of <i>Montreal</i> to do.	95	0	0			
	“ of the do. of <i>Three Rivers</i> to do.	100	0	0			
	“ of the do. of <i>Gaspé</i> to do.	7	10	0			
	“ of the do. of <i>Saint Francis</i> , to do.	20	0	0			
	“ of the Clerk of the Crown at <i>Quebec</i> , to do.	140	0	0			
	“ of the do. do. at <i>Montreal</i> , to do.	147	3	10			
	“ of the do. do. at <i>Three Rivers</i> , to do.	40	0	0			
	“ of the Prothonotaries at <i>Quebec</i> , to do.	480	0	0			
	“ of the do. do. at <i>Montreal</i> , to do.	245	11	4			
	“ of the do. do. at <i>Three Rivers</i> , to do.	120	0	0			
	“ of the do. do. at <i>Saint Francis</i> , to do.	60	0	0			
	“ of the Clerks of the Peace at <i>Quebec</i> , to do.	600	0	0			
	“ of the do. do. at <i>Montreal</i> , to do.	650	0	0			
	“ of the do. do. at <i>Three Rivers</i> , to do.	175	0	0			
	“ of the do. do. at <i>Saint Francis</i> , to do.	20	0	0			
	Carried forward £	8299	15	5	7634	7	7

APPENDIX

(B.)

25th APRIL.

SERVICE.	STERLING.			TOTAL STERLING.		
	£	s	d	£	s	d
Brought forward,	1103	12	0	16274	3	0
<i>PENSIONS—Continued.</i>						
To Miss Louise Montizambert, for 12 months, from 1st April, 1837, to 31st March, 1838,	10	0	0			
To Miss Geneviève Launiere, for do. from do. to do.	10	0	0			
To Miss Margt. Launiere, for do. from do. to do. do.	10	0	0			
To Miss Elizabeth Launiere, for do. from do. to do. do.	10	0	0			
SURVEYOR GENERAL'S DEPARTMENT.				1143	12	0
Salary of the Surveyor General, from do. to do.	450	0	0			
“ of the First Clerk in the Office, from do. to do.	182	10	0			
“ of the Second do. in do. from do. to do.	150	0	0			
Allowance to the Surveyor General for Stationery £20, and for an Office Servant £40, from do. to do.	60	0	0			
“ for Postages, from do. to do. not to exceed	10	0	0			
MILITIA STAFF, &c.				852	10	0
Salary of the Adjutant General of Militia, from 1st April, 1837, to 31st March, 1838,	450	0	0			
“ of the Deputy Adjutant General, from do. to do.	270	0	0			
Allowance to the Adjutant General for a Clerk, at 7s. 6d. Currency per diem, from do. to do.	123	3	9			
“ to do. for a Messenger, at 3s. 8d. Currency per do. from do. to do.	60	4	6			
Salary of the Provincial Aid-de-Camp, balance from 18th June, 1836, to do.	501	15	10			
Contingent Expenses of Printing, Stationery, and Postages, for the Adjutant General's Office, up to 10th April, 1838,	250	0	0	1655	4	1
Carried forward,	£			19,925	9	1

APPENDIX

(B.)

25th APRIL.

SERVICES.		STERLING.			TOTAL STERLING.		
Brought forward,					19,925	9	1
MISCELLANEOUS EXPENSES.							
Salary of the Grand Voyer of the District of <i>Quebec</i> , from 1st April, 1837, to 31st March, 1838,		150	0	0			
" of the do. of <i>Montreal</i> , from do. to do.		150	0	0			
" of the do. of <i>Three Rivers</i> , from do. to do.		90	0	0			
" of the Surveyor of Highways and Streets in the District of <i>Gaspé</i> , from do. to do.		50	0	0			
" of the French Translator to Government, from do. to do.		50	0	0			
Rent of Building used for Public Offices at <i>Quebec</i> , from do. to do.		500	0	0			
Expenses attending the care of the same, from do. to do.		25	0	0			
Allowance to the Provincial Secretary for providing an Office for Registering grants of Crown Lands, from do. to do.		54	0	0			
" to do. for a Messenger, from do. to do.		30	0	0			
Contingent Expenses for extra Writing, Stationery, and Postages of the Provincial Secretary's Office, for 12 months, to 10th April, 1838,		300	0	0			
Allowance to the Receiver General for Clerks and all contingencies, from 1st April, 1837, to 31st March, 1838,		100	0	0			
Contingent Expenses attending the counting and depositing Monies in the Receiver General's Vault, under three Locks, to do.		8	13	3			
Expenses of Repairs and care of Public Buildings, keeping up Winter Roads, &c. for 12 months, up to 10th April, 1838,		750	0	0			
Salaries of the Keepers of Depots of Provisions on the Saint Lawrence, for the relief of Shipwrecked Mariners, up to do.		150	0	0			
Carried forward, £		2407	13	3	19,925	9	1

APPENDIX

(B.)

