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COPIES OF EXTRACTS of the VOTES and PROCEEDINGS of the HOUSE of ASSEMBLY of Canada, relating to the REBELLION LOSSES BILL.

(Mr. Hawes.)

Ordered, by The House of Commons to be Printed,
12 June 1849.

REBELLION LOSSES BILL (CANADA).

F2210

RETURN to an Address of the Honourable The House of Commons,
dated 11 June 1849;—for,

“COPIES or EXTRACTS of the VOTES and PROCEEDINGS of the HOUSE of
ASSEMBLY of *Canada*, relating to the REBELLION LOSSES BILL.”

Colonial Office, Downing-street, }
12 June 1849.

B. HAWES.

3046

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY,
of Tuesday, 13th February 1849.

THE order of the day being read, for the House in Committee to take into consideration the necessity of establishing the amount of losses incurred by certain inhabitants of Lower Canada during the political troubles of 1837 and 1838, and of providing for the payment thereof:

The Honourable Mr. Sherwood moved, that the said order of the day be postponed for 10 days, to give time for the expression of the feelings of the country.

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY, of
Tuesday, 20th February 1849.

THE House resumed the consideration of the Honourable Mr. Sherwood's motion of Tuesday last, to postpone for 10 days the reading of “the order of the day for the House in Committee to consider the necessity of establishing the amount of losses incurred by certain inhabitants of Lower Canada, during the political troubles of 1837 and 1838, and of providing for the payment thereof,” to give time for the expression of the feelings of the country.

And the question being put on the Honourable Mr. Sherwood's motion, the House divided:—

Yeas:—Messieurs Badgley, Brooks, Christie, Crysler, Dickson, Gagy, Macdonald of Kingston, MacNab, Malloch, MacConnell, MacLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Stevenson, Wilson—20.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Burritt, Cameron of Kent, Cartier, Cauchon, Chabot, Chaveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney-general La Fontaine, La Terrière, Lanrin, Lemieux, Lyon, Macdonald of Glengary, Marquis, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson, Viger, Watts, Wetenhall—58.

Sir Allan N. MacNab then moved, that the said order of the day be not now read, but that it be resolved, that no message having been received from his Excellency the Governor-general, recommending to this House to make provision for liquidating the claims for losses incurred by the rebellions in

Lower Canada, during the present session, this House has no authority to entertain any such proposition.

Yeas :—Messieurs Badgley, Brooks, Christy, Crysler, Dickson, Gogy, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac, Stevenson—17.

Nays :—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Burritt, Cameron of Kent, Cartier, Cauchon, Chabot, Chaveau, Davignon, De Witt, Solicitor-general Drummond, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, La Fontaine, La Terrière, Laurin, Lemieux, Macdonald of Glengary, Marquis, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of Bytown, Smith of Durham, Smith of Wentworth, Taché, Thompson, Viger, Watts, Wetenhall—54.

The order of the day being then read,

The Honourable Mr. La Fontaine moved, that this House do now resolve itself into a Committee to take into consideration the necessity of establishing the amount of losses incurred by certain inhabitants in Lower Canada, during the political troubles of 1837 and 1838, and of providing for the payment thereof.

The Honourable Mr. Hincks, a member of the Executive Council, rose in his place, and informed the House, that his Excellency the Governor-general, being acquainted with the purport of the said motion, gives his consent that the House may proceed thereon as they shall think fit.*

The question being then put on Mr. La Fontaine's motion, it was agreed to unanimously.

The House accordingly resolved itself into the said Committee; and after some time spent thereon, the Committee rose, reported progress, and obtained leave to sit again on Thursday next;—to be then the first order.

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY, of Tuesday, 27th February 1849.

MR. HENRY SMITH reported the following resolutions passed in Committee, on Friday morning last :—

1. *Resolved*,—That on the 28th day of February 1845, an humble Address was unanimously adopted by the Legislative Assembly of this Province, and by them presented to the Right honourable Charles Theophilus Baron Metcalfe, the then Governor-general of the same, praying “That his Excellency would be pleased to cause proper measures to be adopted, in order to insure to the inhabitants of that part of this Province, formerly Lower Canada, indemnity for just losses by them sustained during the rebellion of 1837 and 1838.”

2. *Resolved*,—That on the 24th day of November 1845, a Commission of five persons was, by his Excellency the said Governor-general, duly appointed to inquire into such losses, arising from and growing out of the said rebellion.