25th APRIL.

SERVICES.		STERLING.		TOTAL. STERLING.	
	Brought forward,	2407	13 3	19,925	9 1
MISCELLANEOUS EXPENSES— <i>Continued.</i>					
	For Expenses which may have been incurred, not yet exactly ascertained, for Police Services, rewards for apprehending persons accused of High Treason, &c.	3600	0 0		
	Salary of the Master of the Grammar School at <i>Quebec</i> , balance due from 1st April, 1836, to 31st March, 1837,	300	0 0		
	Allowance to do. for Rent of a House, from 1st April, 1837, to do.	90	0 0		
	Salary of the Master of the Grammar School at <i>Montreal</i> , balance due from 1st April, 1836, to 31st March, 1838,	300	0 0		
	Allowance to do. for Rent of a House, from 1st April, 1837, to do.	54	0 0		
	Expenses of Postages in the Civil Secretary's Department, for 12 months, to 10th April, 1838.	1100	0 0		
				7851	13 3
	For arrears of contingent expenses of the Legislative Council, up to 10th April, 1838,	3157	7 7	27,777	2 4
	For do. of do. of the House of Assembly, to do.	8100	0 0		
				11,257	7 7
	Total sum required, Sterling £			39,034	9 11
	Amount of Estimate No. 1,			8310	4 8
	Total Sterling, £			47,344	14 7

Montreal, 23d April, 1838.

(Signed,) JOS. CARY,
Inspr. Gen. Pub. Pro. Accounts.

APPENDIX Memoranda respecting Petitions from certain Public Institutions, praying for aid from the Public Funds.

(C.)

25th APRIL.

Petition from the Commissioners for improving the Harbour of *Montreal*, and others interested, praying for an aid to complete and secure the works already done.

Estimated at from £2500, to £2800 currency.

Loans were authorized to be raised by Acts of the Legislature, to the amount of £35,000 currency, and the funds of the Province pledged for the payment of the interest thereon.

The Act 1 *Will.* 4, Cap. 11, provides for levying rates of Wharfage.

The net Revenue arising from the collection of such rates are to be applied in the first instance to the payment of the interest on the sums borrowed, and the surplus (if any) to be applied to the payment of the sums advanced to such Commissioners, &c.

The annual amount of the interest is £1905 15 0 currency.

The revenues from the Wharfage averages £900 currency.

The Report of the Executive Council recommends the advance of a sufficient sum, to repair the works already constructed and to keep them, as well as the Steam Dredging Machine, in good order, and prevent their falling to decay.

Petition from the Committee of Management of the National School at *Quebec*, praying for the usual grant of £100 sterling, to pay the Teachers of the National School in that City.

In 1832 there was granted as an aid towards maintaining that School £100 sterling.

In 1836 the same sum was granted for each of the years 1835 and 1836.

APPENDIX (C.)
25th APRIL. Petition and Report of the Commissioners for the relief of Invalids, Insane Persons, and Foundlings, in the District of *Quebec*, praying for a grant to cover the undermentioned expenses incurred between 10th October, 1836, and 10th April, 1838, being 18 months, viz. :—

AT THE GENERAL HOSPITAL:

For Invalids,	£691	17	0
“ Insane,	996	0	0
Clothing Invalids,	80	0	1
	£1767	17	1

AT THE HOTEL DIEU:

For Foundlings, £1004	19	7
“ tending In- } digent Sick, }	300	0 0
	1304	19 7
Fee on Warrant,	0	2 6
Total to 10th April, 1838,	£3072	19 2

The Commissioners also submit an Estimate of the probable expenditure for the same objects, which may be incurred during the current year, amounting Cy £2062 13 9

The following Sums were granted for these objects, viz. :—

	In 1832.	In 1836.
For Insane Persons, £658 6 8	425	16 8
“ Infirm and Sick, 511 0 0	511	0 0
“ Clothing do. . 100 0 0	100	0 0
“ Foundlings, . 580 0 0	885	0 0
“ Clothing, do. . 15 0 0	15	0 0
“ Indigent Sick in } Hotel Dieu, . }	200	0 0
“ a Keeper of Insane	25	0 0
“ a Matron for } Foundlings, . }	50	0 0
Total currency, . £2064 6 8	2211	16 8

Petition from the Governors of the *Montreal* General Hospital for aid.