3. *Resolved*,—That it appears by the Report of the said Commissioners, dated the 18th day of April 1846, “That the want of power to proceed to a strict and regular investigation of the losses in question, left the Commissioners no other resource than to trust to the allegation of the claimants, as to the amount and nature of their losses.”

4. *Resolved*,—That on the 27th February 1846, a letter was addressed to the said Commissioners by the Honourable the Secretary of this Province, by order of the Right honourable Charles Murray Earl Cathcart, the then Administrator of the Government of the same, stating, “That the object of the Executive Government in appointing the said Commission, was merely to obtain a general estimate of the Rebellion Losses, the particulars of which should form the subject of more minute inquiry thereafter, under legislative authority.”

5. *Resolved*,

* *Marginal Note by Mr. F. Hincks*.—The actual words were, “recommends it to the favourable consideration of the House.” They are so recorded in the Journals; but the copy for the printers having been hastily prepared by a junior clerk, he adopted the wrong form. There was some discussion about it in the House, but all were satisfied that the message was properly delivered.—J. H.

5. *Resolved*,—That in order to redeem the pledge given to the sufferers of such losses, or their *bond fide* creditors, assigns or *ayant droit*, as well by the said Address of the said Legislative Assembly, and the appointment of the said Commission, as by the said letter so addressed by the Honourable the said Provincial Secretary, it is necessary and just that the particulars of such losses, not yet paid and satisfied, should form the subject of more minute inquiry under legislative authority; and that the said losses, so far only as they have arisen from the total or partial unjust, unnecessary or wanton destructions of the dwellings, buildings, property and effects of the said inhabitants, and by the seizure, taking or carrying away of their property and effects, should be paid and satisfied; provided that none of the persons who have been convicted of high treason alleged to have been committed in that part of this Province, formerly Lower Canada, since the 1st day of November 1837, or who, having been charged with high treason, or other offences of a treasonable nature, and having been committed to the custody of the Sheriff in the gaol of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's Island of Bermuda—shall be entitled to any indemnity for losses sustained during or after the said rebellion, or in consequence thereof.

6. *Resolved*,—That there should be issued, for such purpose, debentures to the amount of 100,000 l. currency, payable out of the consolidated revenue fund of this Province, at or within 20 years after the date thereof respectively, and bearing interest at the rate of six per cent., payable out of the said fund, on such day in each year as shall be therein specified.

7. *Resolved*,—That the holder of any debenture issued under the authority of the Act passed in the ninth year of Her Majesty's reign, intituled, "An Act to provide for the Payment of certain Rebellion Losses in Lower Canada, and to appropriate the Proceeds of the Marriage Licence Fund," should be entitled, on any day on which the interest on such debenture is payable, to have the same exchanged for a debenture for a like amount, to be issued under any Act to be passed for carrying into effect the above resolutions; and that the interest then payable on such debenture should at the same time be paid out of the said consolidated revenue fund; and that the proceeds of so much of that portion of the marriage licence fund, arising in Lower Canada, as shall not be required to pay off the principal and interest of any unexchanged debenture, should form part of the said consolidated revenue fund.

Hon. Mr. La Fontaine moved, that the question be now separately put on each of the said resolutions.

Mr. Chauveau moved, in amendment, that the said resolutions be re-committed, with the view of leaving out the proviso contained in the 5th resolution; and the House having continued to sit till after 12 o'clock on Wednesday morning:

Wednesday, 28th February 1849.

And the question being put on the amendment, the House divided:

Yeas:—Messieurs Chauveau, Davignon, Laurin, Papineau, Wilson—5.

Nays:—Messieurs Armstrong, Badgley, Attorney-general Baldwin, Beaubien, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Brooks, Burritt, Cameron of Kent, Cartier, Cauchon, Cayley, Chabot, Christie, Crysler, De Witt, Dickson, Solicitor-general Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Gogy, Guillet, Hall, Holmes, Johnson, Attorney-general La Fontaine, La Terrière, Lemieux, Lyon, Macdonald of Glengary, Macdonald of Kingston, MacNab, Malloch, McConnell, McFarland, McLean, Merritt, Méthot, Meyers, Mongenais, Morrison, Nelson, Notman, Polette, Price, Prince, Robinson, Sauvageau, Scott of Bytown, Scott of Two Mountains, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Smith of Wentworth, Stevenson, Taché, Thompson, Viger, Watts—67.

So it passed in the negative.