In 1832 a grant was made of £1150 to reimburse that Corporation, so much expended in 1831 for the relief of Indigent Sick Emigrants.

In the same year, the Corporation received as their portion of the Emigrant Tax, £1651 7 3 currency, being one fourth of the collection of that year, and they have since continued to receive the same proportion of that Tax when the Act was in force.

Should the Emigrant Tax not be renewed, the Hospital will remain without any aid from the public funds, except about £80 from the Tonnage Duties under Act 6 *Will.* 4, Cap. 35.

APPENDIX

Report of the Commissioners for the erection of the New Gaol at Montreal.

(D.)

To His Excellency Sir JOHN COLBORNE, Administrator of the Province of Lower Canada, &c. &c. &c.

2d MAY.

The undersigned, late Commissioners appointed under the authority of the Provincial Statute of the 10th and 11th Geo. IV. Chap. 31, providing for the erection of a New Gaol in the District of *Montreal*,

HUMBLY REPRESENT,

That according to their reports made to the Provincial Legislature on the 2d March, and the 26th November, 1835, the sum of £846 0 4 currency, had been expended, or would shortly become due and payable to divers persons employed by the said Commissioners, to complete the additional works indispensably required to put the New Gaol in a proper and secure state.

That the said reports were submitted to a Committee, appointed by the House of Assembly, to examine the same, but that the said Committee did not report, owing, as the Commissioners were informed, to the absence of the Chairman of the said Committee, whom bad health obliged to return to *Montreal*.

And the said Commissioners respectfully certify, that the aforesaid sum of £846 0 4 currency, is still due to the following individuals for work and labour performed for the New Gaol, according to their contracts with the said Commissioners, to wit :--

To <i>Gibault</i> and <i>M. Grath</i> , Masons,	£145	0	5
To <i>Robert Morton</i> , Carpenter,	145	3	6
To the same,	206	2	2
To the Water Works Company,	299	9	6
To <i>Geo. Prowse</i> , Tinsmith,	14	15	0
To <i>Sutherland</i> and <i>Burnett</i> , Blacksmiths,	20	5	9
To the same,	15	4	0

That independent of the said sum of £846 0 4, the Commissioners represent that a further sum of £100 is reasonably due to *John Wells*, the Architect of the said New Gaol, whom the said Commissioners have employed from the first of May, 1834, to the end of the year 1835, to superintend, from time to time, such works as were doing to complete the said Gaol, which last sum the said Commissioners humbly recommend to be paid to the said Architect.

The whole humbly submitted.

(Signed,) P. DE ROCHEBLAVE.
F. A. QUESNEL.

Montreal, 30th April, 1838.

INDEX
TO THE
FIRST VOLUME OF THE JOURNALS
OF THE
SPECIAL COUNCIL
OF THE
PROVINCE OF LOWER CANADA.

- ACT* of the Imperial Parliament, 1 Vict. Cap. 9, to make temporary provision for the Government of Lower Canada, 4. To be printed, 19.
- Acts* of the Provincial Parliament, continued. See *Ordinances* (2,) (4,) (5,) (7,) (8,) (9,) (13.)
- Address* to His Excellency the Administrator of the Government—of thanks for his Message relating to sums to be granted in aid and for the relief of several Public Institutions, and for the repairs of Public Works, and to assure him that the Council will take into consideration any Ordinance or Ordinances that may be proposed for their adoption, for the said purposes, 49. Presented, 51.
- of thanks for his Message relating to the Chartered Banks, and of the Bank of British North America, and assuring him that the Council will take into consideration any Ordinance or Ordinances that may be proposed for their consideration, 74. Presented, 75. His Excellency's answer, *ibid.*
- Administrator* of the Government. Takes his seat at the head of the Council Table, 3, 18, 32, 45, 53, 83, 97.
- appoints a Member to preside at the Council Table, 12.
- lays various documents before the Council, 3.
- lays before the Council, Rules and Orders to regulate their proceedings, 11.
- proposes certain Ordinances for the consideration and adoption of the Council,—in person, 11. By Message, 15, 43, 51, 55, 57, 61, 66, 77, 81, 95. See *Ordinances.*
- Message from His Excellency, accompanied by Writs of *Habeas Corpus* served on

Lieut. Col. Wetherall, and calling the immediate attention of the Council to the Ordinance (3) now before it, proposing the suspension of the Habeas Corpus Act, 27.