The first resolution being then again read;

Honourable Mr. Cayley moved, in amendment thereto, to substitute the following:

"That in order to ascertain the extent of loss and injury inflicted during the years 1837 and 1838, upon the loyal inhabitants of Lower Canada, by violent and lawless men, in arms against their Sovereign, an humble Address was unani-

mously adopted on the 28th day of February 1845, by the Legislative Assembly of this Province, and by them presented to the Right honourable Charles Theophilus Baron Metcalfe, the then Governor-general of the same, praying 'That his Excellency would be pleased to cause proper measures to be adopted in order to insure to the inhabitants of that part of this Province, formerly Lower Canada, indemnity for just losses by them sustained during the rebellion of 1837 and 1838.'"

Yeas:—Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Gagy, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac, Stevenson, Wilson—20.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Burritt, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Forquin, Guillet, Hall, Holmes, Johnson, Attorney-general La Fontaine, La Terrière, Laurin, Lemieux, Lyon, Macdonald of Glengary, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, Thompson, Viger, Watts—52.

The four first resolutions were then agreed to.

Yeas:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Burritt, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Johnson, Attorney-general La Fontaine, La Terrière, Laurin, Lemieux, Lyon, Macdonald of Glengary, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson, Viger, Watts, Wilson—52.

Nays:—Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Gagy, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Stevenson—20.

The fifth Resolution being again read,

Honourable Mr. Cayley moved in amendment thereunto, to substitute the following:—"That Her Majesty having recently, in the exercise of the Royal prerogative of mercy, been graciously pleased to relieve from the penalties of their treason, those misguided men who rose in arms against their Sovereign in 1837 and 1838, this House are of opinion, that no more fitting opportunity could be selected to secure to those brave men, who, true to their allegiance, risked life and property in defence of their country, ample pecuniary compensation for the losses they may have sustained, and that the particulars of such losses not yet paid and satisfied, form the subject of minute inquiry, under legislative authority, for the purpose of satisfying the same."

Yeas:—Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Gagy, Johnson, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac, Stevenson, Wilson—21.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Burritt, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, La Fontaine, La Terrière, Laurin, Lemieux, Lyon, Macdonald of Glengary, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, Thompson, Viger, Watts—51.

Honourable Mr. Robinson moved, in amendment to the said resolution, that after the word "Bermuda," the following be inserted:—"Nor any person who was in any manner implicated in the said rebellion, or who refused, when called upon, to aid in suppressing it."

Yeas:—

Yeas:—Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Gogy, Hall, Johnson, Lyon, Macdonald of Glengary, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince,† Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac, Smith of Wentworth, Stevenson, Wilson—26.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Burritt, Cameron of Kent, Cartier, Cauchon, Chabot, Chaveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Holmes, Attorney-general La Fontaine, La Terrière, Laurin, Lemieux, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Taché, Thompson, Viger, Watts—46.

Mr. Wilson also moved, in amendment to the said resolution, that all the words after "Bermuda" be left out, and the following inserted:—"Nor any person who aided, assisted or abetted the said rebellion, shall be entitled to any indemnity."

Yeas:—Messieurs Badgley, Brooks, Burritt, Cayley, Christie, Crysler, Dickson, Egan, Gogy, Hall, Johnson, Lyon, Macdonald of Glengary, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Smith of Wentworth, Stevenson, Wilson—28.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Holmes, Attorney-general La Fontaine, La Terrière, Laurin, Lemieux, McFarland, Merritt, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Taché, Thompson, Viger, Watts—44.

Mr. Prince then moved, in amendment to the said resolution, to substitute the following:—