————— suggesting grants in favor of Public Institutions, and for the repairs of Public Works, 44.

————— accompanied by a Petition praying for pecuniary aid in support of the American Presbyterian Free School, and suggesting a certain grant for that Institution, 59.

————— transmitting three Petitions for the Chartered Banks to be authorized to suspend Specie payments, conditionally, and, also, a Petition for certain powers to be granted to the Bank of British North America. and requesting the opinion of the Council thereon, 67.

————— transmitting an Ordinance to make provision for the Survey of Lake St. Peter, for the consideration and adoption of the Council, and proposing that the standing orders respecting the reading of Ordinances be dispensed with on this occasion, 95.

————— Speech from him at the Prorogation of the Council, 99.

Agriculture, Encouragement of. See *Ordinances*, (20.)

American Presbyterian Free School. See *Administrator*.

Apprehending and detention of certain persons. See *Ordinances*, (3.)

Attainder of certain persons. See *Ordinances*, (24.)

BANK of British North America. See *Administrator*; *Ordinances*, (25.)

————— of Montreal. See *Ordinances*, (16.)

Banks. See *Ordinances*, (27.)

Bills of Exchange. See *Ordinances*, (9.)

CHARITABLE INSTITUTIONS. See *Ordinances*. (21.)

Civil Expenditure of the Provincial Government. See *Ordinances*, (10,) (12.)

Claims for losses sustained during the late Rebellion. See *Ordinances*, (11.)

Clerk of the Special Council. William Burns Lindsay, Esquire, appointed, 22.

Clerks Assistant. George Barthelemy Faribault and Charles De Lery, Esquires, appointed, 22.

Commissioners appointed by Dedimus Potestatem, for administering the Oath to the Members of the Council, 2.

————— See *Ordinances*, (11,) (23,) (26,)

Conditional pardon to persons who have been concerned in the late insurrection. See *Ordinances*, (18.)

Convicts. See *Ordinances*, (4.)

Councillors. See *Special Council*.

Cuthbert, Hon. James, appointed Presiding Member, 12.

DE LERY, CHARLES. Commission appointing him Assistant Clerk to the Special Council, 25.

EDUCATION, Encouragement of. See *Ordinances*, (29.)
Emigrants. See *Ordinances*, (7.)

FARIBAULT, George B. Commission appointing him Assistant Clerk to the Special Council, 25.

G

HABEAS CORPUS ACT. See Administrator; *Ordinances*, (3.)

INDEMNIFICATION of certain persons. See *Ordinances*, (6.)

JOURNALS of the Special Council. Ordered to be printed under the direction of the Presiding Member, and that no person, other than such as he may appoint, do presume to print the same, 26.

K

LAWS and **ORDINANCES**. See *Ordinances*, (1.)

Lessors and Lessees. See *Ordinances*, (5.)

Lindsay, William Burns. Commission appointing him Clerk of the Special Council, 23.

MESSAGES. See *Administrator*.

Militia. See *Ordinances*, (22.)

Montreal Gaol. See *Ordinances*, (26.)

Montreal Harbour. See *Ordinances*, (23.)

Motion. That it is just and expedient that the Travelling Expenses of the Clerk and Assistant Clerks of the Council, as well as the expenses of their Board and Lodging during their attendance at Montreal should be reimbursed them, and charged in the Contingent Accounts of the Council, 95. Consideration thereof deferred, *ibid.*

NEWSPAPERS, Pamphlets, and other Printed Papers. See *Ordinances*, (17.)