"That this House, most solemnly and unequivocally protesting against any measure that has for its object, or that can directly or individually result in indemnifying for losses those who were engaged in or countenanced the late rebellion, is of opinion, as well as desirous, that the loyal subjects of Her Majesty, and no others, in Lower Canada, should be indemnified for the just losses they sustained, but that such losses should be paid by Lower Canada alone, and from her own local resources; and that Upper Canada and the consolidated revenue fund of the Province should be wholly and entirely exempt from the burthen of any portion of those losses; because it would, in the opinion of this House, be the height of injustice to saddle upon Upper Canada, and especially the Western Districts thereof, with any part of these losses, there having been no rebellion nor even any symptoms of rebellion there; it being, on the contrary, a fact that the peaceable inhabitants along that frontier were the victims of various invasions, thereby suffering serious injuries and heavy losses, arising out of the rebellion in Lower Canada (and instigated by emissaries and refugees from that section of the Province); and because such just losses as have been made good to those loyal subjects in Upper Canada who suffered by reason of their manly defence of the Crown and their Sovereign's rights, the British constitution and the laws of the land, and who had become sufferers through the disloyal and disaffected in the Lower Province, were nobly and generously defrayed by Upper Canada from her own local resources. And, further, that this House, considering the vast importance of the measure (both in a political and moral view) as now proposed by the present administration, and embraced in the original resolutions, and the sudden and peculiar mode of introducing it, by which the country has been taken by surprise, and also considering the impoverished and embarrassed state of the finances of the Province generally, which has put a stop to our public improvements so much required, is of opinion that this measure ought not to be further proceeded with until a direct appeal has been made to the people, and their voice expressed in a proper constitutional manner."

Yeas :—Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Gogy, Macdonald of Kingston, MacNab, Malloch, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac, Stevenson—17.

Nays :—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Solicitor-general Blake, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Dickson, Solicitor-general Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Johnson, Attorney-general La Fontaine, La Terrière, Laurin, Lemieux, Lyon, Macdonald of Glengary, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, Thompson, Viger, Watts, Wilson—52.

The fifth resolution was finally agreed to :—

Yeas :—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Attorney-general La Fontaine, La Terrière, Laurin, Lemieux, Macdonald of Glengary, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson, Viger, Watts—48.

Nays :—Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Gogy, Johnson, Lyon, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Stevenson, Wilson—23.

The sixth resolution being again read, Honourable Mr. Cayley moved in amendment thereto, to substitute the following :—

“That authority should be given to the Governor-general and Council to issue debentures to the amount of £. or such lesser sum as may be sufficient for the purpose, payable out of the tavern licences of that part of the Province formerly called Lower Canada, at or within 20 years from the date thereof respectively, and bearing interest at the rate of six per cent. payable out of the said licences, on such day and in such year as shall be therein specified.

Yeas :—Messieurs Badgley, Brooks, Burritt, Cayley, Christie, Crysler, Dickson, Gogy, Johnson, Macdonald of Kingston, MacNab, Malloch, Maclean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Frontenac ; Stevenson—20.

Nays :—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Attorney-general La Fontaine, La Terrière, Laurin, Lemieux, Macdonald of Glengary, McConnell, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, Thompson, Viger, Watts, Wilson—51.

The sixth resolution was then agreed to :—

Yeas :—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Attorney-general La Fontaine, La Terrière, Laurin, Lemieux, Macdonald of Glengary, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson, Viger, Watts—48.

Nays :—Messieurs Badgley, Brooks, Burritt, Cayley, Christie, Crysler, Dickson, Gogy, Johnson, Lyon, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Brockville, Smith of Durham, Smith of Frontenac, Stevenson, Wilson—

The seventh and last resolution was also agreed to.

Honourable Mr. La Fontaine then introduced a Bill to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the rebellion in 1837 and 1838;—second reading on Friday next.

The remaining orders were postponed till the next sitting of the House.
Adjourned at half-past two o'clock.

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY, of
Friday, 2d March 1849.

HON. MR. LA FONTAINE moved, that the Bill be now read a second time.

Sir Allan N. MacNab moved, in amendment, to leave out all the words after "That," and add the following: "The Bill having been introduced informally, and contrary to the rules, usages and practice of Parliament, with respect to money grants, which rules have been devised for the greater security of the people, to the end 'that when money is to be raised on the subject, the proposition should have the fullest and most frequent discussion,' the said Bill be not now read a second time, but be read a second time this day six months."

Yeas:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Crysler, Dickson, Gagy, Johnson, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Smith of Durham, Smith of Frontenac, Stevenson—20.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Guillet, Hincks, Holmes, Jobin, Attorney-general La Fontaine, La Terrière, Laurin, Lemieux, Marquis, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson, Viger, Watts—46.

The main question being then put, the House again divided:—Yeas, 46; Nays, 20.

The Bill was then read a second time, and committed for Thursday next.

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY, of
Tuesday, 6th March 1849.

THE House went into committee on the Bill to provide for the indemnification of parties in Lower Canada whose property was destroyed during the rebellion in 1837 and 1838; and after some time spent thereon, Mr. Davignon reported, that the committee had gone through the Bill and made amendments thereunto.

Mr. Speaker having put the question, Shall the report be now received? the House divided:—

Yeas:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin, Attorney-general La Fontaine, Lemieux, Marquis, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Two Mountains, Taché, Thompson and Viger—43.

Nays:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Crysler, Gagy, Johnson, Macdonald of Kingston, Sir Allan N. MacNab, Malloch, McConnell, McLean, Meyers, Robinson, Seymour, Sherwood of Toronto, Smith of Durham, Smith of Frontenac, and Stevenson—19.

The report was then received, and the amendments read.

Hon. Mr. La Fontaine moved, That the question be now put separately upon each of the said amendments.

Sir Allan N. MacNab moved an amendment, To leave out all the words after "That," and add the following: "The said Bill be re-committed, with the view of making to it the following amendments:—

Pages 2 and 3; leave out the 1st and 2d clauses.

Page 4, clause 7, line 26; after the words "that I," insert "bear and have always borne true allegiance to Her Majesty, and did not directly or indirectly take part in the unnatural rebellion against Her authority in the year 1837 or 1838, or at any other time, nor did I aid or abet any person or persons in such rebellion, or refuse or neglect to do my utmost endeavours to put down the same; and I swear that I".

Page 6; leave out 9th clause.

Clause 11; leave out from "subjects," in the 36th line, to "in them," in the 37th line inclusive, and insert "loyal subjects in."

Page 7, clause 13; after the word "claim," in the 3d line, insert "And no claim shall be received by the said Commissioners unless they shall be satisfied by the oath of the claimant, or of some competent witness or witnesses, that the claimant, or if he be dead the party for whose losses compensation is claimed, is or was a subject of Her Majesty, and did not, directly or indirectly, take part in the unnatural rebellion in the year 1837 or 1838, or aid or abet any persons concerned in such rebellion, or refuse or neglect to do his duty as a loyal subject to put down the same."

Line 30; leave out from "respectively," to the end of the clause.

Page 2, Preamble; leave out from "authority," in line 8, to the end of the Preamble, line 32, and insert, "to the end that, after a report stating the result of such inquiry shall have been submitted to the Governor of this Province by the Commissioners appointed to make such inquiry, and shall by the Governor have been laid before both Houses of the Provincial Legislature, provision may be made for the payment of such of the said losses as shall have been sustained by loyal subjects of Her Majesty who have not heretofore received compensation for the same."

Yeas:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Crysler, Guy, Johnson, Macdonald of Kingston, Sir Allan N. MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Toronto, Smith of Durham, Smith of Frontenac, and Stevenson—20.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chatot, Chauveau, De Witt, Solicitor-general Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin, Attorney-general La Fontaine, La Terrière, Lemieux, Marquis, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Taché, Thompson, and Viger—43.

So it passed in the negative.

Hon. Mr. Sherwood moved, in amendment to the main question, to leave out all the words after "that," and add the following: "The said Bill be re-committed for the purpose of moving the following amendment: That all after the word 'whereas,' in the first line of the preamble be left out, and the following inserted:—On the 28th day of February 1845, an humble address was adopted by the Legislative Assembly of this Province, and by them presented to the Right honourable Charles Theophilus Baron Metcalf, the then Governor-general of the same, praying, 'that his Excellency would be pleased to cause proper measures to be adopted in order to ensure to the inhabitants of that part of this Province, formerly Lower Canada, indemnity for just losses by them sustained during the rebellion of 1837 and 1838:' and whereas the term 'just losses' meant, and was intended to mean, the losses of such persons who upon that occasion maintained their allegiance to Our Most Gracious Sovereign, and not of such as were in any manner implicated in the said unnatural rebellion; and whereas in pursuance of the said address, a Commission of five persons was, on the 24th November 1845, by his Excellency the said Governor-general duly appointed to inquire into the losses sustained by Her Majesty's loyal subjects of Lower Canada aforesaid, during the late unnatural rebellion which unhappily existed in that part of the said Province of Canada, and growing out of the said rebellion: and whereas it appears by the report of the said Commissioners, dated the

the 18th April 1846, that 'the want of power to proceed to a strict and regular investigation of the losses in question, left the Commissioners no other resource than to trust to the allegations of the complainants as to the amount and nature of their losses:' and whereas in order to indemnify the said loyal inhabitants for such losses, it is necessary and just that the particulars of such losses, not yet paid and satisfied, should form the subject of more minute inquiry under legislative authority, and that the same, so far only as they may have arisen from the total or partial destruction of the dwellings, buildings, property and effects of the said loyal inhabitants, and from the seizure, taking or carrying away of their property and effects, should be paid and satisfied:" Be it enacted, &c.