ORDINANCES:—

- 1. To declare and ascertain the period when the Laws and Ordinances made and passed by the Governor and Special Council of the Province shall take effect, read the first time, 11. Read the second time, 17. Amended, 26. Passed under a new Title, by the Administrator and Council, 32.
- 2. To continue two certain Acts therein mentioned, (Registry Offices,) read the first time, 11. Read the second time, 17. Amended, 27, 30, 33, 34, 35. Passed, under a new Title, by the Administrator and Council, 46.
- 3. To authorize the apprehending and detention of certain persons, and to suspend for a limited time as to such persons, a certain Ordinance therein mentioned, read the first time, 11. Read the second time, 17. (Three of the Councillors permitted to withdraw on the discussion of this Ordinance, 29.) Amended, 29. Passed, under a new Title, by the Administrator and Council, 32.
- 4. To continue a certain Act therein mentioned, (Transportation of Convicts,) read the first time, 12. Read the second time, 18. Amended, 35. Passed, under a new Title, by the Administrator and Council, 47.
- 5. To continue a certain Act therein mentioned, (Lessors and Lessees,) read the first time, 12. Read the second time, 18. Amended, 37. Passed, under a new Title, by the Administrator and Council, 46.
- 6. For indemnifying persons who since the first day of October, 1837, have acted in apprehending, imprisoning, or detaining in custody persons suspected of High Treason, or Treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned, read the first time, 15. Read the second time, 41. Amended, 41. Passed by the Administrator and Council, 53.
- 7. To continue a certain Act therein mentioned, (providing a fund for Sick Emigrants,) read the first time, 15. Read the second time, 40. Motion—That the Ordinance be not now proceeded with, *negd.* 40. Amended, 41, 42. Read the third time, 45. Passed, under a new Title, by the Administrator and Council, 46.
- 8. To continue a certain Act therein mentioned, (for recovering Seamen's Wages,) read the first time, 15. Read the second time, 18. Amended, 38, 39. Read the third time, 46. Passed, under a new Title, by the Administrator and Council, 47.
- 9. To continue a certain Act therein mentioned, (for ascertaining the damages on

- protested Bills of Exchange,) read the first time, 15. Read the second time, and amended, 42. Passed, under a new Title, by the Administrator and Council, 48.
- 10. Authorizing the repayment out of the monies in the hands of the Receiver General of this Province, of certain sums advanced from the Imperial Treasury, read the first time, 15. Read the second time, 18. Amended, 40. Passed by the Administrator and Council, 54.
- 11. To authorize the appointment of Commissioners to investigate the claims of certain loyal inhabitants of this Province, for losses sustained during the late unnatural Rebellion, read the first time, 15. Read the second time, 18. Amended, 39. Passed by the Administrator and Council, 47.
- 12. To make provision for defraying the Civil Expenditure of the Provincial Government from the first day of April, 1837, to the tenth day of April, 1838, read the first time, 44. Read the second time, and amended, 48. Passed by the Administrator and Council, 54.
- 13. For continuing certain Acts relating to the District of St. Francis, read the first time, 44. Read the second time, 48. Amended, 50, 51. Passed, under a new Title, by the Administrator and Council, 54.
- 14. For establishing an efficient system of Police in the District of Quebec, read the first time, 52. Read the second time, 58. Considered, 59. Further consideration deferred, 79.
- 15. For establishing an efficient system of Police in the District of Montreal, read the first time, 52. Read the second time, 58. Considered, 59. Further consideration deferred, 79.
- 16. To incorporate certain persons therein named, under the name of the President, Directors and Company of the Bank of Montreal, read the first time, 57. Read the second time, 59. Amended, 64. Passed by the Administrator and Council, 83.
- 17. For preventing the mischiefs arising from the printing and publishing Newspapers, Pamphlets and Papers of a like nature, by persons not known, and for regulating the printing and publication of such Newspapers, Pamphlets and Papers, in other respects, read the first time, 57. Read the second time, 59. Amended, 65. Passed, under a new Title, by the Administrator and Council, 85.
- 18. To enable the Government of this Province to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection, read the first time, 57. Read the second time, 61. Amended, 62. Passed, under a new Title, by the Administrator and Council, 83.
- 19. To appropriate certain sums of money therein mentioned, to the encouragement of Education in this Province, read the first time, 57. Read the second time, 62. Amended, 63. Read the third time, 83. Passed, under a new Title, by the Administrator and Council, 84.
- 20. To appropriate certain sums of money therein mentioned, for the encouragement of Agriculture, read the first time, 61. Read the second time, and amended, 65. Passed by the Administrator and Council, 84.