Yeas:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Crysler, Gogy, Hall, Macdonald of Kingston, Sir A. N. MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Toronto, Smith of Durham, Smith of Frontenac and Stevenson—20.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, De Witt, Solicitor-general Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin, Attorney-general LaFontaine, La Terrière, Lemieux, Marquis, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson, and Viger—45.

So it passed in the negative.

The Honourable Mr. Robinson then moved, in amendment to the main question, to leave out all the words after "That," and insert the following: "the Bill be re-committed forthwith for the purpose of amending the preamble, as follows: after the word 'Bermuda,' line 29, page 2, the following be inserted; nor any person who was in any manner implicated in the said rebellion, or who refused when called upon to aid in suppressing it."

Yeas:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Crysler, Gogy, Hall, Johnson, Macdonald of Kingston, Sir A. N. MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Toronto, Smith of Frontenac, Smith of Wentworth and Stevenson—21.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, De Witt, Solicitor-general Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin, La Fontaine, La Terrière, Lemieux, Marquis, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Taché, Thompson, and Viger—45.

So it passed in the negative.

Honourable Mr. Sherwood again moved, in amendment to the main question, to leave out all the words after "That," and insert the following:—"The Bill be re-committed, in order to make the following amendment: "That all after the word 'Debentures' in the 3d line of the 1st clause, to the word 'at' in the 28th line, and also the following words in the 41st line, 'payable out of the said fund,' be expunged, and that the following be added to the said 1st clause at the end thereof: And provided also, that the said debentures shall be issued on the security of, and be made payable out of the proceeds arising from the issuing of tavern licences in Lower Canada, and the fees receivable in Lower Canada upon marriage licences."

Yeas:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Crysler, Gogy, Johnson, Macdonald of Kingston, Sir Allan N. MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Toronto, Smith of Durham, Smith of Frontenac, and Stevenson—20.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Attorney-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Attorney-general La Fontaine, La Terrière, Lemieux, Marquis, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of

Bytown, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson, and Viger—47.

So it passed in the negative.

Mr. Christie then moved, in amendment to the main question, to leave out all the words after "That," and add the following: "the Bill be re-committed for the purpose of inserting the following clause between the 10th and 11th clauses: Provided always, and be it enacted, that no claim for any loss alleged to have been sustained through or by reason of the rebellions in Lower Canada, in 1837 and 1838, or of either of them, shall be entertained or investigated, unless the claim preferred be, on the representation thereof, accompanied by a written affidavit or attestation on oath of the claimant before the said Commissioners, or some one of them, which oath they ~~are~~, and each of them hereby is authorized and required to administer, that he in no respect aided, abetted, joined, took part, nor directly or indirectly participated in the said rebellions, nor in either of them; and in the case where the claim preferred shall relate to the estate or succession of any deceased person, and whose decease may have taken place since the rebellion or outbreak in the year 1838, such claim shall not be entertained nor investigated, unless it be accompanied by an affidavit or attestation on oath of the legal representative, or of the nearest relation of the deceased person with respect to whose estate or succession such claim is preferred, or by some other respectable person residing in the parish, township or settlement wherein the person may have resided during those rebellions, that to the best of the deponent's knowledge and belief, the deceased person in whose name, or for whose estate and succession the claim is preferred, took no part openly or covertly in either of the said rebellions, nor aided, abetted or joined therein directly or indirectly."

Yeas:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Crysler, Gury, Johnson, Macdonald of Kingston, Sir Allan N. MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Toronto, Smith of Frontenac, and Stevenson—19.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cartier, Cauchon, Chabot, Chaveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Forquin, Guillet, Hall, Hineks, Holmes, Jobin, Attorney-general La Fontaine, La Terrière, Lemieux, Marquis, McFarland, Merrit, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Thompson and Viger—46.

So it passed in the negative.

Honourable Mr. Macdonald moved, in amendment to the main question, that all the words after "That" be left out, and the following added: "The said Bill be re-committed forthwith, for the purpose of amending its preamble, by inserting after the word 'Bermuda,' in the 29th line of the 2d page, the words 'or who by their written confession admitted their participation in the said rebellion.'"

Yeas:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Crysler, Gury, Johnson, Macdonald of Kingston, Sir A. N. MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Sherwood of Toronto, Smith of Durham, Smith of Frontenac and Stevenson—20.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Attorney-general La Fontaine, La Terrière, Lemieux, Marquis, McFarland, Merrit, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Thompson and Viger—46.

So it passed in the negative.

Mr. Gury then moved, in amendment to the main question, that all the words after "That" be left out, and the following added: "The Bill be re-committed, with the view of adopting the following amendment; viz. that the following words be added to the end of the 1st clause:—'Provided always, that no debentures

debentures chargeable on the consolidated revenue fund be issued under or by virtue of any of the enactments or provisions in this Act contained, until the public debt, for payment of which the said revenue fund is pledged, be fully and entirely discharged and extinguished."

Yeas:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Gagy, Macdonald of Kingston, Sir A. N. MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Smith of Durham, Smith of Frontenac and Stevenson—17.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Attorney-general La Fontaine, La Terrière, Lemieux, Marquis, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Scott of Bytown, Smith of Wentworth, Taché, Thompson and Viger—45.

So it passed in the negative.

Honourable Mr. Cayley moved, in amendment to the main question, to leave out all the words after "That," and add the following: "The Bill be forthwith re-committed, for the purpose of amending the same, by adding to the first enacting clause the following words: 'Provided always, that no debentures shall be issued under this Act, until all sums authorized to be raised on the credit of the Province for the completion of public works and improvements, shall have been obtained.'"

Yeas:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Gagy, Macdonald of Kingston, Sir A. N. MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Smith of Frontenac and Stevenson—16.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Jobin, Attorney-general La Fontaine, La Terrière, Lemieux, Marquis, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, Thompson and Viger—47.

So it passed in the negative.

Then the main motion was put, and agreed to upon the following division:

Yeas:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Jobin, Attorney-general La Fontaine, La Terrière, Lemieux, Marquis, McFarland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of Bytown, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson and Viger—46.

Nays:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Gagy, Macdonald of Kingston, MacNab, Malloch, McConnell, McLean, Meyers, Prince, Robinson, Seymour, Smith of Durham, Smith of Frontenac and Stevenson—17.

The amendments were then again read and agreed to, and the Bill ordered to be engrossed.

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY,
of Friday, 9th March 1849.

An engrossed Bill to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the rebellion in the years 1837 and 1838, was read the third time.

Honourable Mr. La Fontaine moved, that the Bill do pass.

Honourable Mr. Sherwood moved in amendment, that the following clause be added to the Bill, by way of rider, and do make part thereof:—

“And be it enacted, that the said Commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examination and proceedings by virtue of this Act, and without any further requisition, furnish an account of their proceedings in writing to the Governor-general; and that a copy of such proceedings be laid before the Legislature of this Province at the then next ensuing Session of Parliament, and that no debentures be issued under this Act until the said account of the proceedings of the said Commissioners be laid before the Legislature as aforesaid, for at least thirty days after its meeting, and before acted upon.”

Yeas:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Crysler, Gogy, Johnson, Macdonald of Kingston, Sir Allan N. MacNab, Malloch, McConnell, Meyers, Robinson, Seymour, Sherwood of Toronto, Smith of Frontenac and Stevenson—17.

Nays:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Toronto, Boutillier, Cameron of Kent, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Hall, Hincks, Holmes, Jobin, Attorney-general La Fontaine, La Terrière, Lemieux, Marquis, McFarland, Merrit, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of Two Mountains, Smith of Durham, Smith of Wentworth, Taché, Thompson and Viger—47.

So it passed in the negative.

The Bill was then passed upon the following division:—

Yeas:—Messieurs Armstrong, Attorney-general Baldwin, Beaubien, Bell, Solicitor-general Blake, Boulton of Norfolk, Boutillier, Cameron of Kent, Cartier, Cauchon, Chabot, Chauveau, Davignon, De Witt, Solicitor-general Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Hall, Hincks, Holmes, Jobin, Attorney-general La Fontaine, La Terrière, Lemieux, Marquis, McFarland, Merrit, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of Two Mountains, Smith of Wentworth, Taché, Thompson and Viger—47.

Nays:—Messieurs Badgley, Boulton of Toronto, Cayley, Christie, Crysler, Gogy, Johnson, Macdonald of Kingston, Sir Allan N. McNab, Malloch, McConnell, Meyers, Robinson, Seymour, Sherwood of Toronto, Smith of Durham, Smith of Frontenac, Stevenson—18.