- 21. To appropriate certain sums of money therein mentioned, for the support of certain Charitable Institutions, and for other purposes, read the first time, 61. Read the second time, and amended, 66. Passed by the Administrator and Council, 84.
- 22. To provide for the better defence of this Province, and to regulate the Militia thereof, read the first time, 74. Read the second time, 75. Amended, 75, 76. Passed by the Administrator and Council, 97.
- 23. To authorize the Commissioners appointed under a certain Act of the Legislature of this Province therein mentioned, to borrow a further sum of Money to be applied to the improvement and enlargement of the Harbour of Montreal, and for other purposes, read the first time, 74. Read the second time, 77. Amended, 80, 81, 86, 87, 88. Passed by the Administrator and Council, 98.
- 24. To provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remain concealed therein, to escape from justice, read the first time, 74. Read the second time, and amended, 77. Read the third time, 84. Passed by the Administrator and Council, 85.
- 25. To enable the Proprietors or Shareholders of a Company called the Bank of British North America, to sue and be sued in the name of any one or more of its local Directors or Manager for the time being, and for other purposes therein mentioned, read the first time, 78. Read the second time, 81. Amended, 89, 90, 91, 92, 93. Read the third time, 98. Passed by the Administrator and Council, 99.
- 26. To authorize the payment of certain monies due by the Commissioners for the erection of a Common Gaol in the District of Montreal, read the first time, 78. Read the second time, 81. Amended, 82. Passed by the Administrator and Council, 85.
- 27. To authorize the incorporated and chartered and other Banks in this Province, to suspend the redemption of their Notes in specie, for a limited time, read the first time, 81. Read the second time, 93. Amended, 94. Passed by the Administrator and Council, 98.
- 28. To make provision for the Survey of Lake Saint Peter, read the first time, 96. Read the second time, and amended, 97. Passed by the Administrator and Council, 99.

POLICE. See *Ordinances*, (14,) (15.)

Prayer. 11.

Presiding Member. Hon. James Cuthbert, appointed, 12.

Proclamation, proclaiming the Imperial Act, 1 Vict. Cap. 9, 3.

— announcing that the Administration of the Government has devolved upon Lieut. Gen. Sir John Colborne, 8.

— Convening a Special Council, 10.

Public Institutions. That part of His Excellency's Message which suggests grants in favour of several Public Institutions, to be taken into consideration, 44.

Public Works. See *Repairs* of Public Works.

QUESTIONS negatived. That an Ordinance (7) be not now proceeded with, 40.

REGISTRY OFFICES. See *Ordinances*, (2.)

Repairs of Public Works. That part of His Excellency's Message relating to the Repairs of Public Works, to be taken into consideration, 44,

Repayment to the Imperial Treasury of monies advanced on account of the expenditure of the Civil Government. See *Ordinances*, (10.)

Rules and Orders for regulating the proceedings of the Special Council, laid before them by the Administrator of the Government, 11. They are read; to be translated into French, and printed in both languages, 12. Considered; agreed to with amendments, and to be submitted for the sanction of the Administrator, 13, 14. Submitted and sanctioned, 18. To be entered on the Journals, and to be printed, 19. The Rules and Orders, *ibid.*

— with regard to the second and third reading of Ordinances, suspended, upon a division, 96, 97.

SAIN'T FRANCIS, District of. See *Ordinances*, (13.)

Seamens' Wages. See *Ordinances*, (8.)

Special Council :—

- List of the Members appointed to it, 1. They are sworn by the Commissioners appointed by *Dedimus Potestatem*, and take their seats, 2, 32, 49, 59. Their names called over by the Clerk, 3. Excuses from four of them laid upon the Table, *ibid.*
 - Adjourns to particular hours on future days, 12, 31, 94.
 - Adjourns to particular hours on same day, 33.
 - Adjourns during pleasure, 66.
 - To meet at One o'clock every day, 12.
 - Is informed that Commissions have been issued, appointing a Clerk of the Council, and two Assistant Clerks, 22.
 - Three of the Councillors permitted to withdraw on the discussion of an Ordinance (3), they being related to some of the parties now in confinement for political offences, 29.
 - The names of the Councillors taken down upon divisions, 27, 34, 39, 40, 62, 97.
 - Motion. That all the proceedings of the Council be entered on the Journals in the English and French languages, 50. Consideration thereof deferred, *ibid.* Order read; the Presiding Member informed the Council that His Excellency had given directions to have their proceedings translated into French, and that they would be printed in both languages, 53.
 - Is prorogued, 100.
- Survey of Lake St. Peter.* See *Ordinances*, (28.)

A. 1838.

INDEX.

1 VICT.

TRAVELLING EXPENSES. See *Motion*.

U

V

WETHERALL, Lieut. Colonel. Writs of *Habeas Corpus* served upon him, laid before the Council, by Message, 27.

X

Y

Z

FINIS.

